

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: ~~SUPPORT~~EMPLOYEES

TITLE: DRUG AND SUBSTANCE
ABUSE

ADOPTED: August 19, 2002

REVISED: August 19, 2013

554 <u>351</u> . DRUG AND SUBSTANCE ABUSE	
<p>1. Purpose</p>	<p>The Board recognizes that the misuse of drugs 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 employees, especially as the use relates to an employee's safety, efficiency and productivity.</p> <p>The primary purpose and justification for any school district action will be for the protection of the health, safety and welfare of students, staff and school property.</p>
<p>2. Definitions 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> <p>41 U.S.C. Sec. 8101</p>	<p>Drugs shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.</p> <p>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.</p> <p>Criminal Drug Statute - A federal or state criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.</p> <p>Drug-free Workplace - The site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance.</p>
<p>3. Authority SC 111 41 U.S.C. Sec. 8103</p> <p>SC 527 35 P.S. Sec. 780-101 et seq</p>	<p>The Board requires that each support employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the school district of any criminal drug statute conviction for a violation occurring in the workplace immediately, but no later than seventy-two (72) hours, after such conviction.</p> <p>An employee convicted of delivery of a controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the school district.</p>

<p>4. Delegation of Responsibility 41 U.S.C. Sec. 8103, 8104</p>	<p>A statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Superintendent 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.</p>
<p>41 U.S.C. Sec. 8103</p>	<p>Grantors of funds shall be notified within ten (10) days after the school district receives notice from an employee or receives actual notice of a conviction.</p>
<p>41 U.S.C. Sec. 8103, 8104</p>	<p>The school district shall be responsible for taking appropriate personnel action within thirty (30) days of receiving notice, with respect to any convicted employee, 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</p>	<p>In establishing a drug-free awareness program, the Superintendent shall inform employees about the:</p> <ol style="list-style-type: none"> 1. Dangers of drug abuse in the workplace. 2. School district'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.
<p>41 U.S.C. Sec. 8103</p>	<p>The school district shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.</p>
<p>5. Guidelines SC 1302.1-A, 1303-A Title 22 Sec. 10.2, 10.21 35 P.S. Sec. 780-102 Pol. 805.1</p>	<p>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.</p> <p><u>Employees shall be required to undergo testing for drugs and alcohol when reasonable suspicion exists, at random, upon return-to-duty and as a follow-up measure after engaging in prohibited conduct that resulted in a positive drug or</u></p>

<p>SC 1303-A Pol. 805.1</p>	<p><u>alcohol test result.</u></p> <p>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.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 111, 527, 1302.1-A, 1303-A</p> <p>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21</p> <p>PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-101 et seq.</p> <p>Drug-Free Workplace Act – 41 U.S.C. Sec. 8101 et seq.</p> <p>Board Policy – 317, 805.1</p> <p><u>PSBA Revision 4/13</u></p>
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