



Policy Title & Number	418 - Drug-Free Workplace/Drug-Free School
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Date Created:	May 4, 2018
Past Policy Revision Date(s):	Reviewed August 2018
Related Policy(ies):	
Policy Type (Operating, Board)	Operating

A. Purpose

To maintain a safe and healthful environment for staff and students by prohibiting the use of alcohol, toxic substances and controlled substances without a physician’s prescription.

B. Definitions

- A. “Alcohol” includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
- B. “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 U.S.C. § 812, including analogues and look-alike drugs.
- C. “Toxic substances” includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- D. “Use” includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- E. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control. Policy 418 2
- F. “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 TrekNorth; or during any period of time such staff member is supervising students on behalf of TrekNorth or otherwise engaged in TrekNorth business.

C. Policy Statement

GENERAL STATEMENT OF POLICY

- A. Use of controlled substances, toxic substances, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. It shall be a violation of this Policy for any student, teacher, administrator, other TrekNorth staff member, or member of the public to use alcohol, toxic substances, or controlled substances in any school location.
- C. TrekNorth will act to enforce this Policy and to discipline or take appropriate action against any student, teacher, administrator, District staff member, or member of the public who violates this policy.

EXCEPTIONS

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

PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with Policy 516 – Student Medication/ Medical Procedures.
- B. Staff members who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The staff member must inform his or her Executive Director. The staff member may be required to provide a copy of the prescription.
- C. Each staff member shall be notified of this Drug-Free Workplace/Drug-Free School Policy
- D. All staff members are subject to the District's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the Executive Director.

F. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the School Board procedures for placing an item on the agenda.

ENFORCEMENT

A. Students

1. A student who violates the terms of this Policy shall be subject to discipline in accordance with TrekNorth's Discipline Policy. Such discipline may include suspension or expulsion from school.

2. A student who violates the terms of this Policy shall be referred to law enforcement officials.

3. The student may be referred to a drug or alcohol assistance or rehabilitation program.

B. Staff

1. As a condition of employment in any federal grant, each staff member who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this Policy and shall notify his or her Executive Director in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

2. Any staff member who violates the terms of this Policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the Executive Director.

3. In addition, any staff member who violates the terms of this Policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by TrekNorth. Any staff member who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the Executive Director.

4. Sanctions against staff members, including nonrenewal, suspension, termination, or discharge, shall be pursuant to and in accordance with applicable statutory authority and TrekNorth policies.

C. The Public

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

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval by the Director.

D. Associated Procedures or Other Information

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E. Associated Forms

Legal References: Minn. Stat. § 121A.22 (Administration of Drugs and Medicine) Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses) Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses) Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances) Minn. Stat. § 624.701 (Liquor in Certain Buildings or Grounds) 20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act) 21 U.S.C. § 812 (Schedules of Controlled Substances) 41 U.S.C. §§ 701-707 (Drug-Free Workplace Act) 21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances) 34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

Cross References: MSBA/MASA Model Policy 417 (Chemical Use and Abuse) MSBA/MASA Model Policy 506 (Student Discipline) MSBA/MASA Model Policy 516 (Student Medication)