

FAIRVIEW SCHOOL DISTRICT

SECTION: PROFESSIONAL EMPLOYEES

TITLE: DRUG AND SUBSTANCE
ABUSE

ADOPTED: June 20, 1994

REVISED: February 26, 1996

<p>451. DRUG AND SUBSTANCE ABUSE</p>	
<p>1. Purpose</p> <p>P.L. 100-690</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. As such, the Board is very much concerned about the problem that may be caused by drug use by employees, especially as the use relates to the safety, efficiency and productivity of each employee.</p> <p>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.</p>
<p>2. Definitions</p> <p>P.S. 35 Sec. 780-101 et seq</p> <p>P.L. 100 690 SC 527</p>	<p>For purposes of this policy, drugs shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.</p> <p>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 statutes. Any employee convicted of delivery of controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.</p> <p>Criminal drug statute shall be defined as a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.</p> <p>Drug-free workplace shall be defined as the site for the performance of work done in connection with a specific grant at which professional employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.</p>

3. Delegation of Responsibility
P.L. 101 226
Sec. 5115 (a) (4)

A statement notifying professional 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 and shall specify the actions that will be taken against any employee for violation of this policy up to and including termination and referral for prosecution.

The Board requires that each employee engaged in the performance of the grant be given a copy of the statement and notification to the employee that, as a condition of employment under the grant, the employee will abide by the terms of the statement and notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

The grantor of such funds shall be notified within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction.

The district shall be responsible for taking one of the following actions within thirty (30) days of receiving notice, with respect to any convicted employee.

The district shall take appropriate personnel action against such an employee, up to and including termination, and may 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.

In establishing a drug-free awareness program, the Superintendent shall inform employees about:

1. The dangers of drug abuse in the workplace.
2. The district's policy of maintaining a drug-free workplace.
3. The availability of drug counseling, drug rehabilitation, and employee assistance programs available.
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

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