TRIO Wolf Creek Distance Learning Charter School #4095

417 CHEMICAL USE AND ABUSE

I. PURPOSE

The charter school board recognizes the significant problems created by chemical use and abuse in society in general. The charter school board believes that the charter school has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist the charter school in its goal to prevent chemical use and abuse by providing procedures for education and intervention. The charter school acknowledges that it maintains a chemical free campus and environment for all students, staff, visitors, and any others who use the Wolf Creek campus facility.

II. GENERAL STATEMENT OF POLICY

A. Use of controlled substances, medical cannabis, toxic substances, and alcohol is prohibited in the charter school setting in accordance with charter school policies with respect to Drug-Free Workplace/Drug-Free School.

B. It is the policy of this charter school to provide an instructional program at least once per year in chemical abuse and the prevention of chemical dependency.

C. The charter school shall establish and maintain in its school a chemical abuse pre-assessment team. At Wolf Creek, the chemical abuse pre-assessment team will be the SAT (Student Assessment Team) Members. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

D. It will be the responsibility of the director, with the advice of the charter school board, to establish a school and community advisory team to address chemical abuse problems in the charter school. This will be a responsibility of the DART Team.

E. The charter 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/person'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 school board policy Drug-Free Workplace/Drug-Free School.

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. "Charter 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 functions, such as a field trip or athletic event, where students are under the jurisdiction of the charter school; or during any period of time such employee is supervising students on behalf of the charter school or otherwise engaged in charter school business.

IV. PROCEDURES

A. Instruction. Every charter school shall provide an instructional program in chemical abuse and the prevention of chemical dependency. The charter school shall involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.

Each school shall have age-appropriate and developmentally based activities that:

1. address the consequences of violence and the illegal use of drugs, as appropriate;
2. promote a sense of individual responsibility;
3. teach students that most people do not illegally use drugs;
4. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
5. teach students about the dangers of emerging drugs;
6. engage students in the learning process; and
7. incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.

Each school shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.

TRIO Wolf Creek Distance Learning Charter School #4095

Each school shall disseminate drug and violence prevention information within the school and to the community.

Each school shall 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.

Each school shall have drug and violence prevention activities that may include the following:

1. Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
2. The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.
3. 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.
4. 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.
5. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

B. Pre-assessment Team.

1. Every charter school shall have a chemical abuse pre-assessment team. The team will be composed of classroom teachers, administrators, and other appropriate professional staff to the extent they exist in each school, such as 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 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 school and community services in connection with chemical abuse.

TRIO Wolf Creek Distance Learning Charter School #4095

C. Reports of Chemical Use/Abuse.

1. In the event that a charter school employee observes a student using or in possession of chemicals in a school location, the employee shall either take the student to the director or notify an appropriate administrator of the observation and continue to observe the student until the director arrives.

2. The director will notify the student's parents. If there is a medical emergency, the director will notify the school nurse and/or outside medical personnel as appropriate.

3. The director will notify law enforcement officials and the chemical pre-assessment team.

4. The director and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, vehicle, or areas within the student's control in accordance with school board policies regarding search and seizure.

5. The 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.

6. If a school employee suspects a student of using or abusing chemicals, the employee shall notify the director or a member of the pre-assessment team and shall describe the basis for suspicion. The 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 use.

7. The team may determine there is no chemical use. If the team determines there is chemical use, 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.

8. In the event that an employee observes or suspects a student involved in distribution or sale of chemicals in a school location, the employee will either take the student to an appropriate administrator or will notify an administrator and continue observation until the administrator arrives.

9. The director or designee shall notify law enforcement officials and parents of the observed, attempt to distribute, receive, or buy or sell chemicals. Students involved in distribution or receiving 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.

10. Searches in connection with distribution of chemicals will be conducted in accordance with charter school board policies related to search and seizure.

V. 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.

1. 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 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 6 months after the determination is made.

2. If the team decides to provide the student or parents with such information, records created or maintained by the team about the student shall be destroyed not later than 6 months after the student is no longer enrolled in the school.

3. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

VI. 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.

VII. SCHOOL AND COMMUNITY ADVISORY TEAM

A. The director and charter school shall establish a school and community advisory team to address chemical abuse problems. The advisory team will be composed of representatives from the school pre-assessment teams, law enforcement

agencies, county attorney's office, social service agencies, chemical abuse treatment programs, and others.

B. The advisory team shall:

1. 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 the schools and other community agencies.

VIII. EMPLOYEES

A. The Charter School 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. The school district's drug-free workplace/drug-free school policy.
3. Any available drug or alcohol counseling, treatment, rehabilitation, reentry, 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 Charter School 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 Charter School Director.

[Note: Notification to the federal granting agency within ten (10) days is required by the Drug Free Workplace Act. 41 U.S.C. § 8103.]

Legal References:
Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)
Minn. Stat. § 13.32 (Educational Data)
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. §§ 7101-7165 (Safe and Drug-Free Schools and Communities Act)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

TRIO Wolf Creek Distance Learning Charter School #4095

Cross Reference: Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)
Policy 416 (Drug and Alcohol Testing)
Policy 418 (Drug-Free Workplace/Drug Free School)
Policy 506 (Student Discipline)
502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
Policy 515 (Protection and Privacy of Pupil Records)
Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)