SHALER AREA SCHOOL DISTRICT

No: 351

SECTION: ADMINISTRATIVE EMPLOYEES
TITLE: DRUG & SUBSTANCE ABUSE
ADOPTED: MARCH 18, 1998
REVISED: MAY 17, 2000; FEBRUARY 19, 2014

351. DRUG AND SUBSTANCE ABUSE

1. Purpose

The Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the whole school community. As such, the Board is very much concerned about the problem that may be caused by drugs used by administrative employees, especially as the use relates to the safety, efficiency, and productivity of the administrative employees.

P.L. 100 - 690

The primary purpose and justification for any action on the part of the school staff would be the protection of the health, safety, and welfare of students, staff, and school property.

The Shaler Area School District has a responsibility to its employees, those who use its services, and the general public to ensure a safe and efficient environment for learning activities and work. To satisfy this responsibility, the Shaler Area School District must ensure a work environment which is free from alcohol and other drugs and the effects thereof.

An employee may not possess, use, manufacture, transport, or distribute alcohol or an illicit drug or a controlled substance or drug paraphernalia on the District's premises or as part of any District business or activity either on district property or off site, where the business or activity does not actually take place on District property. An employee may not report for work impaired by alcohol or an illicit drug, or a controlled substance, including the abuse of prescription drugs. An employee who reports to work impaired or who unlawfully possesses, uses, manufactures, transports, or distributes alcohol or illicit drugs, or a controlled substance on work time, is subject to disciplinary and/or employment action, which may include termination, following the just cause provisions of the Collective Bargaining Agreement and the Public School Code of 1949, as amended.

2. Definitions P.S. 35 Sec. 780-101 et seq For the purposes of this policy, drugs shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act. Also, the School District appropriately recognizes alcohol as a drug although it is not so defined within the prevailing criminal drug statutes.

P.L. 100-690 Conviction shall be defined as 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. Administrative employee(s) convicted of delivery of controlled substance or convicted of possession of a controlled substance with the intent SC 527 to deliver shall be terminated from his/her employment with the District. Criminal drug statute shall be defined as a federal or nonfederal criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance. A statement notifying administrative employees that the unlawful manufacture, distribution, dispensation, transporting, possession, or use of a controlled substance is prohibited in the administrative employee's workplace shall be provided by the Director of Human Resources and shall specify the actions that will be taken against the administrative employee for violation of this policy up to and including termination and referral for prosecution. 3. Authority The Board requires that each administrative employee be given a copy of the SC 111 statement and notification to the employee that, as a condition of employment, 41 U.S.C. the employee will abide by the terms of the statement and notify the district of Sec. 8103 any criminal drug statute conviction for a violation occurring in the workplace P.L. 101-226 immediately, but no later than seventy-two (72) hours, after such conviction. Sec. 5115 (a) (4) SC 527 Any employee convicted of delivery of a controlled substance or convicted of 35 P.S. possession of a controlled substance with the intent to deliver shall be Sec. 780-101 terminated from his/her employment with the district. et seq 4. Delegation of A statement notifying employees that the unlawful manufacture, distribution, Responsibility dispensation, possession, or use of a controlled substance is prohibited in the 41 U.S.C. employee's workplace shall be provided by the Director of Human Resources Sec. 8103, 8104 and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination and referral for prosecution. 41 U.S.C. Within ten (10) days after receiving notice of the conviction of a district Sec. 8103 employee, the district shall notify any federal agency or department that is the grantor of funds to the district. 41 U.S.C. The District shall take appropriate personnel action within thirty (30) days of Sec. 8103, 8104 receiving notice against such an employee, up to and including termination, and 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.

41 U.S.C. Sec. 8103

In establishing a drug-free awareness program, the Director of Human Resources shall inform employees about:

- 1. Dangers of drug abuse in the workplace.
- 2. 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.

41 U.S.C. Sec. 8103

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

5. Guidelines SC 1302.1-A, 1303-A

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 Pol. 805.1

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.

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.

Board Policy – 317, 805.1