

Chemical Use and Abuse

Policy: Chemical Use and Abuse (417)
Adopted 01/28/2020

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 purpose of this policy is to assist the school in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

II. GENERAL STATEMENT OF POLICY

Use of controlled substances, toxic substances, and alcohol is prohibited in the school setting in accordance with school policies with respect to a chemical-free workplace/chemical-free school.

- A. It is the policy of this school to provide an instructional program in chemical abuse and the prevention of chemical dependency.
- B. The school shall establish and maintain in every school a chemical abuse pre-assessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses in the reported cases.
- C. It will be the responsibility of the Head of School, with the advice of the school board, to establish a school and community advisory team to address chemical abuse problems at JJ Legacy.
- D. The school shall establish and maintain a program to educate and assist employees, students and others in understanding this policy and the goals of achieving chemical-free schools and workplaces.

III. DEFINITIONS

- A. "Chemical abuse" 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 student's normal function in academic, school, or social activities is chronically impaired.
- B. "Chemicals" includes but is not limited to alcohol, toxic substances, and controlled substances as defined in the school's Chemical-Free Workplace/Chemical-Free School policy.
- C. "Use" includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.
- D. "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; or during any period of time when an employee is supervising students on behalf of

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the school; or when an employee is otherwise engaged in school business.

IV. STUDENTS

A. Instruction

1. The school shall provide an instructional program in chemical abuse and the prevention of chemical dependency. The school may involve parents/guardians, students, health care professionals, state department of education, staff, and members of the community in developing the curriculum.
2. The school may implement age-appropriate, and developmentally based activities that include, but are not limited to, those that:
 - a. address the consequences of violence and the illegal use of drugs;
 - b. promote a sense of individual responsibility;
 - c. teach students that most people do not use drugs illegally;
 - d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use; and
 - e. teach students about the dangers of newly emerging drugs;
 - f. engage students in the learning process.
3. Each school may involve families, community sectors (which may include appropriately trained senior citizens), and a variety of drug and violence prevention providers in establishment of clear expectations against violence and illegal use of drugs and appropriate consequences for such acts.
4. Each school may disseminate chemical and violence prevention information within the school and to the community.
5. Each school may have professional development and training for, and involvement of, school personnel, student services personnel, parents/guardian, and interested community members in prevention, education, early identification and intervention, mentoring, and rehabilitation referral to professional resources as related to chemical and violence prevention.
6. Each school may have chemical and violence prevention activities that may include the following:
 - a. Community-wide planning and organizing activities to reduce violence and illegal chemical use, which may include gang activity prevention.
 - b. The hiring and mandatory research-based training of school security personnel who interact with students in support of the school-based and youth-focused chemical and violence prevention activities included in this policy.
 - c. Conflict resolution programs, including peer mediation programs that educate and train peer mediators and provide a designated faculty supervisor,
 - d. Youth anti-crime and anti-drug councils and activities.

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- e. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers.
 - f. Training of teachers by school-based mental health service providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of chemicals.
 - g. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal chemical use.
- B. Reports of Chemical Use and Abuse
1. In the event that a school employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:
 - a. The employee shall immediately either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.
 - b. The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.
 - c. The administrator will notify law enforcement officials, the student's counselor, and the chemical pre-assessment team.
 - d. The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school officials shall be in accordance with school board policies regarding search and seizure.
 - e. The school will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, and if warranted, initiation of expulsion proceedings. Students may also be referred to a detoxification center or medical center.
 2. If a school employee has reason to believe that a student is abusing, possessing, transferring distributing or selling chemicals:
 - a. The employee shall notify the building administrator or a member of the pre-assessment team and shall describe the basis for the suspicion. The building administrator and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or providing a meeting between members of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.
 - b. The team may determine there is no chemical abuse. If the team

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determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; sharing of resources for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.

3. Students involved in the abuse, possession, transfer, distribution or sale of chemicals shall be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. § 121A.40-121A.56.

C. Pre-assessment Team

1. Every school may have a chemical abuse pre-assessment team designated by the Head of School or designee. The team will be composed of classroom teachers, administrators, and other appropriate professional staff to the extent they exist in each school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.
2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses in 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.

D. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.
2. Destruction of Records
 - a. If the pre-assessment 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 such information, 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 school.
 - c. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

E. Consent

1. Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat conditions

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associated with chemical abuse, and the consent of no other person is required.

- F. School and Community Advisory Team
1. The Head of School, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems. The advisory team may be composed of representatives from the school pre-assessment teams to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents/guardians, and the business community.
 2. The advisory team shall:
 - a. build awareness of the problem within the community, identify available treatment and counseling programs for students and develop good working relationships and enhance communication between the schools and other community agencies; and
 - b. develop a written procedure clarifying the notification process to be used by the chemical abuse pre-assessment team when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student and the student's parents or guardian in the case of a minor student.

V. EMPLOYEES

- A. The Head of School or designee may undertake and maintain a chemical-free awareness and prevention program to inform employees, and others about:
1. The dangers and health risks of chemical abuse in the workplace/school.
 2. The school's chemical-free workplace/chemical-free school policy.
 3. Any available chemical or alcohol counseling, treatment, rehabilitation, re-entry, and/or assistance programs available to employees and/or students.
 4. The penalties that may be imposed on employees for chemical abuse violations.
- B. The Head of School or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal chemical statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the Head of School.

Legal References

- Minn. Stat. § 13.32 (Education)
- Minn. Stat. §121A.25 – 121A.29 (Chemical Abuse)
- Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
- Minn. Stat. § 138.163 (Records Management Act)
- Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)

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- 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
- 20 U.S.C. §§ 7101-7165 (Safe and Drug-Free Schools and Communities Act)
- 41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
- 34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)