

# Policy Guide



Policy No. 851

Section OPERATIONS

Title EMPLOYEE DRUG AND SUBSTANCE ABUSE

Adopted MAY 23, 2017

Revised \_\_\_\_\_

	<p><b>POLICY NO. 851</b>  <b>EMPLOYEE DRUG AND SUBSTANCE ABUSE</b></p> <p><b>THIS POLICY SHALL SUPERSEDE POLICY 551.</b></p>	
Section 1	<p><b><u>Purpose</u></b></p> <p>The Board recognizes that the misuse of drugs by administrative, professional and classified employees is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by drug use by district employees, especially as the use relates to an employee’s safety, efficiency and productivity.</p> <p>The primary purpose and justification for District action will be for the protection of the health, safety and welfare of students, staff and school property.</p>	
Section 2	<p><b><u>Definitions</u></b></p> <p><b>Drugs</b> – Shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.</p> <p><b>Conviction</b> – A finding of guilt, including a plea of nolo contendere, imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute.</p> <p><b>Criminal Drug Statute</b> – A federal or state criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.</p>	<p>35 P.S. Sec. 780-101 et seq.</p> <p>41 U.S.C. Sec. 8101</p> <p>41 U.S.C. Sec. 8101</p>

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<b>Section 3</b>	<p><b>Drug-Free Workplace</b> – 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.</p> <p><b><u>Authority</u></b></p> <p>The Board requires that each administrative, professional and classified employee be given a copy of this policy and 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 statue conviction for a violation occurring in the work place not later than five (5) days after such conviction.</p> <p>Any 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.</p>	<p>41 U.S.C. Sec. 8101</p> <p>SC 111 41 U.S.C. Sec. 8103</p> <p>SC 527 35 P.S. Sec. 780-101 et seq.</p>
<b>Section 4</b>	<p><b><u>Delegation of Responsibility</u></b></p> <p>A statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the employee’s workplace shall be provided by the Superintendent or designee and shall specify the actions that will be taken against the employee for the violation of this policy, up to and including termination and referral for prosecution.</p> <p>Within ten (10) days after receiving notice of the conviction of a district employee, the District shall notify any federal agency or department that is the grantor of funds to the District.</p> <p>The District shall take appropriate personnel action within thirty (30) days of receiving notice against any convicted employee, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.</p>	<p>41 U.S.C. Sec. 8103, 8104</p> <p>41 U.S.C. Sec. 8103</p> <p>41 U.S.C. Sec. 8103, 8104</p>

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**Section 5**

**Guidelines**

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.

SC 1303-A  
Title 22 Sec. 10.2,  
10.21  
35 P.S. Sec. 780-  
102  
Pol. 825

**Drug-Free Workplace**

The District shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.

41 U.S.C. Sec.  
8103

In establishing a drug-free workplace, the Superintendent or designee shall inform employees about:

41 U.S.C. Sec.  
8103

1. Dangers of drug abuse in the workplace.
2. The Board's policy of maintaining a drug-free workplace.
3. Availability of drug counseling, drug rehabilitation, and employee assistance programs.
4. Penalties that may be imposed for drug abuse violations occurring in the workplace.

**Performance Enhancing Drugs**

The Board prohibits coaches, sponsors, employees and other representatives of the District from encouraging, supplying, promoting, or condoning the use of performance enhancing drugs (prescription and non-prescription) among students.

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References:

School Code – 24 P.S. Sec. 111, 527, 1302.1-A, 1303-A

State Board of Education Regulations – 22 PA Code Sec. 10.2,  
10.21

PA Controlled Substance, Drug, Device and Cosmetic Act – 35  
P.S. Sec. 780-101 et seq.

Drug-Free Workplace Act – 41 U.S.C. Sec 8101 et seq.

Board Policy – 817, 825