TRIO Wolf Creek Distance Learning Charter School #4095

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.

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 charter school personnel, or member of the public uses or possesses alcohol, toxic substances, controlled substances, or medical cannabis in any charter school location.

C. The charter school 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 charter school building or on any of its 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 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. EXCEPTIONS

A. It shall not be a violation of this policy for a person to bring onto a charter 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 charter school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (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 charter school'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 charter school's drug and alcohol testing policies and procedures.

E. Members of the public are not permitted to possess controlled substances in charter school locations except with the express permission of the director.

F. No person is permitted to possess or use medical cannabis on a school bus or van; or on the grounds of the school.

VI. ENFORCEMENT

A. Students.

1. A student who violates the terms of this policy shall be subject to discipline in accordance with the charter school'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 charter school 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 charter 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 charter school. 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 charter 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 charter school 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.

VII. SPECIFICS

A. Nicotine *(parental notification will take place when any of the following occur):*

1st Offense—If a student is caught with a nicotine product on his/her person or in his/her possession, the student will be referred to Administration. A warning will be given and the nicotine will be confiscated.

1st Offense—If a student is found smoking by a TWC staff member anywhere on the premises, Lakes Area Police Department (LAPD) may be notified and a ticket will be written.

2nd Offense—If a student is caught with a nicotine product on his/her person or in his/her possession, or if he/she are found smoking, TWC staff will contact LAPD and confiscate the nicotine.

On each subsequent offense, TWC staff will contact the LAPD.

B. Suspected Drug or Alcohol Violation *(parental notification will take place when any of the following occur):*

If a student is suspected of drug or alcohol possession or consumption, a member of the Administration team will be notified. The situation will be assessed and if necessary Lakes Area Police Department (LAPD) will be contacted. If the student is found to be under the influence he/she will be suspended for 1-3 days

and required to undergo a drug or alcohol assessment before returning to school. If an officer of the law requests a student to take a test to determine if he/she are under the influence and the student refuses the test, this will be considered a positive test for substance abuse and dealt with in the same manner as above. If a student distributes or possesses drugs or alcohol in school or at a school event, the LAPD will be contacted immediately. This may result in an automatic expulsion.

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)
41 U.S.C. §§ 701-707 (Drug-Free Workplace Act)
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 References:
Policy 403 (Discipline, Suspension and Dismissal of Charter School Employees)
Policy 416 (Drug and Alcohol Testing)
Policy 417 (Chemical Use/Abuse)
Policy 506 (Student Discipline)
Policy 516 (Student Medication)