

Adopted: 2/11/2016  
Revised: 11/2019, 11/2022

**NASHA SHKOLA POLICY No. 5.5.2  
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 and controlled substances without a physician's prescription.

**II. POLICY STATEMENT**

It is a violation of this policy for any student, teacher, administrator, other school district personnel, or member of the public to use alcohol, toxic substances, or controlled substances in any school location or at any school function. Nasha Shkola will discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

**III. ENFORCEMENT**

- A. Students. A student who violates the terms of this policy is subject to discipline in accord with Nasha Shkola's discipline policy up to and including suspension or expulsion. Nasha Shkola may also refer the student to a drug or alcohol assistance program and/or to law enforcement officials when appropriate.
- B. Employees. Nasha Shkola employees must abide by the terms of this policy. An employee who violates the terms of this policy is subject to appropriate disciplinary action up to and including discharge. Nasha Shkola may also require an employee who violates the terms of this policy to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school. An employee's failure to satisfactorily participate in and complete such a program may result in nonrenewal, suspension, or termination as deemed appropriate by the Director or the Board.
- C. An employee must notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring on Nasha Shkola property or in any place where Nasha Shkola work is performed. This notice must be provided no later than five calendar days after the employee's conviction.

*This policy does not constitute legal advice; any questions regarding this policy should be directed to your attorney.*

D. Employees representing Nasha Shkola at meetings, conferences, or other events must not unlawfully use drugs or other controlled substances or use alcohol in a manner that results in impaired judgment or performance, reflects negatively on the school, or poses a risk to self or others. This prohibition applies even if students are not present to observe the behavior.

#### **IV. STUDENT MEDICATION**

The provisions governing student medication in school are set forth in Policy 5.5.8 (Student Medicine in School).

#### **V. STAFF MEDICATION**

An employee who has a prescription from a physician for medical treatment with a controlled substance is permitted to possess the medication (and associated medical supplies such as an inhaler or syringe) on school property after informing his or her supervisor. The employee may be required to provide a copy of the prescription to the Director.

#### **VI. EXCEPTIONS**

It is also not 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) and has been approved by the Board of Directors.

#### **VII. NOTICE**

Each employee will be provided written notice of this Drug-Free Workplace/Drug-Free School policy and must acknowledge receipt of the policy.

#### **VIII. DEFINITIONS**

A. For purposes of this policy, the following terms shall mean:

1. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
2. "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,

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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 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 school; or during any period of time such employee is supervising students on behalf of the school otherwise engaged in school business.

***Legal References:*** Minn. Stat. §124E.10 (Minnesota Charter School Law)  
Minn. Stat. §624.701 (Liquor in Certain Buildings or Grounds)  
41 U.S.C. §§8101-8106 (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)  
21 C.F.R. §§1308.11-1308.15 (Controlled Substances)  
34 C.F.R. Part 84