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Contact Person: Assistant Superintendent/Executive Director of Human Resources

POLICY 418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

I. PURPOSE

To maintain a safe and healthful environment for staff and students by prohibiting the use of alcohol, toxic substances medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products and controlled substances without a physician's prescription.

II. GENERAL STATEMENT OF POLICY

- A. Use or possession of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products, controlled substances, toxic substances 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 District staff member, or member of the public to use alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids, edible cannabinoid products or controlled substances in any school location.
- C. An individual may not use or possess cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public school, as defined in Minnesota Statute, including all facilities, whether owned, rented, or leased, and all vehicles that the District owns, leases, rents, contracts for, or controls.
- D. The District will act to enforce this Policy and to discipline or take appropriate action against any student, teacher, administrator, District staff member, 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. "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains cannabinoid in combination with food ingredients, and is not a drug.
- D. "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by injection, inhalation, ingestion or by any other immediate means.
- E. "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 use of dried leaves or plant form; (4) combustion with use of dried raw cannabis; or (5) any other method approved by the commissioner of the Minnesota Department of Health.
- F. "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.
- G. "Sell" means to sell, give away, barter, deliver, exchange, distribute or dispose of to another or to manufacture; or to offer or agree to perform such an act, or to possess with intent to perform such an act.
- H. "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.
- I. "Possess" means to have on one's person, in one's effects, or in an area subject to one's control.
- J. "School location" includes any school building or on any school 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 District; or during any period of time such staff member is supervising students on behalf of the District or otherwise engaged in District business.

IV. EXCEPTIONS

- A. It shall not be a violation of this Policy for a person to bring onto a school location, for such person's own use, a controlled substance, which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. This does not include medical cannabis, nonintoxicating cannabinoids or edible cannabinoid products, for which it is a violation of this Policy for a person to bring onto a school location for such person's use. 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 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).
- C. A violation of this policy does not occur when a person uses or possesses a toxic substance unless they do so with the intent of inducing or intentionally aiding another in inducing intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor.

V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with the District's student medication policy. This does not include medical cannabis, nonintoxicating cannabinoids or edible cannabinoid products.
- B. Staff members who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. This does not include medical cannabis, nonintoxicating cannabinoids or edible cannabinoid products, for which it is a violation of the Policy for a staff member to possess. The staff member must inform his or her supervisor. The staff member may be required to provide a copy of the prescription.
- C. Each staff member shall be notified of this Drug-Free Workplace/Drug-Free School Policy
- D. All staff members are subject to the District's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances, intoxicating cannabinoids, or edible cannabinoid products in a school location except with the express permission of the superintendent.

- F. No person is permitted to possess or use medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility. This prohibition includes (1) vaporizing or combusting medical cannabis on any form of public transportation where the vapor or smoke could be inhaled by a minor child or in any public place, including indoor or outdoor areas used by or open to the general public or place of employment; and (2) operating, navigating, or being in actual physical control of any motor vehicle or working on transportation property, equipment or facilities while under the influence of medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products.
- G. Possession of alcohol on school grounds pursuant to the exceptions of Minnesota Statute shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the School Board procedures for placing an item on the agenda.

VI. SCHOOL PROGRAMS

- A. Starting in the 2026-2027 school year, the District must implement a comprehensive education program on cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, for students in middle school and high school. The program must include instruction on the topics listed in Minnesota Statute and must:
 - 1. respect community values and encourage students to communicate with parents, guardians, and other trusted adults about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl; and
 - 2. refer students to local resources where students may obtain medically accurate information about cannabis use and substance use, including but not limited to the use of fentanyl or mixtures containing fentanyl, and treatment for a substance use disorder.
- B. District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with Minnesota Statute.
- C. Notwithstanding any law to the contrary, the District shall have a procedure for a parent, a guardian, or an adult student 18 years of age or older to review the content of the instructional materials to be provided to a minor child or to an adult student pursuant to this article. The District must allow a parent or adult student to opt out of instruction under this article with no academic or other penalty for the student and must inform parents and adult students of this right to opt out.

VII. ENFORCEMENT

A. Students

1. A student who violates the terms of this Policy shall be subject to discipline in accordance with the District'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. Staff

1. As a condition of employment in any federal grant, each staff member 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 school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
2. Any staff member who violates the terms of this Policy is subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the School Board.
3. In addition, any staff member 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 District. Any staff member 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.
4. Sanctions against staff members, including nonrenewal, suspension, termination, or discharge, shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and District 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.