

Adopted: 08/01/06  
Revised: 12/19/16  
Reviewed: 02/22/21

New Discoveries Montessori Academy Policy 417P

## **417P SUBSTANCE/CHEMICAL USE AND ABUSE**

### **I. PURPOSE**

New Discoveries Montessori Academy recognizes that substance/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. Substance/chemical use and abuse also creates significant problems for society in general. The NDMA board of directors believes that NDMA has a role in education, intervention, and prevention of substance/chemical use and abuse. The purpose of this policy is to assist the school in its goal to prevent substance/chemical use and abuse by providing procedures for education and intervention.

### **II. GENERAL STATEMENT OF POLICY**

- A. Use of controlled substances, toxic substances, and alcohol is prohibited in the school setting in accordance with New Discoveries Montessori Academy policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. It is the policy of New Discoveries Montessori Academy to provide an instructional program in substance/chemical abuse and the prevention of substance/chemical dependency.
- C. New Discoveries Montessori Academy shall establish and maintain a substance/chemical abuse preassessment team. The team is responsible for addressing reports of substance/chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- E. New Discoveries Montessori Academy shall establish and maintain a program to educate and assist employees, students and others in understanding this policy and the goals of achieving a drug-free school and workplace.

***[Note: Comprehensive drug prevention programs are required to be adopted and carried out by school districts pursuant to the Safe and Drug-Free Schools and Communities Act. In addition, school districts are required by the Drug-Free Workplace Act to establish drug-free awareness programs for school district employees. Further, state law authorizes school districts to provide instructional programs in chemical abuse and the prevention of chemical dependency.]***

### III. DEFINITIONS

- A. “Substance/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 normal function in academic, school, or social activities is chronically impaired.
- B. “Chemicals” includes but is not limited to alcohol, toxic substances, over the counter drugs and/or agent to alter moods, medical cannabis, and controlled substances as defined in the school district’s Drug-Free Workplace/Drug-Free School policy.
- 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. “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 the school district; or during any period of time such employee is supervising students on behalf of New Discoveries Montessori Academy or otherwise engaged in NDMA business.

### IV. STUDENTS

- A. Instruction
  - 1. New Discoveries Montessori Academy shall provide an instructional program in substance/chemical abuse and the prevention of chemical dependency. NDMA may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.

***[Note: The Safe and Drug-Free Schools and Communities Act requires school districts to adopt and carry out a comprehensive drug and violence prevention program with funds received. Since a comprehensive drug prevention program is required and a school district is specifically authorized by state law to provide instructional programs in chemical abuse and the prevention of chemical dependency, this should be a component of each school district’s mandatory program. In addition, the Safe and Drug-Free Schools and Communities Act specifies additional items which may be included as part of the mandatory comprehensive drug prevention program. Some of the suggested items relating to instruction or training are detailed in Paragraphs 2. through 6. below and a***

*school district may wish to adopt one or all of the listed components as part of its mandatory program.]*

2. New Discoveries Montessori Academy 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 secondary schools that reinforce prevention activities implemented in elementary schools.
3. New Discoveries Montessori Academy 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.
4. New Discoveries Montessori Academy shall disseminate drug and violence prevention information within the school and to the community.
5. New Discoveries Montessori Academy 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.
6. New Discoveries Montessori Academy shall have drug and violence prevention activities that may include the following:
  - a. Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.

- b. 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.
- c. 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.
- d. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

B. Reports of Chemical Use and Abuse

- 1. In the event that a New Discoveries Montessori Academy employee knows that a student is abusing, possessing, transferring, distributing or selling chemicals in a school location:
  - 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 preassessment 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 school officials shall be in accordance with NDMA board policies regarding search and seizure.
  - e. NDMA 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 school employee has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:
  - a. The employee shall notify an administrator or a member of the preassessment team and shall describe the basis for the suspicion. The 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.
3. Students involved in the abuse, possession, transfer, distribution or sale of 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.
4. Searches by school officials in connection with the abuse, possession, transfer, distribution or sale of chemicals will be conducted in accordance with NDMA board of directors' policies related to search and seizure.

C. Preassessment Team

1. New Discoveries Montessori Academy shall have a chemical abuse preassessment team designated by the board appointed administrator or designee. The team will be composed administrators, and/or other appropriate professional staff to the extent they exist in the school, such as classroom teachers, 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 school and community services in connection with chemical abuse.

D. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.
2. Destruction of Records
  - a. If the preassessment 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 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, 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 notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

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.

**V. EMPLOYEES**

- A. The board appointed administrator 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. New Discoveries Montessori Academy's drug-free workplace/drug-free school policy.
  3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to employees and/or students.

- B. The board appointed administrator 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 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 director.
- C. Reports of Chemical Use and Abuse
1. In the event that a New Discoveries Montessori Academy employee knows that an employee is abusing, possessing, transferring, distributing or selling chemicals in a school location:
    - a. The employee shall immediately notify an appropriate administrator of the observation and continue to observe the employee until the administrator arrives.
    - b. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.
    - c. NDMA will take appropriate disciplinary action in compliance with the employment policy. Such discipline may include immediate leave and/or referral to a detoxification center or medical center.

***[Note: Notification to the federal granting agency within ten (10) days is required by the Drug Free Workplace Act. 41 U.S.C. §§ 701 and 702.]***

***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. § 138.163 (Records Management Act)  
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
41 U.S.C. §§ 701-707 (Drug-Free Workplace Act)  
20 U.S.C. §§ 7101-7165 (Safe and Drug-Free Schools and Communities Act)  
34 C.F.R. Part 85 (Government-wide Requirements for Drug-Free Workplace)

***Cross References:*** NDMA Policy 430P (Employment)  
NDMA Policy 418P (Drug-Free Workplace/Drug Free School)  
NDMA Policy 506P (Student Discipline)  
NDMA Policy 502P (Search of Student Lockers, Desks, Personal

Possessions, and Student's Person)  
NDMA Policy 515P (Protection and Privacy of Pupil Records)