



Adopted: June 4, 1996

EMID 6067 Board Policy 418  
(required policy)

Revised: October 20, 2004; December, 2014; February 15, 2017; October 17, 2018

## **418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL**

### **I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment for EMID employees and students at integration programs by prohibiting the use of alcohol, toxic substances, medical cannabis, and controlled substances without a physician prescription.

### **II. GENERAL STATEMENT OF POLICY**

- A. Use of controlled substances, toxic substances, medical cannabis, and alcohol before, during, or after hours, or in any integration program location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. It shall be a violation of this policy for any EMID student, teacher, administrator, other school district personnel, or member of the public to use alcohol, toxic substances, controlled substances, or medical cannabis in any integration program location.
- C. EMID will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

### **III. DEFINITIONS**

- A. “Alcohol” includes any alcoholic beverage, malt beverage, or 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. “Medical cannabis” means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or (4) any other method, excluding smoking, approved by the commissioner.



- D. “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.
- E. “Use” includes to sell, buy, 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.
- F. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- G. “School district location” includes any school premises; in any district-approved vehicle used to transport students to and from school or school activities; off school property at any EMID integration program or EMID sponsored or EMID 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. EXCEPTIONS**

- A. It shall not be a violation of this policy for a person to bring onto a program 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 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 location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories or 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 are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The student must provide a copy of the prescription to the program administrator to be kept on file, along with other emergency information. It is the responsibility of the student to provide a copy of a renewal after a prescription has expired.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.



- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.
- D. Employees are subject to EMID's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the administrator.
- F. No person is permitted to possess or use medical cannabis on a bus or van or grounds of any EMID related activity.

## **VI. ENFORCEMENT**

- A. Students.
  - 1. A student who violates the terms of this policy shall be subject to discipline in accordance with EMID's Policy 506 – Student Discipline. Such discipline may include suspension or expulsion from an integration program.
  - 2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials where appropriate.
- B. Employees.
  - 1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, termination or discharge as deemed appropriate by the Board.
  - 2. In addition, any employee 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 EMID. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension or termination as deemed appropriate by the Board.
  - 3. Sanctions against employees, including nonrenewal, suspension, termination or discharge shall be pursuant to and in accordance with applicable statutory authority and EMID policies.
  - 4. The employee may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials where appropriate.
- C. The Public.



A member of the public who violates this policy shall be informed of the policy and asked to leave. If appropriate, law enforcement officials will be notified and asked to take necessary action.

***Legal References:***

Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)  
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)  
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)  
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)  
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)  
Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)  
Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)  
20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act)  
21 U.S.C. § 812 (Schedules of Controlled Substances)  
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)  
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)  
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

***Cross Reference:***

EMID Policy 403 (Discipline, Suspension and Dismissal of School District Employees)  
EMID Policy 416 (Drug and Alcohol Testing)  
EMID Policy 417 (Chemical Use/Abuse)  
EMID Policy 506 (Student Discipline)  
EMID Policy 516 (Student Medication)