

subscribers with whom the caller has a current business or personal relationship, or (3) messages advising employees of work schedules.

**Sec. 3. [325E.28] REQUIREMENTS ON AUTOMATIC DIALING-ANNOUNCING DEVICES.**

A caller shall not use an automatic dialing-announcing device unless the device is designed and operated so as to disconnect within ten seconds after termination of the telephone call by the subscriber.

**Sec. 4. [325E.29] MESSAGE REQUIREMENTS.**

Where the message is immediately preceded by a live operator, the operator must, at the outset of the message, disclose:

(1) the name of the business, firm, organization, association, partnership, or entity for which the message is being made;

(2) the purpose of the message;

(3) the identity or kinds of goods or services the message is promoting; and

(4) if applicable, the fact that the message intends to solicit payment or commitment of funds.

**Sec. 5. [325E.30] TIME OF DAY LIMIT.**

A caller shall not use an automatic dialing-announcing device nor make any commercial telephone solicitation before 9:00 a.m. or after 9:00 p.m.

**Sec. 6. [325E.31] REMEDIES.**

A person who is found to have violated sections 2 to 5 is subject to the penalties and remedies, including a private right of action to recover damages, as provided in section 8.31.

Approved May 28, 1987

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**CHAPTER 295—S.F.No. 300**

*An act relating to education; establishing chemical abuse pre-assessment teams and community advisory teams; requiring teachers to report possession, use, and transfer of chemical substances by students; amending Minnesota Statutes 1986, sections 127.41, subdivision 3; and 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 126.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Section 1. [126.033] DEFINITIONS.

Subdivision 1. APPLICABILITY. The definitions in this section apply to sections 1 to 10.

Subd. 2. CONTROLLED SUBSTANCES. "Controlled substances" means the term as defined in section 152.01, subdivision 4 and "marijuana" as defined in section 152.01, subdivision 9.

Subd. 3. CHEMICAL ABUSE. "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 minor's normal functioning in academic, school, or social activities is chronically impaired.

Subd. 4. CONTRABAND. "Contraband" means property that is illegal to possess under state law.

Subd. 5. TEACHERS. "Teachers" has the meaning given it in section 125.03, subdivision 1.

Sec. 2. [126.034] SCHOOL PRE-ASSESSMENT TEAMS.

Every public school, and every nonpublic school that participates in a school district chemical abuse program shall establish a chemical abuse pre-assessment team. The pre-assessment team must be composed of classroom teachers, administrators, and to the extent possible, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. The superintendents or their designees shall designate the team members in the public schools. The pre-assessment team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

Sec. 3. [126.035] SCHOOL AND COMMUNITY ADVISORY TEAM.

The superintendent, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems in the district. The school and community advisory team must be composed of representatives from the school pre-assessment team established in section 2, to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community. The community advisory team shall:

(1) build awareness of the problem within the community, identify available treatment and counseling programs for students, and develop good working relationships and enhance communication between the schools and other community agencies;

(2) develop a written procedure clarifying the notification process to be used by the chemical abuse pre-assessment team established under section 2 when a

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student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student, and the student's parents or guardian; and

(3) develop a written memorandum of understanding between school personnel and law enforcement agencies identifying when the school shall notify the local law enforcement agency that a violation of its drug and alcohol policy has occurred, and when the law enforcement agency shall notify the school chemical abuse pre-assessment team of incidents occurring off the school premises involving chemical abuse by students enrolled in that school pursuant to the possession or purchase of alcohol in violation of section 340A.503, subdivision 2 or 3, or in the case of controlled substances, a violation of section 152.09, subdivision 1.

#### Sec. 4. [126.037] REPORTING; CHEMICAL ABUSE.

A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse pre-assessment team of this information.

Sec. 5. Minnesota Statutes 1986, section 127.41, subdivision 3, is amended to read:

Subd. 3. **POLICY COMPONENTS.** The policy shall include at least the following components:

(a) rules governing pupil conduct and procedures for informing pupils of the rules;

(b) the grounds for removal of a pupil from a class;

(c) the authority of the classroom teacher to remove pupils from the classroom pursuant to procedures and rules established in the district's policy;

(d) the procedures for removal of a pupil from a class by a teacher, school administrator, or other school district employee;

(e) the period of time for which a pupil may be removed from a class, which may not exceed three class periods for a violation of a rule of conduct;

(f) provisions relating to the responsibility for and custody of a pupil removed from a class;

(g) the procedures for return of a pupil to the specified class from which the pupil has been removed;

(h) the procedures for notifying pupils and parents or guardians of violations of the rules of conduct and of resulting disciplinary actions;

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(i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a pupil's behavior;

(j) any procedures determined appropriate for encouraging early detection of behavioral problems;

(k) any procedures determined appropriate for referring pupils in need of special education services to those services; and

(l) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individual education plan of a handicapped pupil who is removed from class; and

(m) procedures for detecting and addressing chemical abuse problems of pupils while on the school premises.

Sec. 6. Minnesota Statutes 1986, section 260.161, subdivision 3, is amended to read:

Subd. 3. Peace officers' records of children shall be kept separate from records of persons 18 years of age or older and shall not be open to public inspection or their contents disclosed to the public except by order of the juvenile court or except as required by a written memorandum of understanding adopted under section 3. No photographs of a child taken into custody for any purpose may be taken without the consent of the juvenile court. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

Approved May 28, 1987

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#### CHAPTER 296—S.F.No. 317

*An act relating to retirement; police and salaried firefighters relief associations; authorizing the voluntary consolidation of local relief associations with the public employees police and fire fund; authorizing the individual election of applicable benefit coverage upon consolidation; amending Minnesota Statutes 1986, sections 353.01, subdivisions 2b, 10, and 16; 353.271; 353.64, subdivision 1; and 353.65, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 353 and 356; proposing coding for new law as Minnesota Statutes, chapters 353A and 353B.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 353.01, subdivision 2b, is amended to read:

Subd. 2b. **EXCLUDED EMPLOYEES.** The following persons are excluded from the meaning of "public employee":

Changes or additions are indicated by underline, deletions by ~~strikeout~~.