

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

### I. PURPOSE

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

**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. §§ 701-707 (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 References:** MSBAIMASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBAIMASA Model Policy 416 (Drug and Alcohol Testing)  
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBAIMASA Model Policy 516 (Student Medication)

*Transferred from GBEC, GBGC, Drug Policy Booklet  
Adopted with Additions Revisions from MSBAIMASA Model Policy 418, 2009, 2017*

**II. GENERAL STATEMENT OF POLICY**

- A. Use or possession of controlled substances, toxic substances, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. It shall be a violation of this policy for any student, teacher, administrator, other school district personnel, or member of the public uses or possess alcohol, toxic substances, ~~or~~ controlled substances, or medical cannabis in any school location.
- C. The school district 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, 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, 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.
- F. "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.
- G. "School location" includes any school building or on any school premises; in 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. EXCEPTIONS

- A. It shall not be a violation of this policy for a person to bring onto a school location, for such person's own use, a controlled substance, except medical cannabis, 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 location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1 a ( 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, except medical cannabis, must comply with the school district's student medication policy.
- 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 the school district'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 superintendent.
- F. No person is permitted to possess or use medical cannabis on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility.
- G. Possession of alcohol on school grounds 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 school district's discipline policy. Such discipline may include suspension or expulsion from school.
2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.

B. Employees

1. As a condition of employment in any federal grant, each employee 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 school district federal grant is performed, no later than five (5) calendar days after such conviction.
2. 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 school board.
3. 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 the school district. 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 school board.
4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district 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:

## Guidelines for Management

It is difficult for an untrained individual to correctly identify drug related behavior. Behavioral signs that may signal alcohol or drug use may also be caused by other problems, such as diabetes, high blood pressure, thyroid disease, psychiatric disorders, emotional problems, or even certain heart problems. Therefore, it is important to remember that unusual behavior at work may not be connected in any way with impairment from alcohol or other drug use. The rule of the administrator is to recognize and document changes in behavior or performance without making any judgments or without trying to diagnose the cause;

*The following guidelines should be noted:*

1. Administrators should maintain familiarity with the specific procedures for these policies.
2. Administrators can and should ask questions about any curious or unusual behavior. It is very important that administrators not make accusations, but they should ask questions. Treat information in such situations as confidential to protect employees in and away from the work place.
3. Administrators should assure that employees appearing impaired are accompanied, when appropriate, in order to provide for safety and liability purposes.
4. When a referral to a health professional is made, administrators should describe to that health professional the behaviors identified and record this information. Verify behaviors with other witnesses if possible.
5. The administrators should tell the employee that a health or fitness-for-duty examination is necessary, based on documented behavior. The employee would not be told that a clinical screen will necessarily be done; this decision will be made by the health professional, based in part on the information supplied by the administrator.
6. Administrators should be aware of the legal implications associated with alcohol/drug screening;
  - a. An administrators must not discuss the suspected reason for the referral with anyone who does not need to know.
  - b. An administrator must treat all employees equally and not show any favoritism or unusually harsh treatment to any one employee who may be suspected of use of alcohol or other drugs.
7. Records pertaining to job performance, attendance, and behavior should be maintained in the employee's file. No reference to alcohol or other drug problems as a medical diagnosis should appear in personnel files; this does not preclude documenting behavior associated with alcohol, or other drugs, such as slurred or incoherent speech, stumbling, smelling of alcohol, found possessing alcohol or other drugs, etc. All formal records concerning the evaluation or medical diagnosis and treatment or chemical dependency are kept in medical files only.

## Employee Assistance Program

Independent School District 318 recognizes that a wide range of problems not directly associated with one's job function can have an effect on an employee's job performance. In most instances, the employee will overcome such personal problems independently and the effect on job performance will be negligible. In other instances, normal supervisory assistance will serve either as motivation or guidance by which such problems can be resolved so the employee's job performance will return to an acceptable level. In some cases, neither the efforts of the employee or the supervisor have the desired effect of resolving the employee's problems. And unsatisfactory performance persists over a period of time either constantly or intermittently.

Independent School District 318 believes it is in the interest of the employee and the employee's family to provide an employee service which deals with such persistent problems. Therefore, it is the policy of Independent School District 318 to handle such problems within the following framework:

1. ISD 318 recognizes that almost any human problem can be successfully treated provided it is identified in its early stages and referral is made to an appropriate modality of care. This applies whether the problem be one of physical illness, mental or emotional illness, finances, marital or family distress, alcoholism, drug abuse, legal problems or other concerns.
2. When an employee's job performance or attendance is unsatisfactory and the employee is unable or unwilling to correct the situation either alone or with normal supervisory assistance, this is an indication that there may be some cause outside the realm of his/her job responsibilities which is the basis of the problem.
3. The purpose of this policy is to assure employees that if such personal problems are the cause of unsatisfactory job performance, they will receive careful consideration and an offer of assistance to help resolve such problems in effective and confidential manner.
4. Employees are assured that their job, future, and reputation will not be jeopardized by utilizing this employee service.
5. Employees' problems causing unsatisfactory job performance will be handled in a forthright manner within the established employer's health and personnel administrative procedures.
6. In instances where it is necessary, sick leave may be granted for treatment or rehabilitation on the same basis as it is granted for ordinary health problems.
7. Employees who have a problem which they feel may affect work performance are encouraged to voluntarily seek counseling and information on a confidential basis by contacting the designated employee assistance program contact.

8. Employees referred through the program by their supervisor may be required by the school district to secure adequate medical, rehabilitative, counseling or other services as may be necessary to resolve his/her problem.
9. It will be the responsibility of the employee to comply with the referrals for assessment of his/her problem and to cooperate and follow the recommendation of the diagnostician or counseling agent. An employee's continued refusal to accept diagnosis and treatment will be handled by dealing with the job performance problem according to normal disciplinary procedures.
10. Since employee work performance can be affected by the problems of an employee's spouse or other dependents, the program is available to the families of our employees as well.
11. To preserve the employee's right to privacy, records and discussions regarding the nature of personal problems will be handled in a confidential manner as are other medical records. All assessment records shall be maintained by the contracted provider in compliance with Federal and State confidentiality guidelines. While references may be made to an employee's referral to the EAP in his/her personnel file, no mention will be made of the nature of the problem.
12. The Employee Assistance Program provides benefits to both employees and employer; as such it shall not be part of contract negotiations.