

CHEMICAL USE AND ABUSE

Policy 304

I. PURPOSE

The LILA school board believes that the public school has a role in education, intervention, and prevention of chemical use and abuse for both employees and students. The purpose of this policy is to assist Lakes International Language Academy 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 district policies with respect to, and including exceptions delineated in a Drug-Free Workplace/Drug-Free School.

B. Lakes International's policy is to provide instruction that includes chemical abuse and the prevention of chemical dependency.

C. It will be the responsibility of the director, with the advice of the LILA school board, to establish a pre-assessment team to address chemical abuse issues, if needed.

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 students 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 Lakes International Language Academy's Drug-Free Workplace/Drug-Free School policy.

C. "School location" includes any school building or on any school premises; on 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 Lakes International Language Academy; or during any period of time such employee is supervising students on behalf of Lakes International Language Academy or otherwise engaged in school business.

D. Lakes International shall establish and maintain a method to educate and assist employees, students, and others in understanding this policy.

IV. STUDENTS

A. Instruction

1. Lakes International Language Academy shall provide instruction in chemical abuse and the prevention of chemical dependency. Lakes International Language Academy may involve parents, students, health care professionals, state department staff, and members of the community in developing and/or implementing the curriculum.

2. Lakes International Language Academy shall have age-appropriate, chemical education programs for all students that address social, personal and health consequences of the use of chemicals, promote a sense of individual responsibility, and provide information about techniques for resisting peer pressure to use chemicals. These programs may include but are not limited to:

- a. the dissemination of information about drug prevention;
- b. the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as:
 - (1) referral to family counseling;
 - (2) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and
 - (3) activities, such as community service and service-learning projects, that are designed to increase students' sense of community.

B. Reports of Chemical Use and Abuse

1. In the event that a school district 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 director, or designee, will notify the student's parents. If there is a medical

emergency, the administrator will notify medical personnel as appropriate.

c. The director, or designee, will notify law enforcement officials.

d. The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, backpack, desk, or other areas within the student's control in accordance with Policy 322, Search of Student Lockers, Desks, Personal Possessions and Student's Person.

e. Lakes International Language Academy 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 a school district employee has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:

a. The employee shall notify the building administrator and shall describe the basis for the suspicion. The building administrator will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.

b. It may be determined that there is no chemical abuse. If it is determined that there is chemical abuse, the administrator will determine an appropriate course of action, which may include referral to a counselor; referral to a treatment program; 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.

4. Searches by school district officials in connection with the abuse, possession, transfer, distribution or sale of chemicals will be conducted in accordance with school board policies related to search and seizure.

C. Pre-assessment Team

1. Under circumstances in which the director determines that a pre-assessment team is needed, the team will be composed of classroom teachers, administrators, and other appropriate professional staff.

2. The team is responsible for addressing the report of chemical abuse problems and making recommendations for appropriate responses.

3. Within 45 days after receiving the case, the team shall make a determination whether to provide the student and 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 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 6 months after the determination is made.

b. If the team decides to provide the student and the student's parents with such information, records created or maintained by the team about the student shall be destroyed not later than 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

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 director or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees about:

1. The dangers and health risks of chemical abuse in the workplace/school.
2. Lakes International Language Academy's drug-free workplace/drug-free school policy.

B. The director or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act of 1988 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 director.

[NOTE: Notification to the federal granting agency within ten (10) days is required by the Drug Free Workplace Act of 1988. 41 U.S.C. 701 and 702.]

Legal References:

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

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

Minn. Stat. 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)

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

20 U.S.C. 7101-7144 (Safe and Drug-Free Schools and Communities Act)

34 C.F.R. Part 85 (Governmentwide 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 506 (Student Discipline)

MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)

MSBA/MASA Model Policy 527 (Student Motor Vehicles; Use; Parking; Search)