

**BLUFFVIEW MONTESSORI SCHOOL
POLICY 417
CHEMICAL USE AND ABUSE**

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 Bluffview Montessori School in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

II. GENERAL STATEMENT OF POLICY

- A. Use ~~or possession~~ of controlled substances, ~~toxic substances~~, medical cannabis, ~~toxic substances~~, and alcohol ~~before, during, or after school hours, at school or in any other school location~~, is prohibited in ~~the school setting~~ in accordance with Bluffview Montessori School policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. ~~The policy of Bluffview Montessori School~~ **shall develop, implement, and evaluate comprehensive programs and activities that foster healthy, supportive, and drug-free environments that support student academic achievement** ~~is to provide an instructional program at Bluffview Montessori School in chemical abuse and the prevention of chemical dependency.~~
- C. Bluffview Montessori School shall establish and maintain ~~in every school~~ a chemical abuse pre assessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. ~~The Head of School, with the advice of the school board, shall be responsible for establishing a school and community advisory team to address chemical abuse problems in Bluffview Montessori School.~~
- E. Bluffview Montessori School shall establish ~~and maintain~~ a **drug-free awareness** program ~~for its~~ **to educate and assist employees, students and others in understanding this policy and the goals of achieving drug-free schools and workplaces.**

[Note: School districts are required to establish a drug-free awareness program for school district employees pursuant to the Drug-Free Workplace Act. In addition, state law requires that the written districtwide school discipline policy must include procedures for detecting and addressing chemical abuse problems of a student while on the school premises. Further, school districts are required to develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement if receiving funding under the federal Student Support and Academic Enrichment Grants law.]

III. DEFINITIONS

- A. “Chemical abuse”, **as applied to students**, 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 **minor’s student’s** normal function in academic, school, or social activities is chronically impaired.
- B. ~~“Chemicals” includes, but is not limited to, alcohol, toxic substances, medical cannabis, and controlled substances as defined in Bluffview Montessori School’s Policy 418, Drug-Free Workplace/Drug-Free School.~~ **“Controlled substances,” as applied to the chemical abuse assessment of students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes section 152.02 and “marijuana” as defined in Minnesota Statutes section 152.01, subdivision 9, but not distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. As otherwise defined in this policy, “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 United States Code section 812, including analogues and look-alike drugs.**
- 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.~~ **“Drug prevention” means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.**
- D. ~~“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 Bluffview Montessori School; or during any period
of time such employee is supervising students on behalf of Bluffview
Montessori School or otherwise engaged in Bluffview Montessori School
business.~~

“Teacher” means all persons employed at Bluffview Montessori School as members of the instructional, supervisory, and support staff including the Head of School, the Assistant Head of School, supervisors, classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

IV. STUDENTS

A. Districtwide School Discipline Policy

Procedures for detecting and addressing chemical abuse problems of a student while on school premises are included in the Bluffview Montessori School student discipline policy.

B. Programs and Activities Instruction

1. Bluffview Montessori School shall ~~develop, implement, and evaluate comprehensive~~ ~~provide an instructional~~ programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievements. The programs and activities may include, among other programs and activities, drug prevention activities and programs that may be evidence based, including programs to educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes. ~~in chemical abuse and the prevention of chemical dependency. Bluffview Montessori School may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.~~
2. As part of its drug-free programs, Bluffview Montessori School may implement the drug abuse resistance education program (DARE) that enables peace officers to undergo the training to teach a curriculum on drug abuse resistance in schools.

~~Bluffview Montessori School shall have age appropriate and~~

~~developmentally-based activities that:~~

- ~~a. address the consequences of violence and the illegal use of drugs, as appropriate;~~
- ~~b. promote a sense of individual responsibility;~~
- ~~c. teach students that most people do not illegally use drugs;~~
- ~~d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;~~
- ~~e. teach students about the dangers of emerging drugs;~~
- ~~f. engage students in the learning process; and~~
- ~~g. incorporate activities in Erdkinder that reinforce prevention activities implemented in the Elementary classrooms.~~
- ~~h. 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.~~

C.B. Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance Chemical Use and Abuse

1. **A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse pre-assessment team, or staff member assigned duties similar to those of such a team, of this information.**

~~In the event that a Bluffview Montessori School employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals at Bluffview Montessori School:~~

- ~~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 the school nurse and/or 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 Bluffview Montessori School district officials shall be in accordance with school board policies regarding search and seizure.~~
 - ~~e. Bluffview Montessori School 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.~~
- ~~2. If a Bluffview Montessori School employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:~~
- ~~a. The employee shall notify the building administrator or a member of the pre-assessment team and shall describe the basis for the suspicion. The building administrator and/or team 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 a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.~~
 - ~~b. The team may determine there is no chemical abuse. If the team 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.~~

[Note: School districts are not required to participate in a chemical abuse program or establish a chemical abuse pre-assessment team pursuant to state law. Schools are

required to have procedures for detecting student chemical abuse and can obtain federal funding if they establish drug prevention, detection, intervention, and recovery support services. Thus, it is recommended that schools establish these programs and activities. For those schools that do not establish a chemical abuse pre-assessment team, those obligations could be assigned to a specified staff member such a school counselor or administrator.]

