

No. 412

SECTION: Professional Employees

TITLE: Drug and Substance Abuse

ADOPTED: November 10, 2005

REVISED: November 10, 2005

REVIEWED: November 10, 2005

# CATASAUQUA AREA SCHOOL DISTRICT

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| <p>Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701 to 707; 34 C.F.R. Part 84; Public School Code § 527.</p> | <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. 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. <u>Definitions.</u></p> <p>For the purpose of this policy—</p> <p>“Controlled substances” shall be defined as in the Controlled Substance, Drug, Device, and Cosmetic Act, 35 Pa. Stat. Ann. § 780-101 <i>et seq.</i>, or the federal Controlled Substances Act, 21 U.S.C. § 812.</p> <p>“Conviction” shall be defined as a finding of guilt (including a plea of nolo contendere) or the imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.</p> <p>“Criminal drug statute” shall be defined as a federal or non-federal criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.</p> <p>“Drug-free workplace” shall be defined as a 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>1<br/>2<br/>3<br/>4<br/>5<br/>6<br/>7<br/>8<br/>9<br/>10<br/>11<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25<br/>26<br/>27<br/>28<br/>29<br/>30<br/>31<br/>32<br/>33<br/>34<br/>35<br/>36<br/>37<br/>38</p> |
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3. Prohibition; Notification.

It is the policy of the District that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance at any employee’s workplace is prohibited.

The Superintendent shall provide a statement to all District employees notifying them that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the employee’s workplace. The statement shall specify the actions that will be taken against any employee for violation of this policy, up to and including termination of employment and referral for prosecution. The statement shall also notify the employee that, as a condition of employment, the employee must (i) abide by the terms of the statement, and (ii) 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.

4. Actions Required in the Event of Criminal Convictions.

Within ten (10) days after receiving notice from an employee of any criminal drug statute conviction for a violation occurring in the workplace, or after otherwise receiving actual notice of such a conviction, the Superintendent shall provide notice of the conviction to every Federal agency which has awarded a grant or contract to the District on which the employee was working.

Within thirty (30) days after learning about an employee’s criminal drug statute conviction for a violation occurring in the workplace, the District must take one or both of the following actions:

a. Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of state and federal law;

b. Require the employee the participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

In accordance with section 527 of the Public School Code, any employee convicted of delivery of a controlled substance or convicted of possession of a controlled substance with intent to deliver shall be terminated from his/her employment with the District.

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5. Drug-free Awareness Program.

The Superintendent shall establish a drug-free awareness program to inform employees about:

- a. The dangers of drug abuse in the workplace.
- b. The District’s policy of maintaining a drug-free workplace.
- c. Any available drug counseling, rehabilitation, and employee assistance programs.
- d. The penalties that may be imposed upon employees for drug abuse violations.

6. Good Faith Effort.

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

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