

Mounds View Public Schools
350 Highway 96 W
Shoreview, MN 55126

Regulation EG-3105

PROHIBITIONS REGARDING DRUGS AND TOBACCO; CHEMICAL USE INTERVENTION

These regulations will govern enforcement of Policy #4902 - Prohibitions Regarding Drugs and Tobacco; Chemical Use Intervention.

Drug Free School Facilities and Drug Free Workplace

Ongoing staff development information will be provided to inform employees about:

1. The dangers of drug use in the workplace;
2. The District's policy of maintaining a drug-free workplace;
3. Available drug counseling, rehabilitation, and employee assistance programs (see Chemical Use Intervention below); and
4. The penalties that may be imposed upon employees for drug use violations occurring in the workplace.

Every employee will comply with this policy of the School District respecting a drug-free workplace. As a condition of employment on any federal grant, employees who are either directly or indirectly engaged in performance of a federal grant will abide by the terms of this policy and will notify their supervisor in writing of their conviction of any criminal drug statute for a violation occurring in the workplace as defined above, no later than five calendar days after such conviction.

The District will notify the funding agency within ten days after receiving notice from an employee as indicated above or otherwise receiving actual notice of such conviction.

Student Violations: Use of Chemicals

See Guidelines for Dealing with Policy Violations by Students (p. 5)

Student Violations regarding the use of chemicals will be subject to the provisions of Policy #5114 - Student Rights and Responsibilities, all applicable Minnesota statutes, Minnesota State High School League rules and regulations, and all other applicable rules and regulations of the School District.

Employee Violations

Any employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension or termination as deemed appropriate by the School Board.

In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug 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.

Sanctions against employees, including non-renewal, suspension and termination will be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements and School District policies. Each employee will be provided a copy of this policy.

Chemical Use Intervention

Chemical dependency is recognized as a treatable illness which can interfere with performance. Employees, their dependents, and students diagnosed as chemically dependent by a health professional will receive the same considerations and benefits provided in benefit plans and programs for other types of illness.

Early identification and assistance for persons with chemical problems are in the best interests of the individual, the family, and the School District. Supervisors and staff will receive training on specific procedures to be used in the identification and referral of individuals who have continuous performance/behavior problems. The District will maintain relationships with community-based agencies which provide diagnosis, counseling, and treatment services. A person's need for treatment or assistance will not affect his/her employment/student status or opportunities. Confidentiality will be maintained as provided by District policies as well as state and federal laws.

The District recognizes the need for ongoing support to the recovering chemically dependent students. Groups facilitated in schools are provided to encourage recovering students, to monitor their progress in school, to support children from dysfunctional environments, etc.

Any employee or student with a documented performance problem who refuses evaluation, diagnosis, treatment and/or who refuses to cooperate with the treatment agency will be treated as any other person with a deficiency or behavior problem. Such a problem will be handled pursuant to Minnesota Statutes, State Department of Education and Minnesota State High School League Rules and Regulations, applicable contractual provisions, School District policies, and due process requirements.

Tobacco Free School Facilities

It will be a violation of Policy #4902 - Prohibitions Regarding Drugs and Tobacco; Chemical Use Intervention for any student or employee to supply, possess or use any form of tobacco product, including chewing tobacco, anywhere on School District property or while involved in any school-sponsored activity.

Student Violations: Use of Tobacco

Student violations regarding the use of tobacco will be subject to the provisions of Policy EG-3109 - Student Rights and Responsibilities, all applicable Minnesota Statutes, Minnesota State High School League Rules and Regulations and all other applicable rules and regulations of the School District.

Employee Violations

Any violation of this policy by employees will be referred to the appropriate supervisor. For a first offense a verbal or written warning will be issued in accordance with applicable collective bargaining agreements or employment practices. For a second offense a written warning will be given to the employee and a copy shall be placed in their personnel file. Any insubordination will be dealt with accordingly based on applicable collective bargaining agreements, if any, and Minnesota Statutes.

Citizen Violations

Citizens who are observed smoking or using tobacco products on School District property will be asked to refrain from such behavior while on School District property. If the individual fails to comply with the request, his or her violation of this policy will be referred to the building administrator or other School District supervisory personnel responsible for the area or program where the violation occurred. School District personnel will make a decision on further action.

