



Adopted: September 2004
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EMID 6067Board Policy 417
(required policy)

417 CHEMICAL USE AND ABUSE

I. PURPOSE

EMID 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. EMID 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 EMID 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 integration program settings in accordance with EMID policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. EMID shall establish and maintain a program to educate and assist employees, students and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

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 EMID’s Drug-Free Workplace/Drug-Free School policy.
- C. “Use” includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.
- D. “School location” includes any EMID integration program location or in any other school-approved vehicle used to transport students to and from school activities; off-school property at any district-sponsored or district-approved activity, event or function, such as a field trip, where students are under the



jurisdiction of EMID; or during any period of time such employee is supervising students on behalf of EMID.

IV. STUDENTS

A. Reports of Chemical Use and Abuse

1. In the event that an EMID employee knows that a student is abusing, possessing, transferring, distributing or selling chemicals in an integration program 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 administrator will notify the student's parents. If there is a medical emergency, the administrator will notify outside medical personnel as appropriate.
 - c. The administrator will notify law enforcement officials, the student's counselor, and the chemical pre-assessment team.
 - d. 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 EMID officials shall be in accordance with school Board policies regarding search and seizure.
 - e. EMID will take appropriate disciplinary action in compliance with EMID policy 506 – Student Discipline. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.
2. If an EMID employee has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:
 - a. The employee shall notify the administrator and shall describe the basis for the suspicion. The administrator 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 between an administrator and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.



- b. The administrator may determine there is no chemical abuse. If the administrator determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.
4. Searches by EMID officials in connection with the abuse, possession, transfer, distribution or sale of chemicals will be conducted in accordance with Board policies related to search and seizure.

B. 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.

C. 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 Executive Director or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees, students and others about:

1. The dangers and health risks of chemical abuse in the workplace/school.
2. EMID's Policy 418 - Drug-Free Workplace/Drug-Free School policy.
3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to employees and/or students.
4. The penalties that may be imposed on employees for drug abuse violations.

- B. The Executive Director 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 Executive Director.

- Legal References:***
- Minn. Stat. § 13.32 (Educational Data)
 - Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)
 - Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
 - Minn. Stat. § 138.163 (Records Management Act)
 - Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
 - Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
 - Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
 - 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
 - 20 U.S.C. §§ 7101-7144 (Safe and Drug-Free Schools and Communities Act)
 - 41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
 - 34 C.F.R. Part 85 (Government-wide Requirements for Drug-Free Workplace)
- Cross References:***
- EMID Policy 403 (Discipline, Suspension, and Dismissal of EMID Employees)
 - EMID Policy 416 (Drug and Alcohol Testing)
 - EMID Policy 418 (Drug-Free Workplace/Drug Free School)
 - EMID Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
 - EMID Policy 506 (Student Discipline)
 - EMID Policy 515 (Protection and Privacy of Pupil Records)