

- CLASSIFIED PERSONNEL -

### **Drug-Free/Alcohol-Free Schools**

#### **PURPOSE**

The Board is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public. The board regards its personnel as individuals as well as employees. Therefore, the Board believes that alcoholism and drug addiction are extremely serious and should be treated as such. The Board further believes that employees who develop alcoholism or other drug addictions may be helped to recover and should be offered appropriate assistance in many circumstances.

The Board recognizes that any substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Furthermore, it can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, potential accidents, rising health-care costs, lowered morale and diminished interpersonal relationship skills. The Board and its employees share a commitment to create and maintain a drug-free workplace.

The Board and its employees are responsible for the instruction and well-being of the students entrusted in their care. A consistent message needs to be communicated by the Board that the use of illegal drugs, the abuse of alcohol, and the misuse of prescription drugs are unacceptable.

Provisions of the Drug Free Workplace Act, 41 USCA 702, require federal grant recipients to establish a drug-free workplace. Employers must inform employees of drug-free requirements through an awareness program.

#### **POLICY GOALS AND OBJECTIVES**

1. To establish, promote and maintain a safe, healthy working and learning environment for employees and students.
2. To aid the affected employee in locating a rehabilitation program for employees with a self-admitted or detected substance-abuse problem.
3. To promote the reputation of the District and its employees as responsible citizens which are deserving of the public trust and employment.
4. To eliminate substance abuse problems in the workplace.
5. To aid in the reduction of absenteeism, tardiness, and apathetic job performance.
6. To provide a clear standard of job performance for District employees.
7. To provide a consistent model of substance-free behavior for students.

#### **DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

District employees shall not manufacture, distribute, dispense, be under the influence of, possess or use, or attempt to purchase or obtain, sell or transfer any of the following in the workplace or in the performance of duties:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and

**Drug-Free/Alcohol-Free Schools****DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES (CONTINUED)**

3. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

In addition, employees shall not possess prescription drugs for the purpose of sale or distribution.

**DEFINITIONS**

As used in this policy, the following definitions shall apply:

Illegal use of drugs means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C.A. 812). Such term does not include the use of a drug taken under the supervision of a licensed health care professional or other uses authorized by the Controlled Substance Act.

Drug or illegal drug means a controlled substance as defined in Schedules 1 through V of Section 202 of the Controlled Substances Act.

Conviction means a finding of guilt, a plea of guilty including a plea of no-contest, 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.

Criminal Drug Law means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to [KRS 218A.020](#).

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs and prohibited volatile substances as defined in [KRS 217.900](#) that are used or intended for use for an abusive and/or intoxicating purpose.

Safety-sensitive shall refer to positions where a single mistake by such employee can create an immediate threat of serious harm to students and fellow employees. In general, any position approved by the Board that has either direct or indirect contact with students is considered Safety-sensitive. These include, but are not limited to, central office employees, principals, assistant principals, counselors, teachers, teacher-aides, bus monitors, long-term substitute teachers, school secretaries, food service personnel, itinerant staff, custodial/maintenance, all directors, grant recipients and/or those working under the auspices of any federal, state or local grant, others as indicated on the job description for the position, and all adults who supervise students. School Bus Drivers will follow the guidelines as set forth by CDL and state regulations for their specific position as a separate but equal sub group of the random pool of employees.

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Substance abuse shall refer to the misuse or illicit use of alcohol, drugs, or controlled substances, including marijuana, heroin, or cocaine.

**AUTHORIZED DRUGS**

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

**WORKPLACE DEFINED**

Workplace shall mean the site for the performance of work done for the District including any place where work on a District program, project or activity is performed, including, but not limited to, a school building or other school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. "Workplace" shall also include school-sponsored or school-approved activities, events or functions which are held off school property and in which students are under District jurisdiction including, but not limited to, field trips and athletic events.

