

**FOREST LAKE AREA SCHOOLS  
FOREST LAKE, MN 55025**

**January 7, 2016**

**AGENDA ITEM: 12.3**

**TOPIC: Drug-Free Workplace/Drug-Free School Policy 435**

**BACKGROUND:** The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances and controlled substances without a physician's prescription.

**PROCESS:** The Policy Committee has reviewed this policy, and they are presenting it to the School Board with the changes noted.

**RECOMMENDATION:** First reading of this policy.

*[Note: School districts are required by statute to have a policy addressing these issues.]*

## I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances and controlled substances without a physician's prescription.

## II. GENERAL STATEMENT OF POLICY

- A. Use of controlled substances, toxic substances, and alcohol ~~before, during, or after school hours,~~ at any time at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. ~~It shall be a~~ A violation of this policy ~~for~~ occurs when any student, ~~teacher, administrator, other~~ school district ~~personnel~~ employee or volunteer, or member of the public ~~to~~ uses alcohol, toxic substances, or controlled substances in any school location.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

## III. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
- B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.
- C. "Toxic substances" includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- D. "Use" includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- E. "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.

- F. “School location” includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

#### IV. EXCEPTIONS

- A. ~~It shall not be a~~ A violation of this policy ~~for~~ does not occur when a person ~~to~~ brings onto a school location, for such person’s own use, a controlled substance which has a currently accepted medical use in treatment in the United States and the person has a physician’s prescription for the substance and the physician’s prescription is in compliance with both state and federal law. The person shall comply with the relevant procedures of this policy.
- B. ~~It shall not be a~~ A violation of this policy ~~for~~ does not occur when a person ~~to~~ possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

#### V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with Policy 528 – Administering Medication. The prescription must be in compliance with both state and federal law.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription. The prescription must be in compliance with both state and federal law.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.
- D. Employees are subject to the school district’s drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent, regardless of whether those substances are lawfully prescribed to the person.

- F. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

## VI. ENFORCEMENT

### A. Students.

1. A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.
2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate. The district will notify the student's parent or guardian, absent exceptional reasons not to do so.

### B. Employees.

1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
2. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board.
3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.
4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with

applicable statutory authority, collective bargaining agreements, and school district policies.

C. The Public / Volunteers.

A member of the public or a district volunteer who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort. If the district volunteer is engaged in an off-site activity and violates this policy, the volunteer will be dismissed from the activity and transported to the nearest safe location in order to arrange transportation at the volunteer's expense.

ADOPTED: 01/05/06

**Legal References:** Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)  
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)  
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)  
Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)  
Minn. Stat. § 624.701 (Liquor in Certain Buildings or Grounds)  
~~41 U.S.C. §§ 701-707 (Drug-Free Workplace Act)~~  
20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act)  
21 U.S.C. § 812 (Schedules of Controlled Substances)  
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)  
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)  
34 C.F.R. Part ~~85~~ 84 (Government-wide Requirements for Drug-Free Workplace)

**Cross References:** ~~MSBA/MASA Model Policy 403 (Discipline, Suspension and Dismissal of School District Employees)~~  
~~MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)~~  
~~MSBA/MASA Model Policy 417 (Chemical Use/Abuse)~~  
~~MSBA/MASA Model Policy 506 (Student Discipline)~~  
~~MSBA/MASA Model Policy 516 (Student Medication)~~  
Administering Medication Policy 528  
Employee Alcohol & Other Drug Use Policy 422  
Transportation Employee Drug & Alcohol Policy 430  
Discipline Policy 515  
Field Trips and Extended Travel Policy 606



**FOREST LAKE AREA SCHOOLS**  
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*Administration & Human Resources..... Ronald A. Spies*  
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*Community Education..... Dan E. Poepard*  
*Special Education..... Beth A. Sullivan*  
*Teaching & Learning..... Linda M. Madsen*

**— ACKNOWLEDGMENT —**

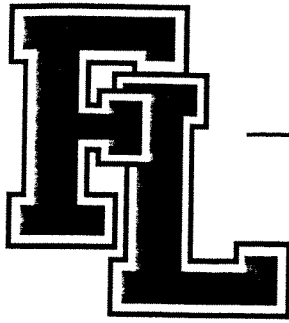
**DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL POLICY 435 - ATTACHMENT**

I have received a copy of the Drug-Free Workplace/Drug-Free School Policy of Independent School District No. 831, Forest Lake, Minnesota.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Employee/Applicant

\_\_\_\_\_  
Typed or Printed Name



**FOREST LAKE AREA SCHOOLS**

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*Superintendent..... Dr. Linda M. Madsen*  
*Administration & Human Resources..... Donna M. Friedmann*  
*Business Services..... Lawrence A. Martini*  
*Community Education..... Julie A. Ohman*  
*Special Education..... Kelly J. Lessman*  
*Teaching & Learning..... Jennifer S. Tolzmann*

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