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| Book | Policy Manual |
| Section | 300 Employees |
| Title | Drug and Substance Abuse |
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Purpose

The Board recognizes that the misuse of drugs by administrative, professional and classified 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 by [Spring Grove Area School District \(District\)](#) employees, especially as the use relates to an employee's safety, efficiency and productivity.

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.

Definitions

Drugs/Controlled Substance - shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act [and includes medical marijuana.](#) [1][13]

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. [2]

Criminal Drug Statute - a federal or state criminal statute involving the manufacture, distribution, dispensation, use or possession of a controlled substance. [2]

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, [to include medical marijuana.](#) [2][13]

Medical marijuana shall mean marijuana for certified medical use as set forth in the Medical Marijuana Act. [13]

Authority

The Board requires that each administrative, professional and classified employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy

and notify the eDistrict of any criminal drug statute conviction for a violation occurring in the workplace immediately, but no later than seventy-two (72) hours, after such conviction.[3][4]

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 eDistrict.[5][1]

Delegation of Responsibility

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 or designee 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.[4][6]

Within ten (10) days after receiving notice of the conviction of a eDistrict employee, the eDistrict shall notify any federal agency or department that is the grantor of funds to the eDistrict.[4]

The eDistrict 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.[4][6]

In establishing a drug-free awareness program, the Superintendent or designee shall inform employees about:[4]

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

The eDistrict shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy. All employees are prohibited from engaging in the unlawful manufacturing, distribution, dispensation, possession, or use of a controlled substance, or being under the influence of a controlled substance, while on school property, at a school-sponsored activity, or while otherwise caring for District students.[4][13]

Guidelines

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.[7][8][9][10][11][12]

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.[8][12]

Legal

1. 35 P.S. 780-101 et seq
2. 41 U.S.C. 8101
3. 24 P.S. 111
4. 41 U.S.C. 8103
5. 24 P.S. 527
6. 41 U.S.C. 8104
7. 24 P.S. 1302.1-A
8. 24 P.S. 1303-A
9. 22 PA Code 10.2
10. 22 PA Code 10.21
11. 35 P.S. 780-102
12. Pol. 805.1
13. 35 P.S. § 10231.101 et. seq
41 U.S.C. 8101 et seq
Pol. 317