

Adopted: 01-18-2016  
Revised: \_\_\_\_\_

**ROCHESTER BEACON ACADEMY- RBA**  
**POLICY No. 704**  
**CHEMICAL USE AND ABUSE**

**I. PURPOSE**

RBA recognizes that chemical use and abuse creates a grave threat to the physical and mental well-being of students and employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general.

**II. POLICY STATEMENT**

Under RBA's Drug-Free Workplace/Drug-Free School Policy, use of controlled substances, toxic substances, and alcohol is prohibited in the school setting. RBA wishes to establish a program to educate and assist employees, students and others in understanding the goals of achieving drug-free schools and workplaces.

**III. PROGRAM FOR STUDENTS**

- A. Instructional Program. RBA will provide and make available to students an instructional program in chemical abuse and the prevention of chemical dependency. The program will educate students about the dangers of chemical abuse, address the consequences of the illegal use of chemicals, promote a sense of individual responsibility, and encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about illegal drug or alcohol use.
- B. Pre-Assessment Team. In compliance with state statutes, RBA will establish a chemical abuse pre-assessment team. The team is responsible for addressing reports of student chemical abuse problems and making recommendations for appropriate responses in the individual cases. 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 parent(s) with information about school and community services in connection with chemical abuse. Under state statute, a minor student may give 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.

- C. Pre-Assessment Team Records. Notwithstanding the Records Management Act, Minn. Stat. §138.163, if the pre-assessment team decides not to provide the student and, in the case of a minor, the student's parent(s) with information about school or community services in connection with chemical abuse, the pre-assessment team records must be destroyed no later than six months after the determination is made. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parent(s) with such information, the pre-assessment team records must be destroyed no later than six months after the student is no longer enrolled in RBA.
- D. Disciplinary Consequences. Students who abuse, possess, or distribute illicit chemicals will be suspended in compliance with RBA's student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. §121A.40-121A.56, and proposed for expulsion.

#### **IV. DRUG FREE AWARENESS AND PREVENTION PROGRAM**

- A. Prevention Program. The Director or his/her designee will 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) the school's Drug-Free Workplace/Drug-Free School policy, and (3) any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to employees and/or students.
- B. Notice of Conviction. The Director or his/her designee will 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 conviction to the Director. Notice to the federal granting agency within 10 days is required by the Drug Free Workplace Act, 41 U.S.C.A. § 8103.

**Legal References:** Minn. Stat. §§ 121A.25-121A.29 (Chemical Abuse)  
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 124E.03 (Charter Schools – Applicable Law)  
Minn. Stat. § 124E.11 (Charter Schools – Admission Requirements)  
Minn. Stat. § 124E.12 (Charter Schools – Employment)  
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)  
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)  
20 U.S.C. §§ 7101-7165 (Safe and Drug-Free Schools and Communities Act)

34 C.F.R. Part 84