



**NORTH ALLEGHENY
SCHOOL DISTRICT**

SECTION:	PROFESSIONAL EMPLOYEES
TITLE:	DRUG AND SUBSTANCE ABUSE
ADOPTED:	8/24/16
REVISED:	

451 - DRUG AND SUBSTANCE ABUSE

Section 1. Purpose

- a. The Board recognizes that the misuse of drugs by professional 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 drug use of District employees, especially as the use relates to an employee's safety, efficiency, and productivity.
- b. The primary purpose and justification for any District action will be for the protection of the health, safety, and welfare of students, staff, and school property.

Section 2. Definition

- a. Drugs - those outlined in the Controlled Substance, Drug, Device, and Cosmetic Act.
- b. Conviction - a finding of guilt, including a plea of nolo contendere, an imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- c. Criminal Drug Statute - a federal or state criminal statute involving the manufacture, distribution, dispensation, use, or possession of a controlled substance.
- d. Drug-free Workplace - 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.

Section 3. Authority

- a. The Board requires that each professional employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the District of any criminal drug statute conviction for a violation occurring in the workplace immediately, but no later than

35 P.S.
Sec. 780-101
et seq.

41 U.S.C.
Sec. 8101

41 U.S.C.
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Sec. 8101

SC 111
41 U.S.C.
Sec. 8103

<p>SC 527 35 P.S. Sec. 780-101 et seq.</p>	<p>seventy-two (72) hours, after such conviction.</p> <p>b. Any employee convicted of delivery of a 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>41 U.S.C. Sec. 8103, 8104</p>	<p>Section 4: <u>Delegation of Responsibility</u></p>
<p>41 U.S.C. Sec. 8103</p>	<p>a. 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 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.</p>
<p>41 U.S.C. Sec. 8103</p>	<p>b. Within ten (10) days after receiving notice of the conviction of a District employee, the District shall notify any federal agency or department that is the grantor of funds to the District.</p>
<p>41 U.S.C. Sec. 8103, 8104</p>	<p>c. The District shall take appropriate personnel action within thirty (30) days of receiving notice against any convicted employee, up to and including termination 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.</p>
<p>SC 1302.1-A, 1303-A Title 22 Sec. 10.2, 10.21 35 P.S. Sec. 780-102 Pol. 805.1 SC 1303-A Pol. 805.1</p>	<p>Section 5. <u>Guidelines</u></p>
<p>41 U.S.C. Sec. 8103</p>	<p>a. The Superintendent or designee shall immediately report incidents involving the 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 local police department 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.</p>
<p>41 U.S.C. Sec. 8103</p>	<p>b. 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 Office for Safe Schools on the required form.</p>
<p>41 U.S.C. Sec. 8103</p>	<p>c. Drug-Free Workplace</p>
<p>41 U.S.C. Sec. 8103</p>	<p>1. The District shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.</p>
<p>41 U.S.C. Sec. 8103</p>	<p>2. In establishing a drug-free workplace, the Superintendent shall inform employees about:</p>

- Dangers of drug abuse in the workplace.
- The Board's policy of maintaining a drug-free workplace.
- Availability of drug counseling, drug rehabilitation, and employee assistance programs.
- Penalties that may be imposed for drug abuse violations occurring in the workplace.

d. Performance Enhancing Drugs

The Board prohibits coaches, sponsors, employees, and other representatives of the District from encouraging, supplying, promoting, or condoning the use of performance enhancing drugs (prescription and non-prescription) among students.

References:

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 – 805.1