

NEW HEIGHTS SCHOOLS, INC.

POLICY 417

CHEMICAL USE AND ABUSE

POLICY MANAGEMENT

Adopted: 12/2010

Reviewed/ Revised: 8/12*, 8/15*, 11/16*, 5/19, 5/22, 4/25*

Mandatory: Yes,

Frequency: Every 3 years

Distribution: Not Specified

I. PURPOSE

The Board of Directors 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 Board of Directors 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 in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

II. GENERAL STATEMENT OF POLICY

- A. Use of controlled substances, toxic substances, and alcohol is prohibited in the school setting in accordance with school policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. The policy of this school is to allow for an instructional program in chemical abuse and the prevention of chemical dependency.
- C. The school may establish a program to educate and assist employees, students and others in understanding this policy and the goals of achieving drug-free schools and workplaces.
- D. School officials will work with local agencies to address chemical abuse problems at the school.
- E. The Board of Directors shall establish and maintain a system to educate and assist employees, students and others in understanding this policy and the goals of achieving drug-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 Drug-Free Workplace/Drug-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 the school building or on any school premises; 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, where students are under the jurisdiction of the school; or during any period of time such employee is supervising students on behalf of the school or otherwise engaged in school business.

IV. STUDENTS

A. Instruction

1. New Heights School may provide student-based instruction at appropriate levels in chemical abuse and the prevention of chemical dependency. The school may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.
2. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.
3. Programs or a system that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

B. Reports of Chemical Use and Abuse

1. In the event that a school employee knows or believes 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 the principal or notify the principal of their concern and continue to observe the student until the administrator arrives.
 - b. The principal or designee will notify the student's parents and if there is a medical emergency, the principal will notify the school nurse and/or outside medical personnel as appropriate.
 - c. The principal or designee will notify law enforcement officials.
 - d. The principal 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 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, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.
2. If the school employee has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:
 - a. The employee shall notify the principal and shall describe the basis for the suspicion. The principal 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 a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.
 - b. The principal may determine there is no chemical abuse. If the principal determines there is chemical abuse, he/she will select an appropriate course of action, which may include referral to an appropriate agency to develop the best course of action; referral 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, and proposed for expulsion.
4. Searches by school officials in connection with the abuse, possession,

transfer, distribution or sale of chemicals will be conducted in accordance with school policies related to search and seizure.

C. 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 principal or designee 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 director 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.

D. 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.

V. EMPLOYEES

- A. The principal or designee may undertake and maintain a drug-free awareness and prevention system to inform employees, students and others about:
1. The dangers and health risks of chemical abuse in the workplace/school.
 2. The school's drug-free workplace/drug-free school policy.
 3. Any available drug 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 drug abuse violations.
- B. The Principal 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 drug 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 Principal.

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. § 138.163 (Records Management Act)
- Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
- Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
- Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
- 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)

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 418 (Drug-Free Workplace/Drug Free School)
- MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
- MSBA/MASA Model Policy 506 (Student Discipline)
- MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
- MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)