

418 Drug Free Workplace/Drug Free School

Adopted: March 2005

Modified: April 2009, August 2013, January 2023, May 2023

Last review:

1 Purpose

2 The purpose of this policy is to maintain a safe and healthful environment for Minnesota Online High
3 School (MNOHS) employees and students by prohibiting the use of alcohol, toxic substances and
4 controlled substances without a physician’s prescription.

5 Definitions

6 A. “Alcohol” includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating
7 liquor.

8 B. “Controlled substances” include narcotic drugs, hallucinogenic drugs, amphetamines,
9 barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in
10 Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues
11 and look-alike drugs.

12 C. “Toxic substances” includes glue, cement, aerosol paint, or other substances used or possessed
13 with the intent of inducing intoxication or excitement of the central nervous system.

14 D. “Use” includes to sell, buy, manufacture, distribute, dispense, possess, consume, or be under the
15 influence of alcohol and/or controlled substances.

16 E. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control in
17 a school location including, but not limited to, immediate vicinity of the person, desks, lockers or
18 vehicles.

19 F. “School Location” includes any school building or grounds, whether leased, rented, owned or
20 controlled by the school, locations of school activities or trips, bus stops, school buses or school
21 vehicles, school-contracted vehicles, the area of entrance or departure from school premises or
22 events, all locations, including online locations, where school-related functions are conducted
23 either synchronously or asynchronously, and anywhere students are under the jurisdiction of
24 Minnesota Online High School.

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25 **Policy**

- 26 A. It shall be a violation of this policy for any student, teacher, administrator, other MNOHS
27 personnel, or member of the public to use alcohol, toxic substances, or controlled substances in
28 any school location.
- 29 B. The MNOHS Executive Director or Board of Directors will act to enforce this policy and to
30 discipline or take appropriate action against any student, teacher, administrator, school personnel,
31 or member of the public who violates this policy.

32 **Exceptions**

- 33 A. It shall not be a violation of this policy for a person to bring onto a school location, for such
34 person's own use, a controlled substance which has a currently accepted medical use in treatment
35 in the United States and the person has a physician's prescription for the substance. The person
36 shall comply with the relevant procedures of this policy.
- 37 B. It shall not be a violation of this policy for a person to possess an alcoholic beverage in a school
38 location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a
39 (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota
40 laws or possession after the purchase from such a temporary license holder).

41 **Procedures**

- 42 A. Students who have a prescription from a physician for medical treatment with a controlled
43 substance must comply with the MNOHS 516 Student Medication Policy.
- 44 B. Employees who have a prescription from a physician for medical treatment with a controlled
45 substance are permitted to possess such controlled substance and associated necessary
46 paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor.
47 The employee may be required to provide a copy of the prescription.
- 48 C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free
49 School policy and shall be required to acknowledge that he or she has received the policy.
- 50 D. Members of the public are not permitted to possess controlled substances in a school location
51 except with the express permission of the Executive Director.

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- 52 E. Possession of alcohol in a school location pursuant to the exceptions of Minn. Stat. § 624.701,
53 Subd. 1a, shall be by permission of the Board of Directors . The applicant shall apply for
54 permission by placing an item on the Board meeting agenda.

55 Enforcement

56 A. Students

- 57 1. A student who violates the terms of this policy shall be subject to discipline in accordance
58 with the MNOHS 506 Student Discipline Policy. Such discipline may include suspension
59 or expulsion from school.
- 60 2. The student may be referred to a drug or alcohol assistance or rehabilitation program
61 and/or to law enforcement officials when appropriate.

62 B. Employees

- 63 1. As a condition of employment in any federal grant, each employee who is engaged either
64 directly or indirectly in performance of a federal grant shall abide by the terms of this
65 policy and shall notify their supervisor in writing of their conviction of any criminal drug
66 statute for a violation occurring in any school location in which work on a school district
67 federal grant is performed, no later than ten (10) calendar days after such conviction.
- 68 2. An employee who violates the terms of this policy is subject to disciplinary action,
69 including nonrenewal, suspension, termination, or discharge as deemed appropriate by the
70 Board of Directors.
- 71 3. In addition, any employee who violates the terms of this policy may be required to
72 satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation
73 program approved by MNOHS at the expense of the employee. Any employee who fails
74 to satisfactorily participate in and complete such a program is subject to nonrenewal,
75 suspension, or termination as deemed appropriate by the Board of Directors.
- 76 4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge
77 shall be pursuant to and in accordance with applicable statutory authority, employee
78 contracts and school district policies.

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79 C. The Public

80 1. A member of the public who violates this policy shall be informed of the policy and asked to
81 leave. If necessary, law enforcement officials will be notified and asked to provide an escort

82 ***Legal References:*** Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)

83 Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)

84 Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)

85 Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of
86 Toxic Substances)

87 Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)

88 20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities
89 Act)

90 21 U.S.C. § 812 (Schedules of Controlled Substances)

91 41 U.S.C. §§ 701-707 (Drug-Free Workplace Act)

92 21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)

93 34 C.F.R. Part 85 (Government-wide Requirements for Drug-Free
94 Workplace)

95 ***Cross References:***

96 MSBA/MASA Model Policy 417 (Chemical Use and Abuse)

97 MNOHS Policy 506 Student Discipline

98 MNOHS Policy 516 Student Medication