**REPORTING**

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

**EMPLOYMENT DRUG TESTING PROGRAM**

***Pre-employment:*** Based on the Board-approved employee drug testing program, all applicants being considered for employment positions identified by the Board as being safety-sensitive shall be required to submit to a urinalysis test for the detection of illegal use of drugs as part of the currently required post-offer, pre-employment physical. Applicants for positions that require testing will be given a copy of this policy in advance of the post-offer, pre-employment physical.

Applicants shall acknowledge having read or having had this policy explained to them and should understand that as a condition of employment they are subject to its contents. They shall sign an acknowledgment prior to substance screening, permitting the summary result to be transmitted to the Superintendent or designee. An applicant refusing to complete any part of the drug-testing procedure shall not be considered a valid candidate for employment with the District, and such shall be considered as a withdrawal of the individuals application for employment and as a withdrawal of any offer that may have been remitted from the District. The applicant shall not be permitted to reapply for employment with the District for at least twelve (12) months and not until the applicant is no longer engaging in illegal drug use and agrees to adhere to the Drug-Free/Alcohol-Free Schools policy.

If substance screening shows a confirmed positive result for which there is no current physician's prescription, a second confirming test may be requested by the Superintendent and/or the Superintendent's designee. If a second confirming test is positive, any job offer may be revoked. This policy will apply to any potential employee who is applying for a position with the District as well as any employee seeking a transfer in assignment.

**Drug-Free/Alcohol-Free Schools****RANDOM DRUG TESTING PROGRAM**

**Employees:** The Board as established a random drug testing program for all employees in a safety-sensitive position for all certified and classified employees. The number and frequency of tests shall be determined by the Board's testing lab/vendor/contractor, so long as such number and frequency comply with the terms of this Policy.

**Standards for Conduct.** Employees shall conduct themselves in a manner consistent with the following provisions:

- Employees on duty or in attendance at system-approved or school-related functions shall not be under any degree of intoxication or exude an odor of alcohol.
- Employees shall not possess open alcoholic beverage containers while on duty, or on school property, or in attendance at system-approved or school-related functions.
- Employees on duty shall not use or take prescription drugs above the level recommended by their prescribing physician and shall not use prescribed drugs for purposes other than those for which they are intended.
- Employees shall not dispense such drugs except as provided in Policy 09.2241.

**RETURN TO DUTY TESTING**

An employee who has been given the opportunity to undergo rehabilitation for drugs shall, as a condition of returning to duty, be required to undergo a reasonable follow-up test designated by the Superintendent. The extent and duration of the follow-up testing shall depend upon the safety or security nature of the employee's position and the nature and extent of the employee's substance abuse problem. The Superintendent shall review the conditions of continued employment with the employee prior to his/her return to work. Any such condition for continued employment shall be given to the employee in writing. The Superintendent may consult with the employee's rehabilitation program in determining an appropriate follow-up testing program. In no instance shall the Superintendent order such screening more than one (1) time within a seventy-two (72) hour period.

Any employee subject to return to duty testing who has a confirmed positive drug test shall be in violation of this policy, which constitutes grounds for discipline up to and including termination in accordance with Board policy and state law.

**REASONABLE SUSPICION TESTING**

When the Superintendent/designee reasonably suspects that an employee's work performance or on-the job behavior may have been affected in any way by illegal drugs or alcohol, or that an employee has otherwise violated this policy, the employee may be required to submit to a breath and/or urine test for drug and alcohol. When a supervisor observes or is notified of behaviors or events that lead the supervisor to believe that an employee is in violation of this policy, the supervisor shall notify the Superintendent/designee. An employee who is required to submit to drug/alcohol testing based on reasonable suspicion and refuses to do so shall be subject to discipline for insubordination up to and including termination.

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An employee who tests positive on a reasonable suspicion test shall be in violation of this policy, which shall constitute grounds for discipline, including termination, in accordance with Board policy and state law.

The Superintendent/designee shall be the only individuals in the District authorized to make the determination that reasonable suspicion or cause exists to order a drug screen and shall be the only individuals who may order an employee to submit to a drug screen.

