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## **417 - CHEMICAL USE/ABUSE**

***[Note: This policy reflects mandatory provisions of state and federal law and is not discretionary.]***

### **I. PURPOSE**

The school board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental wellbeing of students and employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general. The school board believes that the public school has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist the school district in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

### **II. GENERAL STATEMENT OF POLICY**

- A. Use or possession of controlled substances, toxic substances, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited in accordance with school district policies with respect to DrugFree Workplace/DrugFree School.
- B. The school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement.
- C. Every school that participates in a school district chemical abuse program shall establish a chemical abuse pre assessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. The school district shall establish a drug-free awareness program for employees.

***[Note: School districts are required to establish a drug-free awareness program for school district employees pursuant to the Drug-Free Workplace Act. In addition, state law requires that the written districtwide school discipline policy must include procedures for detecting and addressing chemical abuse problems of a student while on the school premises. Further, school districts are required to develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement if receiving funding under the federal Student Support and Academic Enrichment Grants law. .]***

### **III. DEFINITIONS**

- A. "Chemical abuse," as applied to students means use of any psychoactive or mood altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor's normal function in academic, school, or social activities is chronically impaired.

- B. "Controlled substances," as applied to the chemical abuse assessment of students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes sections 152.02 and "marijuana" as defined in Minnesota Statutes sections 152.01, subdivision 9. But not distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. As otherwise defined in this policy, "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 Controlled Substances Act 21 United States Code section 812, including analogues and look alike drugs.
- C. "Drug prevention" means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.
- D. "Teacher" means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

#### **IV. STUDENTS**

##### **A. Districtwide School Discipline Policy**

Procedures for detecting and addressing chemical abuse problems of a student while on school premises are included in the district wide school student discipline policy.

##### **B. Programs and Activities**

- 1. The school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievements. The programs and activities may include, among other programs and activities, drug prevention activities and programs that may be evidence based, including programs to educate students against the use of alcohol tobacco, marijuana, smokeless tobacco products, and electronic cigarettes.
- 2. As part of its drug-free programs, the school district may implement the drug abuse resistance education program (DARE) that enables peace officers to undergo the training to teach a curriculum on drug abuse resistance in schools.

##### **C. Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance.**

2. Students involved in the abuse, possession, transfer, distribution or sale of chemicals may be suspended and proposed for expulsion in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minnesota Statutes section 121A.40121A.56, and proposed for expulsion.
3. Searches by school district officials in connection with the use, possession, or transfer, of alcohol or a controlled substance will be conducted in accordance with school board policies related to search and seizure.
4. Nothing in paragraph IV.B.1 prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

D. Preassessment Team.

1. Every school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment team designated by the superintendent or designee. The team must be composed of classroom teachers, administrators, and to the extent they exist in the school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. For schools that do not have a chemical abuse program and team, the superintendent or designee will assign these duties to a designated school district employee.
2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse.

E. Data Practices.

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minnesota Statutes section 13.32 and applicable federal law and regulations.
2. Destruction of Records.
  - a. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
  - b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with

information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.

- c. Destruction of records identifying individual students shall be governed by paragraph IV.E. 2. notwithstanding Minnesota Statutes 138.163. (Preservation and Disposal of Public Records).

F. Consent

Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

**[NOTE: State law permits schools to provide these services to minor students without the consent of a parent. If, however, a school district provides these or other services pursuant to a grant received under the Student Support and Academic Enrichment Grant law, this funding could be jeopardized if the requirements of federal law, to obtain prior written, informed consent from the parent of each child who is under 18 years of age is not obtained.]**

**V. EMPLOYEES**

- A. The school district shall establish drug free awareness program to inform employees:
  - 1. The dangers of drug abuse in the workplace.
  - 2. The school district's policy of maintaining a drug-free workplace.
  - 3. Available drug counseling, rehabilitation, and employee assistance programs.
  - 4. The penalties that may be imposed on employees for drug abuse violations.
- B. The school district shall notify a federal granting agency required to be notified under the DrugFree Workplace Act within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of any criminal drug statute conviction occurring in the workplace.

**Legal References:** Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. 121A.25121A.29 (Chemical Abuse)  
Minn. Stat. 121A.40121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. 121A.61 (discipline and Removal of Students from Class)  
Minn. Stat. 124D.695 (Approved Recovery Program Funding)  
Minn. Stat. 126.C44 (Safe Schools Levy)  
Minn. Stat. § 138.163 (Preservation and Disposal of Public Records)  
Minn. Stat. §144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)

Minn Stat. 152.01 (Definitions)  
Minn. Stat. 152.02 (Schedules of Controlled Substances;  
Administration of Chapter)  
Minn. Stat. § 152.22 (Definitions; Medical Cannabis)  
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)  
Minn. Stat. 299A.33 (DARE Program)  
Minn. Stat. 466.07, subd. 1 (Indemnification Required)  
Minn. Stat. 609.101, subd. 3€ (Controlled Substance Offenses;  
Minimum Fines)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
20 U.S.C. §§ 71017122 (Student Support and Academic Enrichment  
Grants)  
41 U.S.C. §§ 8101-8106 (DrugFree Workplace Act)  
34 C.F.R. Part 84 (Government-Wide Requirements for DrugFree  
Workplace)

**Cross References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of  
School District Employees)  
MSBA/MASA Policy 416 (Drug and Alcohol Testing)  
MSBA/MASA Policy 418 (DrugFree Workplace/Drug Free School)  
MSBA/MASA Model Policy 419 (tobacco-Free Environment; Possession  
And Use of Tobacco, Tobacco-Related Devices; Vaping Awareness and  
Prevention Instruction)  
MSBA/MASA Policy 502 (Search of Student Lockers, Desks, Personal  
Possessions, and Student's Person)  
MSBA/MASA Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Policy 527 (Student Use and Parking of Motor Vehicles;  
Patrols, Inspections, and Searches)