



**SECTION: EMPLOYEES**

**POLICY: 351**

**TITLE: DRUG AND SUBSTANCE ABUSE**

**ORIGINAL:** August 21, 2004

**CURRENT REVISION:** June 6, 2022

**LAST REVIEWED BY THE COMMITTEE:**

**I. PURPOSE**

- A. The Board recognizes that the misuse of drugs and alcohol by District employees is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems as they relate to an employee's safety, efficiency and productivity.
- B. The primary purpose and justification for any District action will be for the protection of the health, safety and welfare of pupils, staff and school property.

**II. DEFINITIONS**

- A. **Drugs and Alcohol** - shall include but not by way of limitation alcohol, malt beverages, and any drug or substance outlined in the Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-101, etc., as amended.
- B. **Conviction** - 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 statute.
- C. **Criminal Drug Statute** - A federal or nonfederal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.
- D. **Drug-free Workplace** - The site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.

**III. POLICY**

- A. The Board requires that each District employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the District of any criminal drug statute conviction for a violation occurring in the workplace no later than seventy-two (72) hours after such conviction.
- B. An employee convicted of delivery of or possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the District.
- C. A statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of alcohol, drugs or controlled substances is prohibited in the employee's workplace shall be provided by the Director of Human Resources, and shall specify the actions

that will be taken with respect to an employee for violation of this policy, up to and including termination and referral for prosecution.

- D. Disciplinary Action- Any employee who, as a result of reasonable suspicion testing, has produced a result indicating an alcohol concentration of more than 0.02, or who has received a controlled substance test from a medical review officer indicating a verified positive result, shall be subject to discipline, up to and including immediate termination and referral for prosecution.
- E. The District shall notify any federal agency or department that is grantors of funds to the District within ten (10) days after receiving notice from an employee or receiving actual notice of a conviction.
- F. The District shall take appropriate personnel action against any convicted employee within thirty (30) days of receiving notice, up to and including termination, or require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for those purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. The District shall take appropriate personnel action up to and including termination.

#### **IV. DELEGATION OF AUTHORITY**

- A. The Board authorizes the Superintendent or his/her designee to establish appropriate guidelines and procedures to implement this policy and insuring the District's compliance with applicable law.
- B. The Superintendent or designee shall immediately report incidents involving the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act by any employee while on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.
- C. In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances or drug paraphernalia to the Office for Safe Schools on the required form.

#### **V. REFERENCES**

35 P.S. 780-101 et seq.  
41 U.S.C. 8101  
24 P.S. 1-111  
41 U.S.C. 8103  
24 P.S. 5-527  
41 U.S.C. 8104  
22 PA Code 10.2  
24 P.S. 13-1302.1-A  
24 P.S. 13-1303-A  
35 P.S. 780-102  
Pol. 805.1  
Pol. 317