

## Swan River Montessori Charter School

Adopted: 2005

Revised: 11.20.19

### Chemical Use and Abuse Policy

#### 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 employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general. The school board believes that the public school has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist the school district 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 a Drug-Free Workplace/Drug-Free School.
- B. The school district shall provide this policy on its website and/or electronically communicate this policy to all its enrolled families. The school district shall also require every employee read this policy upon hire and provide a signature confirming it has been read.

#### 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 impaired.
- B. "Chemicals" includes but is not limited to alcohol, toxic substances, and controlled substances as defined in the school district'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 the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

#### **IV. STUDENTS**

##### **A. Instruction**

- a. The school may provide an instructional program in chemical abuse and prevention of chemical dependency. The school district may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.
- b. As part of the instructional program outlined in IV.A.a above, the school will include age-appropriate and developmentally-based activities that:
  - i. Address the consequences of violence and the illegal use of drugs, as appropriate;
  - ii. Promote a sense of responsibility;
  - iii. Teach students that most people do not illegally use drugs;
  - iv. Teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
  - v. Teach students about the dangers of emerging drugs;
  - vi. Engage students in the learning process; and
- c. The school may disseminate drug and violence prevention information within the school and to the community.
- d. The school may have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
- e. The school may have drug and violence prevention activities that may include the following:
  - i. Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
  - ii. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.
  - iii. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

##### **B. Reports of Chemical Use and Abuse**

- a. In the event that a school district employee knows that a student is abusing, possessing, transferring, distributing or selling chemicals in a school location:
  - i. 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.

- ii. The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school director and/or outside medical personnel as appropriate.
  - iii. The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with school board policies regarding search and seizure.
  - iv. The school district 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.
- b. If a school district employee has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:
  - i. The employee shall notify the school director and shall describe the basis for the suspicion. The director will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or providing a meeting with the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.
  - ii. The director may determine there is no chemical abuse. If the director determines there is chemical abuse, the director will select 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.
- c. 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, and proposed for expulsion.
- d. 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. Data Practices**

- a. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.
- b. Destruction of Records
  - i. If the director decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created about the student shall be destroyed not later than six (6) months after the determination is made.
  - ii. If the director decides to provide the student and, in the case of a minor or a dependent student, the student's parents with such information, records

created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.

- iii. 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. EMPLOYEES**

- A. The director or designee may undertake and maintain a drug-free awareness and prevention program to inform employees, students and others about:
  - a. The dangers and health risks of chemical abuse in the workplace/school.
  - b. The school district's drug-free workplace/drug-free school policy.
  - c. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to employees and/or students.
- B. The director, or designee, shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act 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. 41 U.S.C. §§ 701 and 702.]