

I. PURPOSE

The school board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being of students and staff and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general. The school board believes that public education has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist NWSISD and its member school districts in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

II. GENERAL STATEMENT OF POLICY

- A. NWSISD shall be governed by the chemical abuse and use policies of its member school districts when providing or sponsoring programs or activities at sites within that member school district's boundaries. In addition, students and staff of member school districts participating in programs or activities provided or sponsored by NWSISD shall be subject to their home school district's policies on chemical use and abuse.

In those instances when a program or activity takes place at a location leased or controlled by NWSISD, this policy shall govern students and staff participating in those programs or activities.

This policy shall govern NWSISD full and part-time staff.

- B. Use of controlled substances, toxic substances, and alcohol is prohibited at NWSISD program or activity sites in accordance with NWSISD policies with respect to a Drug-Free Workplace/Drug-Free School.
- C. NWSISD shall establish and maintain a program to educate and assist its staff and others in understanding this policy and the goals of achieving drug-free schools and workplaces. It is the responsibility of NWSISD member school districts to establish and maintain a program to educate and assist their employees, students and others in understanding their respective policies on chemical use and abuse.

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 student'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 NWSISD's Drug-Free Workplace/Drug-Free Learning Environment policy. (Policy 418)
- C. "Program site" includes any NWSISD controlled property or NWSISD member school district's building or school premises; in any NWSISD or member school district's owned vehicle or in any other school-approved vehicle used to transport students to and from NWSISD programs or activities; off-NWSISD controlled property at any NWSISD-sponsored or approved activity, event or function, such as a field trip, where students are under the jurisdiction of NWSISD and/or a NWSISD member school district; or during any period of time a NWSISD or NWSISD member school district's employee is supervising students on behalf of or otherwise engaged in NWSISD business.

IV. STUDENTS

A. Instruction

It shall be the responsibility of NWSISD member school districts to adopt and implement a comprehensive drug prevention program for their students in accordance with the Safe and Drug-Free Schools and Communities Act of 1994.

B. Reports of Chemical Use and Abuse

1. In the event that a NWSISD member school district's or NWSISD staff member knows that a student is abusing, possessing, transferring, distributing or selling chemicals at a NWSISD program or activity site:
 - a. The staff member shall notify an appropriate administrator from the student's home school district of the observation and continue to observe the student until the administrator arrives. In the event that an appropriate administrator from the student's home school district is unavailable, the staff member shall contact an appropriate administrator from NWSISD.
 - b. The NWSISD member school district's administrator shall follow its policies related to chemical use and abuse.
 - c. The NWSISD member school district will follow its policies related to notification of law enforcement officials. If the member district administrator is unavailable, NWSISD staff shall notify law enforcement officials.
2. If a NWSISD staff member has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:

- a. The NWSISD staff member shall notify the appropriate administrator from the student's home school district and shall describe the basis for the suspicion. The NWSISD member school district's administrator and/or team will determine what action should be taken.
- a. Searches by NWSISD 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. 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. Any written documentation about the actions taken by a NWSISD member school district against one of its students who participated in a NWSISD program or activity and who violated the chemical abuse and use policies of their home school district, shall be destroyed not later than 6 months after the notification of that action.
 - b. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

D. 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. NWSISD STAFF

- A. The Executive Director or designee shall undertake and maintain a drug-free awareness and prevention program to inform staff and volunteers about:
 - 1. The dangers and health risks of chemical abuse in the workplace.
 - 2. The NWSISD's drug-free workplace/drug-free Learning Environment school policy.
 - 3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to staff.

- B. The Executive 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 a staff member for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any staff member aware of such a conviction shall report the same to the Executive Director.

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 of 1988)
20 U.S.C. §§ 7101-7144 (Safe and Drug-Free Schools and Communities Act of 1994)
34 C.F.R. Part 85 (Government wide Requirements for Drug-Free Workplace)

Cross Reference: NWSISD Policy 416 (Drug and Alcohol Testing)
NWSISD Policy 418 (Drug-Free Workplace/Drug Free Learning Environment)
NWSISD Policy 506 (Student Discipline)
NWSISD Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
NWSISD Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

Adopted: April 16, 2003