- 2.3- Students involved in the abuse, possession, transfer, distribution, or sale of chemicals ~~may shall~~ be suspended **and proposed for expulsion** in compliance with the student discipline policy and the Pupil Fair Dismissal Act, **Minnesota Statutes section Minn. Stat. § 121A.40-121A.56,**~~and proposed for expulsion.~~
3. 4- Searches by Bluffview Montessori School officials in connection with the abuse, possession, **or** transfer,~~distribution, or sale of alcohol or a controlled substance~~ chemicals will be conducted in accordance with school board policies related to search and seizure.
4. **Nothing in paragraph IV.B.1. prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.**

D.G. Pre-assessment Team

1. Bluffview Montessori School may **establish** ~~have~~ a chemical abuse pre-assessment team designated by the Head of School or designee. The team **must** ~~will~~ be composed of classroom teachers, administrators, and **to the extent they exist in the school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and** other appropriate professional staff. **For schools that do not have a chemical abuse program and team, the Head of School or designee will assign these duties to a designated school district employee. to the extent they exist at Bluffview Montessori School, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.**
2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with

information about Bluffview Montessori School and community services in connection with chemical abuse.

E.D. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to **Minnesota Statutes section Minn. Stat. § 13.32** and applicable federal law and regulations.
2. Destruction of Records
 - a. If the pre-assessment team decides not to provide a student and, in the case of a minor, the student's parents with information about Bluffview Montessori School or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
 - b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with ~~such~~ information **about school or community services in connection with chemical abuse**, 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.
 - c. ~~This section shall govern~~ **Destruction of records identifying individual students shall be governed by paragraph IV.E.2. notwithstanding provisions of the Records Management Act, Minnesota Statutes section Minn. Stat. § 138.163 (Preservation and Disposal of Public Records).**

F.E. 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.

[Note: State law permits schools to provide these services to minor students without the consent of a parent. If, however, a school district provides these or other services pursuant to a grant received under the Student Support and Academic Enrichment Grants law, this funding could be jeopardized if the requirements of federal law, to obtain prior written, informed consent from the parent of each

child who is under 18 years of age is not obtained.]

~~F. School and Community Advisory Team~~

~~1. The Head of School, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems. The advisory team will be composed of representatives from the Bluffview Montessori School pre assessment teams to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community.~~

~~2. The advisory team shall:~~

~~a. build awareness of the problem within the community, identify available treatment and counseling programs for students, and develop good working relationships and enhance communication between Bluffview Montessori School and other community agencies; and~~

~~b. develop a written procedure clarifying the notification process to be used by the chemical abuse pre assessment team when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student and the student's parents or guardian in the case of a minor student.~~

V. EMPLOYEES

A. **Bluffview Montessori School shall establish** ~~The Head of School or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees, students, and others about:~~

1. The dangers **of drug** ~~and health risks of chemical abuse in the workplace/school.~~

2. Bluffview Montessori School's **policy of maintaining a drug-free workplace.** ~~Policy 418, Drug-Free Workplace/Drug-Free School.~~

3. ~~Any Available drug or alcohol counseling, treatment, rehabilitation, re-entry, and~~ **employee** ~~/or assistance programs available to employees and/or students.~~

4. The penalties that may be imposed on employees for drug abuse violations.

- B. **Bluffview Montessori School** ~~The Head of School 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 from the employee or otherwise receiving actual notice of any criminal drug statute 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 Head of School.~~

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. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 124D.695 (Approved Recovery Program Funding)
Minn. Stat. § 126C.44 (Safe Schools Levy)
Minn. Stat. § 138.163 (**Preservation and Disposal of Public Records**)~~Records Management Act~~
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.02 (Schedules of Controlled Substances; Administration of Chapter)
Minn. Stat. § 152.22 (**Definitions**; Medical Cannabis;~~Definitions~~)
Minn. Stat. § 152.23 (**Limitations**; Medical Cannabis;~~Limitations~~)
Minn. Stat. § 299A.33 (DARE Program)
Minn. Stat. § 466.07, subd. 1 (Indemnification Required)
Minn. Stat. § 609.101, subd. 3(e) (Controlled Substance Offenses; Minimum Fines)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
20 U.S.C. §§ 7101-7122**65 (Student Support and Academic Enrichment Grants** ~~Safe and Drug-Free Schools and Communities Act~~)
20 U.S.C. § 5812 (National Education Goals)
20 U.S.C. § 7175 (Local Activities)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free

School)

MSBA/MASA Model Policy 419 (Tobacco-Free Environment;
Possession and Use of Tobacco, Tobacco-Related Devices, and
Electronic Delivery Devices; Vaping Awareness and Prevention
Instruction)

MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks,
Personal Possessions, and Student's Person)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil
Records)

MSBA/MASA Model Policy 527 (Student Use and Parking of Motor
Vehicles; Patrols, Inspections, and Searches)