

Adopted: 10/16/1979  
Revised: 6/17/2008

Saint Paul Public Schools Policy

413.00

## **413.00 DRUG-FREE WORKPLACE**

1. Use and/or possession of controlled substances, toxic substances, or alcohol at or in any school or work location is prohibited as general policy. Paraphernalia associated with controlled substances is also prohibited.
2. No person, as defined below, shall use or possess alcohol, toxic substances or controlled substances at or in any school or work location.
3. The school district will act to enforce this policy and to discipline or take appropriate action against any person who violates this policy.

### **DEFINITIONS**

1. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine or other intoxicating liquor.
2. "Controlled substances" include narcotic drugs, hallucinogenic drugs, prescription 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.
3. "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.
4. "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.
5. "Possess" means to have on one's person, in one's effects or in an area subject to one's control.
6. "School or work location" includes any school district building (whether leased or owned) or on any school district premises; in any district-owned vehicle or in any other district-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 students are under the supervision of the school district.
7. "Person" means any school district personnel (whether an employee, independent contractor, or volunteer), school board member, or member of the public, but does not include a student.

### **EXCEPTIONS**

1. An adult person who has a current prescription from a physician for medical treatment with a controlled substance is permitted to possess such controlled substance and associated necessary paraphernalia. The person may be required to provide a copy of the prescription. At all times such person must keep the controlled substance on his or her person or in

- a locked cabinet or locked vehicle. The person must also comply with the relevant procedures established by District administration.
2. It shall not be a violation of this policy for an employee, under the supervision of the school nurse, to possess at or in a school or work location, for a student's own use, a controlled substance and associated necessary paraphernalia for which the student has a current physician's prescription. At all times such employee must keep the controlled substance on his or her person or in a locked cabinet or locked vehicle. The employee shall comply with the District's student medication policy and relevant procedures established by District administration.
  3. Minors are not permitted to possess controlled substances in a school or work location except with the express permission of the superintendent. When such express permission is given, the minor shall comply with any other relevant procedures established by District administration.
  4. It shall not be a violation of this policy for a person of legal drinking age to possess an alcoholic beverage at or in a school or work 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). Possession of alcohol in a school or work location pursuant to the exceptions of Minn. Stat. § 624.701, subd.. 1a, 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.

## **ENFORCEMENT**

1. Employees/School District Personnel
  - Each employee shall abide by the terms of this policy and applicable procedures 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 no later than five (5) calendar days after such conviction.
  - Upon hire or assignment to work on any federal grant, the employee shall be provided with written notice of this Drug-Free Workplace policy and shall be required to acknowledge that he or she has received the policy.
  - An employee who violates the terms of this policy is subject to disciplinary action, including non-renewal, suspension, termination or discharge 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 and/or alcohol 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 non-renewal, suspension, or termination as deemed appropriate by the school board.
  - Sanctions against employees, including non-renewal, suspension, termination, or discharge shall be pursuant to and in accordance with

applicable statutory authority, collective bargaining agreements and school district policies.

2. Board of Education Members

Each Board of Education member shall abide by the terms of this policy and applicable procedures when serving in the member's capacity as a representative of the District.

3. Members of 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.

**LEGAL REFERENCES:**

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 (Liquor in Certain [School] Buildings or Grounds)

20 U.S.C. §§ 7101-7140, 7161-7165 (Safe and Drug-Free Schools and Communities Act)

21 U.S.C. § 812 (Schedules of Controlled Substances)

41 U.S.C. §§ 701-707 (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:**

413.01, Chemical Use and Abuse

504.00, Drug Free Schools

516.00, Students – Medications/Medical Procedures

