

## **417 Chemical Use and Abuse Policy**

**Adopted: March 2005**

**Revised: April 2009, August 2013, May 2023**

**Last review: May 2023**

### **Purpose**

The purpose of this policy is to prevent chemical use and abuse through r education and intervention.

### **Policy**

- A. Use of controlled substances, toxic substances, and alcohol is prohibited in the school setting in accordance with MNOHS policy 418 Drug Free Workplace/Drug Free School.
- B. MNOHS shall provide an instructional program in chemical abuse and the prevention of chemical dependency.
- C. MNOHS 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.
- E. MNOHS shall educate employees, students and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

### **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 person’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 MNOHS 418 Drug-Free Workplace/Drug-Free School policy.
- C. “School Location” includes any school building or grounds, whether leased, rented, owned or controlled by the school, locations of school activities or trips, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, all locations, including online locations, where school-related functions are conducted either synchronously or asynchronously, and anywhere students are under the jurisdiction of Minnesota Online High School.

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26 **Students**

27 A. Instruction

28 1. MNOHS shall provide an instructional program in chemical abuse and the prevention of  
29 chemical dependency. The instructional program shall educate students about the dangers of  
30 chemical abuse, address the consequences of the illegal use of chemicals, promote a sense of  
31 individual responsibility, and encourage students to seek advice from, and to confide in, a trusted  
32 adult regarding concerns about illegal drug or alcohol use.

33 B. Reports of Chemical Use and Abuse

34 1. In the event that a MNOHS employee knows that a student is abusing, possessing,  
35 transferring, distributing or selling chemicals in a school location:

36 a. The employee shall immediately notify the executive director.

37 b. The executive director will notify the student's guardians. If there is a medical  
38 emergency, the executive director will notify outside medical personnel as  
39 appropriate.

40 c. The executive director r will notify the chemical pre-assessment team, including  
41 the student's counselor, and law enforcement officials when appropriate.

42 d. MNOHS will take appropriate disciplinary action in compliance with MNOHS 506  
43 Student Discipline Policy. Such discipline may include suspension, expulsion,  
44 and/or referral to a detoxification center or medical center.

45 2. If a MNOHS employee has reason to believe that a student is abusing, possessing,  
46 transferring, distributing or selling chemicals:

47 a. The employee shall notify the student's counselor or a member of the pre-  
48 assessment team and shall describe the basis for the suspicion. The counselor  
49 and/or team will determine what action should be taken. Action may include  
50 conducting an investigation, gathering data, scheduling a conference with the  
51 student or guardians, or providing a meeting between a single member of the team  
52 and the student to discuss the behaviors that have been reported and to ascertain  
53 facts regarding chemical abuse.

54 b. The team may determine there is no chemical abuse. If the team determines there  
55 is chemical abuse, the team will select an appropriate course of action, which may

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56 include referral to a school counselor; referral to a treatment program; referral for  
57 screening, assessment, and treatment planning; participation in support groups; or  
58 other appropriate measures.

59 3. Students involved in the abuse, possession, transfer, distribution or sale of chemicals shall  
60 be suspended in compliance with MNOHS 506 Student Discipline Policy and the Pupil  
61 Fair Dismissal Act, Minn. Stat. §121A.40-121A.56, and proposed for expulsion.

62 4. Searches by MNOHS officials in connection with the abuse, possession, transfer,  
63 distribution or sale of chemicals will be conducted in accordance with MNOHS 502  
64 Search of Student Lockers, Desks, Property and Person.

65 C. Pre-assessment Team

66 1. MNOHS shall have a chemical abuse pre-assessment team designated by the executive  
67 director or designee. The team will be composed of classroom teachers, administrators,  
68 and other appropriate professional staff, such as a school counselor or psychologist, social  
69 worker, chemical abuse specialist, or others.

70 2. The team is responsible for addressing reports of chemical abuse problems and making  
71 recommendations for appropriate responses to the individual reported cases.

72 3. Within forty-five (45) days after receiving an individual reported case, the team shall  
73 make a determination whether to provide the student and, in the case of a minor, the  
74 student's guardians with information about school and community services in connection  
75 with chemical abuse.

76 D. Data Practices

77 1. Student data may be disclosed without consent in health and safety emergencies pursuant  
78 to Minn. Stat. § 13.32 and applicable federal law and regulations.

79 2. Destruction of Records

80 a. If the pre-assessment team decides not to provide a student and, in the case of a  
81 minor, the student's guardians with information about school or community  
82 services in connection with chemical abuse, records created or maintained by the

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83 team about the student shall be destroyed not later than six (6) months after the  
84 determination is made.

85 b. If the team decides to provide the student and, in the case of a minor or a  
86 dependent student, the student's guardians with such information, records created  
87 or maintained by the team about the student shall be destroyed not later than six (6)  
88 months after the student is no longer enrolled at MNOHS.

89 c. This section shall govern destruction of records notwithstanding provisions of the  
90 Preservation and Disposal of Public Records, Minn. Stat. § 138.163.

91 E. Consent

92 In compliance with Minn. Stat. § 144.343, any minor may give effective consent for medical,  
93 mental and other health services to determine the presence of or to treat conditions associated  
94 with alcohol and other drug abuse, and the consent of no other person is required.

95 **Employees**

96 A. The executive director or designee shall educate employees, students and others about:

- 97 1. The dangers and health risks of chemical abuse in the workplace/school.  
98 2. MNOHS 418 Drug Free Workplace/Drug Free School Policy  
99 3. Available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance  
100 programs available to employees and/or students.

101 B. The executive director or designee shall notify any federal granting agency required to be notified  
102 under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of  
103 an employee for a criminal drug statute violation occurring in the workplace. To facilitate the  
104 giving of such notice, any employee aware of such a conviction shall report the same to the  
105 executive director.

106 **Legal References:** Minn. Stat. § 13.32 (Educational Data)

107 Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)

108 Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)

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- 109                   Minn. Stat. § 138.163 (Preservation and Disposal of Public Records)
- 110                   Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse,  
111                   Abortion)
- 112                   20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
- 113                   41 U.S.C. § 701-707 (Drug-Free Workplace Act)
- 114                   20 U.S.C. Part A § 7101-7165 (Safe and Drug-Free Schools and Communities Act)
- 115                   41 U.S. Code § 8103 - Drug-free workplace requirements for Federal grant  
116                   recipients
- 117                   34 C.F.R. Part 85 (Government-wide Requirements for Drug-Free Workplace)
- 118    **Cross References:**   MNOHS Policy 418 (Drug-Free Workplace/Drug Free School)
- 119                   MNOHS Policy 506 (Student Discipline)
- 120                   MNOHS Policy 502 (Search of Student Lockers, Desks, Property, and Person)
- 121                   MNMOHS Policy 515 (Protection and Privacy of Pupil Records)