As defined in procedures to implement the employee drug testing program, reasonable suspicion testing procedures may be involved for either chronic and/or acute cases involving prohibited behaviors. Prior to substances screening, employee shall be provided a form for the Employee to review and possibly sign that acknowledges that the summary results shall be transmitted to the Superintendent/designee.

Drug and/or alcohol screening shall be conducted in accordance with the process utilizing the Board-approved, independent, certified laboratories using recognized techniques and procedures as set out in the District employee drug testing plan.

**DISCIPLINARY ACTION**

Any employee who violates the terms of this policy and the District's drug testing program shall be subject to disciplinary actions such as suspension, non-renewal or termination pursuant to KRS 161.790 for certified employees or KRS 161.011 for classified employees. In addition, violations may result in notification of appropriate legal officials.

**CONFIDENTIALITY**

Records that pertain to required substance screens are recognized to be private and sensitive records. They shall be maintained by the Superintendent/designee in a secure fashion to ensure confidentiality and privacy and be disclosed by the Superintendent only to the extent necessary to address any work-related safety risks occasioned by either the drug or alcohol use. Medical records, and information relating directly thereto, shall be maintained in accordance with provisions of state law and used with a regard for employee privacy consistent with law and the purpose of achieving and maintaining a drug and alcohol free workplace. All personnel records and information regarding referral, evaluation, substance screen results, and treatment shall be maintained in a confidential manner, and no entries concerning such shall be placed in an employee's personnel file.

**DRUG TESTING FREQUENCY** - A minimum of 10% of all safety-sensitive employees shall be randomly tested at a minimum of three (3) times during the school year. Any employee who refuses to submit to a drug test will be treated in the same manner as an employee having a positive test result.

**TESTING PROCEDURE** - All urine drug testing shall be done in accordance with the Procedure for Random Drug Testing adopted by the Board which is incorporated herein by reference. The employee shall be notified of all positive test results by District Administration within twenty-four (24) hours after the test results are received and a drug counseling program will be recommended for all employees having a positive test result.

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**ILLICIT OR BANNED SUBSTANCES** - For the purpose of this Policy, illicit or banned substances may include, but shall not be limited to, the following drug classes, substances or their metabolites that can be tested for:

Alcohol, Amphetamines, Anabolic Steroids, Barbiturates, Benzodiazepines, Cocaine Metabolites, LSD, Marijuana Metabolites, Methadone, Methaqualone, Opiates, Phencyclidine, Propoxyphene.

**RELEASE OF RESULTS** - An employee's drug test results may be released to the Building Principal, Superintendent, and employee, if requested.

**ALTERNATIVE**

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program to be paid for by the employee and/or the employee's insurance provider. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non-renewed or terminated. The District employee drug testing program shall establish procedures for rehabilitation.

The District recognizes that the fact that an employee has been referred for assistance and demonstrates willingness or ability to rehabilitate shall be given appropriate considerations as to what, if any, personnel action may be taken.

**NOTIFICATION BY EMPLOYEE**

Any employee convicted of any criminal drug statutes involving illegal use of alcohol, illicit drugs, prescription drugs, or over-the-counter drugs shall, within five (5) working days, provide notification of the conviction to the Superintendent. Within thirty (30) days after receiving notice of a conviction, the Superintendent shall take appropriate disciplinary action and/or refer the employee to an appropriate substance abuse rehabilitation program. Failure of the employee to report the conviction within the time prescribed and/or conviction of a criminal drug law shall lead to disciplinary action up to and including discharge.

**PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all employees which shall include notice of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

**Drug-Free/Alcohol-Free Schools**

**REFERENCES:**

[KRS 160.290](#); KRS 217.900; 34 CFR Part 85

P. L. 101-226 (Improving America's Schools Act of 1994 (Title IV): Safe and Drug-Free Schools and Communities)

**RELATED POLICIES:**

03.2325; 08.1345; 09.2241

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Order #: