

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for NWSISD staff and students by prohibiting the use of alcohol, toxic substances and controlled substances without a physician's prescription.

II. GENERAL STATEMENT OF POLICY

- A. The Drug-Free Workplace/Drug-Free School policies adopted by NWSISD's member school districts shall govern the students and staff of their respective districts.
- B. Use of controlled substances, toxic substances, and alcohol before, during, or after any NWSISD activity or program is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- C. It shall be a violation of this policy for any student, teacher, administrator, other NWSISD personnel, or member of the public to use alcohol, toxic substances, or controlled substances in any NWSISD program or activity site.
- D. NWSISD will act to enforce this policy and to discipline or take appropriate action against any student, staff or member of the public who violates this policy.

III. 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.
- F. “NWSISD location” includes any NWSISD controlled property or program or activity site; in any NWSISD-owned vehicle or in any other NWSISD-approved vehicle used to transport students to and from NWSISD programs or activities; any NWSISD-sponsored or NWSISD-approved activity, event, or function, such as a field trip, where students are under the jurisdiction of NWSISD; or during any period of time NWSISD staff is supervising students on behalf of NWSISD or its member school districts or otherwise engaged in NWSISD business.

IV. EXCEPTIONS

- A. It shall not be a violation of this policy for a person to bring onto a school or program/activity 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 or program/activity 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).

V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with NWSISD’s student medication policy. (Policy 516)
- B. NWSISD Staff 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 supervisor, and may be required to provide a copy of the prescription.
- C. Each staff member shall be provided with written notice of this Drug-Free Workplace/Drug-Free Learning Environment policy and shall be required to acknowledge that he or she has received the policy.
- D. NWSISD staff are subject to NWSISD’s drug and alcohol testing policies and procedures.

- E. Members of the public are not permitted to possess controlled substances in a program or activity location except with the express permission of the Executive Director.
- F. Possession of alcohol on NWSISD controlled property or at NWSISD program or activity sites 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.

VI. ENFORCEMENT

A. Students

- 1. A student who violates the terms of this policy shall be subject to discipline in accordance with the student's home school district's discipline policy. Such discipline may include suspension or expulsion from school. The student's home school district shall be responsible for disciplining the student.

B. NWSISD Staff

- 1. As a condition of employment in any federal grant, each NWSISD 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 supervisor 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 NWSISD federal grant is performed, no later than five (5) calendar days after such conviction.
- 2. NWSISD staff who violate the terms of this policy are subject to disciplinary action, including non-renewal, suspension, termination, or discharge as deemed appropriate by the school board.
- 3. In addition, any NWSISD staff 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 NWSISD. Any staff who fail to satisfactorily participate in and complete such a program is subject to non-renewal, suspension, or termination as deemed appropriate by the school board.
- 4. Sanctions against staff including non-renewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and NWSISD 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.

- Legal References:** Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
Minn. Stat. § 121A. 22 (Administration of Drugs and Medicine)
Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)
Minn. Stat. § 624.701 (Liquor in Certain Buildings or Grounds)
41 U.S.C. §§ 701-707 (Drug-Free Workplace Act)
20 U.S.C. § 7101-7144 (Safe and Drug-Free Schools and Communities Act of 1994)
21 U.S.C. § 812 (Schedules of Controlled Substances)
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:** NWSISD Policy 403 (Discipline, Suspension and Dismissal of NWSISD staff)
NWSISD Policy 416 (Drug and Alcohol Testing)
NWSISD Policy 417 (Chemical Use and Abuse)
NWSISD Policy 506 (Student Discipline)
NWSISD Policy 516 (Student Medication)

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