

SHALER AREA SCHOOL DISTRICT

POLICY 451

SECTION: PROFESSIONAL EMPLOYEES
TITLE: DRUG AND SUBSTANCE ABUSE
ADOPTED: September 16, 1998
REVISED: May 17, 2000

451. 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 professional employees, especially as the use relates to the safety, efficiency, and productivity of the professional employees.

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.

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. Any professional 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.

SC 527

Criminal drug statute shall be defined as a federal or nonfederal criminal statute involving the manufacture, distribution, dispensing, use of possession of any controlled substance.

- 3. Delegation of Responsibility

P.L. 101-226
Sec. 5115 (a) (4)

A statement notifying professional employees that the unlawful manufacture, distribution, dispensing, transporting, possession, or use of a controlled substance is prohibited in the professional employee's workplace shall be provided by the Director of Human Resources and shall specify the actions that will be taken against the professional employee for violation of this policy up to and including termination and referral for prosecution.

The Board requires that each professional employee be given a copy of the statement and notification to the employee that, as a condition of employment, 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 district shall be responsible for taking one of the following actions within thirty (30) days of receiving notice, with respect to any

convicted professional employee.

The District shall take appropriate personnel action 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.

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