



## **417 CHEMICAL USE AND ABUSE**

### **I. PURPOSE**

The school board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being 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 district location, is prohibited in accordance with school district policies with respect to a Drug-Free Workplace/ Drug-Free 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 preassessment. 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 its employees.

~~This policy applies in full to all staff unless it is in direct conflict with specific staff licensure requirements found in statute.~~

### **III. DEFINITIONS**

- A. "Chemical abuse," as applied to students and employees, 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~~<sup>behavi-</sup>or, to the extent that the individual'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 section 152.02 and “marijuana” as defined in Minnesota Statutes section 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 the 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.
- E. “Toxic Substances,” ~~as defined in Minnesota Statute 609.684, Subd. 1,~~ means glue, cement, or aerosol paint containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item;

#### 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 are 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) or another chemical awareness program 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

1. A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse pre assessment staff member assigned duties similar to those of such a team, of this information.
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.40-121A.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 **ISD 200 Policy 502 Search of Student Lockers, Desks, Personal Possessions, and Student's Person.** ~~school board policies related to search and seizure.~~
4. **Nothing in section IV(B)(1) of this policy prevents a teacher or any other school employee from reporting violation of law occurring on school premises or at school sponsored events to law enforcement.**

~~Nothing in section 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. Pre Assessment

1. Every school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment, 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/[guardians](#) 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 decides not to provide a student and, in the case of a minor, the student's parents/[guardians](#) 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/[guardians](#) 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 section IV(E)(2) of [this policy](#) notwithstanding Minnesota Statutes, section 138.163 (Preservation and Disposal of Public Records).

#### F. Consent

Per Minnesota state statute, 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.

It is the practice of Hastings Public Schools to inform parents/[guardians](#) when treatment is recommended, unless the minor student (under 18 years of age) requests nondisclosure to their parents/[guardians](#). The district personnel may deny the non disclosure request if they determine failure to inform the parent/[guardian](#) would seriously jeopardize the health of the minor.

### V. **EMPLOYEES**

- A. The school district shall establish a drug-free awareness program to inform employees, about:

1. The dangers of drug abuse in the workplace.
  2. The school district's policy of maintaining a drug-free workplace.
  3. Any 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 any federal granting agency required to be notified under the Drug-Free 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.25-121A.29 (Chemical Abuse)*  
*Minn. Stat. § 121A.40-121A.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. § 126C.44 (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(e) (Controlled Substance Offenses; Minimum Fines)*  
*20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)*  
*20 U.S.C. §§ 7101-7122 (Student Support and Academic Enrichment Grants)*  
*20 U.S.C. § 5812 (National Education Goals)*  
*20 U.S.C. § 7175 (Local Activities)*  
*41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)*  
*34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)*

**Cross References:** *ISD 200 Policy 416 (Drug, Alcohol, and Cannabis Testing)*  
*ISD 200 Policy 418 (Drug-Free Workplace/Drug Free School)*  
*ISD 200 Policy 419 (Tobacco-Free Environment)*  
*ISD 200 Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)*  
*ISD 200 Policy 506 (Student Discipline)*  
*ISD 200 Policy 515 (Protection and Privacy of Pupil Records)*  
*ISD 200 Policy 527 (Student Use and Parking of Motor Vehicles; Patrols,*

*Inspections, and Searches)*

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