Dissemination of Policy & Regulations

Copies of Policy & Regulations EG-3105 – Tobacco and Drugs; Chemical Use Intervention will be distributed to all students, School District personnel and made available to all citizens.

Adopted: April 12, 1993

NOTICE TO EMPLOYEES OF INDEPENDENT SCHOOL DISTRICT #621
INCLUDING EMPLOYEES ENGAGED IN WORK ON FEDERAL GRANTS

YOU ARE HEREBY NOTIFIED that no employee of Independent School District No. 621, including any employee engaged in work in connection with a federal grant, will unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1300.11 through 1300.15.

"Workplace" is defined as the site for the performance of work done in connection with employment. That includes any place where work on a School District federal grant is performed, including a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during 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.

YOU ARE FURTHER NOTIFIED that every employee will comply with this policy of the School District respecting a drug-free workplace. As a condition of employment on any federal grant, employees who are either directly or indirectly engaged in performance of a federal grant will abide by the terms of this policy and will notify their supervisor in writing of their conviction of any criminal drug statute for a violation occurring in the workplace as defined above, no later than five calendar days after any such conviction.

The District will notify the funding agency within ten days after receiving notice from an employee as indicated above or otherwise receiving actual notice of such conviction.

Any employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension or termination as deemed appropriate by the School Board.

In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug 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.

Sanctions against employees, including nonrenewal, suspension and termination, will be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements and School District policies. Each employee shall be provided a copy of this policy.

April 12, 1993

Guidelines for Dealing with Policy Violations by Students

The following Drug and/or Alcohol Side Effects Checklist and Report Form should be used by teachers and/or administrators in three circumstances:

1. When a reasonable suspicion exists that a student is under the influence of any controlled substance, drug, or alcohol while at school or at a school function, or is otherwise in violation of the School District's policy. "Reasonable suspicion" means suspicion regarding the appearance, behavior, speech, attitude, mood, and/or breath odor of the student.
2. When a student is found in possession of any controlled substance, drug, or alcohol in violation of School District policy, or when such items are found in an area controlled or used by the student, such as a student's locker.
3. When an accident, near-miss, or incident occurs in which School District safety precautions are violated or careless acts are performed, and a reasonable suspicion exists that a student is under the influence of a controlled substance, drug, or alcohol.

Step 1

Complete the Report Form. The use of the Report Form will document the basis of your reasonable suspicion and the Policy violation which has occurred. The teacher or administrator should ask the student to sign the Report Form, if possible. In addition, the teacher or administrator should corroborate their report by following the additional procedures detailed below.

Step 2

Remove the student from the classroom or event area. Do not leave the student unattended. Use the Checklist to note what you have seen, heard, smelled, touched, etc. In addition, confirm your assessment of whether the student is able to perform his or her school responsibilities and/or is able to participate in the school function or event and the basis for your assessment. Do not discuss the student's condition or your suspicions with anyone except the site administrator or, if unavailable, another administrator.

Step 3

Obtain the assistance of the site administrator or, if unavailable, another administrator to complete the Checklist and assist you during your investigation.

Step 4

Interview the student with the site administrator or, if unavailable, another administrator present. During the interview, record notes of what is said and the demeanor of the student. Inform the student of what you observed and why you think his/her school performance has been affected.

DO NOT accuse the student of being ?drunk? or ?on drugs? or any similar accusation. Rather, ask the student the following questions:

- (a) Do you feel you are fit to perform school work or to participate in this school function or event?
- (b) Are you ill? If so, are you under the care of a physician?
- (c) Have you taken any medications while at school or before coming to school?
- (d) Have you had any alcohol while at school or before coming to school?
- (e) Has something happened which caused the behavior we have observed?
- (f) Have you recently taken any drug or substance which would explain what we have observed? If so, what kind, how much, and when?

Step 5

Allow the student an opportunity to tell his/her side of the story. If the student?s story does not rationally explain what you have observed, inform the student that, based on your observation and/or reports, the District is concerned about whether the student can properly perform his/her school work or can properly participate in the school function or event and about whether he/she has violated School District policy.

The procedures set forth in these guidelines should be followed at all times. If you have any problems in following the procedures or any questions regarding them, contact the Superintendent immediately.