

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: EMPLOYEES

TITLE: ~~DRUG AND CONTROLLED~~  
SUBSTANCE ABUSE

ADOPTED: August 19, 2002

REVISED: August 19, 2013  
June 26, 2017

<p><del>1. Purpose</del></p> <p><del>2. Definitions</del> <del>— 35 P.S.</del> <del>— Sec. 780-101</del> <del>— et seq</del></p> <p><del>—</del> <del>— 41 U.S.C.</del> <del>— Sec. 8101</del></p> <p><del>— 41 U.S.C.</del> <del>— Sec. 8101</del></p> <p><del>— 41 U.S.C.</del> <del>— Sec. 8101</del></p>	<p>351. <del>DRUG AND CONTROLLED</del> SUBSTANCE ABUSE</p> <p><b><u>1. Purpose</u></b></p> <p><del>The Board recognizes that the misuse of <b>controlled substances</b> by administrative, professional and support 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 <b>controlled substance abuse</b> by district employees, especially as it relates to an employee's safety, efficiency and productivity.</del></p> <p><del>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.</del></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><b><u>2. Definitions</u></b></p> <p><b><u>Drugs Controlled Substances</u></b> - shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.[1]</p> <p><b><u>Conviction</u></b> <del>—</del> <u>For purposes of this policy, is defines as aA</u> 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.[2]</p> <p><b><u>Criminal Drug Statute</u></b> - A federal or state criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.[2]</p> <p><b><u>Drug-free Workplace</u></b> - 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.[2]</p>
--	---

<p><del>3. Authority</del>  <del>— SC 111</del>  <del>— 41 U.S.C.</del>  <del>— Sec. 8103</del></p> <p><del>— SC 527</del>  <del>— 35 P.S.</del>  <del>— Sec. 780-101</del>  <del>— et seq</del></p> <p><del>4. Delegation of Responsibility</del>  <del>— 41 U.S.C.</del>  <del>— Sec. 8103, 8104</del></p> <p><del>— 41 U.S.C.</del>  <del>— Sec. 8103</del></p> <p><del>— 41 U.S.C.</del>  <del>— Sec. 8103, 8104</del></p> <p><del>— 41 U.S.C.</del>  <del>— Sec. 8103</del></p>	<p><b><u>3. Authority</u></b></p> <p>The Board requires that each <del>support</del> 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 <b>immediately, but no later than seventy-two (72) hours</b>, 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 <u>or convicted of an offense defined as a felony under the Controlled Substance, Drug, Device and Cosmetic Act</u>, shall be terminated from his/her employment with the school district, <u>in accordance with applicable law, regulations and Board policy.</u>[1][3][5][6]</p> <p><b><u>4. Delegation of Responsibility</u></b></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 <u>or designee</u> 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.[4][7]</p> <p>Grantors of funds shall be notified within ten (10) days after the school district receives notice <del>from an employee or receives actual notice</del> of <u>a the conviction of a district employee.</u>[4]</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, <u>up to and including termination</u>, 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.[4][6][7]</p> <p>In establishing a drug-free <u>workplace</u> awareness program, the Superintendent <u>or designee</u> shall inform employees about the:</p> <ol style="list-style-type: none"> <li>1. Dangers of drug abuse in the workplace.</li> <li>2. School district's policy of maintaining a drug-free workplace.</li> <li>3. Availability of drug counseling, drug rehabilitation, and employee assistance programs.</li> <li>4. Penalties that may be imposed for drug abuse violations occurring in the workplace.</li> </ol>
--	---

<p><del>41 U.S.C. Sec. 8103</del></p> <p><del>5. Guidelines SC 1302.1 A, 1303 A Title 22 Sec. 10.2, 10.21 35 P.S. Sec. 780-102 Pol. 805.1</del></p> <p><del>SC 1303 A Pol. 805.1</del></p>	<p>The school district shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.<del>[4]</del></p> <p><b><u>5. Guidelines</u></b></p> <p>The Superintendent or designee shall immediately report incidents involving the <u>prohibited</u> 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 <del>local police department</del><u>law enforcement agency</u> 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.<del>[8][9][10][11][12][13]</del></p> <p>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 alcohol test result.</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 <del>Office for Safe Schools</del><u>PA Department of Education</u><del>on the required form.</del><del>[8][9][13]</del></p> <p>References:</p> <p><u>Legal References</u></p> <ol style="list-style-type: none"> <li><u>1. 35 P.S. 780-101 et seq</u></li> <li><u>2. 41 U.S.C. 8101</u></li> <li><u>3. 24 P.S. 111</u></li> <li><u>4. 41 U.S.C. 8103</u></li> <li><u>5. 24 P.S. 527</u></li> <li><u>6. Pol. 317</u></li> <li><u>7. 41 U.S.C. 8104</u></li> <li><u>8. 24 P.S. 1306.2-B</u></li> <li><u>9. 24 P.S. 1319-B</u></li> <li><u>10. 22 PA Code 10.2</u></li> <li><u>11. 22 PA Code 10.21</u></li> <li><u>12. 35 P.S. 780-102</u></li> <li><u>13. Pol. 805.1</u></li> </ol> <p><u>41 U.S.C. 8101 et seq</u></p> <p><u>Pol. 810.1</u></p> <p><u>Pol. 810.3</u></p>
--	--

~~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—317, 805.1~~