

# **LEBANON SCHOOL DISTRICT**

POLICY: 451  
SECTION: PROFESSIONAL EMPLOYEES  
TITLE: DRUG AND SUBSTANCE ABUSE  
ADOPTED: FEBRUARY 19, 1996  
REVISED: September 17, 2018

## **451. DRUG AND SUBSTANCE ABUSE**

### **Purpose**

The Board recognizes that the misuse of drugs and alcohol 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 and alcohol use 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.<sup>1</sup>

It is the intent of the Board to provide a drug-free workplace for all employees at all work sites whether or not such sites are under the direct operational control of the Board.

It is the further intent of the Board to provide a workplace free of employees who are under the influence of drugs and/or alcohol and who would jeopardize the safety, health and welfare of other employees, students and school property.

### **Definitions**

**Drugs** shall be defined as those outlined in the Controlled Substance, Drug, Device, and Cosmetic Act and as further defined by regulation of 21 CFR 1300.11 through 1300.15. Also encompassed by the definition of "Drugs" are substances not sold as medicines, but that are used for mind altering effect.<sup>2</sup>

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<sup>1</sup> P.L. 100-690.

<sup>2</sup> 35 P.S. 780-101 et seq.

**Alcohol** means any alcoholic beverage, the consumption of which may affect the behavior, performance, and actions of employees to the extent that they may pose a threat of safety of students, themselves or co-workers, and/or which manifests itself with a blood alcohol level of .02 or greater.

**Alcoholic Beverage** defined as any beverage containing ethyl alcohol of any degree of proof originally produced by the distillation of any fermented liquid, whether rectified or diluted with or without water, whatever may be the origin thereof, and shall include powdered alcohol and synthetic ethyl alcohol, but shall not mean or include ethyl alcohol, whether or not diluted, that has been denatured or otherwise rendered unfit for beverage purposes.

**Under the Influence** shall be defined as the employee is affected by a drug or alcohol, or the combination of a drug and alcohol, in any detectable manner. The symptoms of influence may include, but are not limited to those consistent with misbehavior, diminished ability, physical symptoms such as slurred speech and/or odor of alcohol/drugs, difficulty maintaining balance, unsafe work practices, and/or insubordination.

**Conviction** shall mean 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.<sup>3</sup>

**Criminal Drug Statute** - a federal or state criminal statute involving the manufacture, distribution, dispensation, use or possession of a controlled substance.<sup>4</sup>

**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.<sup>5</sup>

### **Authority**

The Board hereby prohibits unlawful manufacturing, dispensing, distribution, possession or use of a controlled substance in any workplace of the Lebanon School District.<sup>6</sup>

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<sup>3</sup> 41 U.S.C. 8101.

<sup>4</sup> 41 U.S.C. 8101.

<sup>5</sup> 41 U.S.C. 8101.

<sup>6</sup> 35 P.S. 780-101 et seq.

The Board hereby prohibits an employee from being under the influence of any drug and/or alcohol while in any workplace of the Lebanon School District.

The Superintendent or designee may require, upon reasonable suspicion, employees to undergo drug and/or alcohol testing.

The Board requires that each administrative 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 no later than five (5) days after such conviction.<sup>7</sup>

An employee convicted of delivery of or possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.<sup>8</sup>

### **Delegation of Responsibility**

The Superintendent shall ensure that the District is abiding by all federal laws in providing a Drug-Free Workplace as a federal grant recipient.<sup>9</sup>

The Superintendent or designee shall develop administrative regulations and establish procedures to appropriately identify, manage, and control situations involving employee's suspected of using, possessing, being under the influence of, or distributing drugs and/or alcohol in the workplace.

### **Guidelines**

#### **Drug-Free Workplace/Convictions**

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.<sup>10</sup>

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<sup>7</sup> 24 P.S. 111; 41 U.S.C. 8103.

<sup>8</sup> 35 P.S. 780-101 et seq.; 24 P.S. 527.

<sup>9</sup> 41 U.S.C. 8101-03.

<sup>10</sup> 41 U.S.C 8103-04; 35 P.S. 780-101 et seq.

Within ten (10) days after receiving notice of the conviction of a District employee for a criminal drug statute offense, the District shall notify any federal agency or department that is the grantor of funds to the district.<sup>11</sup>

The District shall take appropriate personnel action within thirty (30) days of receiving notice against any convicted employee of a criminal drug statute offense, 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.<sup>12</sup>

In establishing a drug-free awareness program, the Superintendent or designee shall inform employees about:<sup>13</sup>

1. Dangers of drug abuse in the workplace.
2. The 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 District shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.<sup>14</sup>

#### Under the Influence of Drugs/Alcohol

A statement notifying employees that being under the influence of drugs and/or alcohol 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.

In establishing and maintaining a workplace environment that is free from employee's operating under the influence of drugs and/or alcohol, the Superintendent or designee shall inform employees about:

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<sup>11</sup> 41 U.S.C 8103.

<sup>12</sup> 41 U.S.C. 8103-04.

<sup>13</sup> 41 U.S.C. 8103.

<sup>14</sup> 41 U.S.C. 8103.

1. Dangers of drug/alcohol abuse in the workplace.
2. The Board's policy of maintaining a workplace free from individuals operating under the influence of drugs and/or alcohol.
3. Availability of drug/alcohol counseling, drug/alcohol rehabilitation, and employee assistance programs.
4. Penalties that may be imposed for drug/alcohol abuse violations occurring in the workplace.

### Drug and Alcohol Testing/Reasonable Suspicion

The District provides a safe environment for the benefit of all employees, students, and the community. It shall be a condition of continued employment for employees to submit to a drug and/or alcohol test when there is reasonable suspicion to believe that an employee is using, has used, or is working under the influence of drugs and/or alcohol.

### Reporting

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 and the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.<sup>15</sup>

In accordance with state law, the Superintendent or designee 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.<sup>16</sup>

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<sup>15</sup> 24 P.S. 1302.1-A, 1303-A; 22 Pa. Code. 10.2, 10.21; 35 P.S. 780-102.

<sup>16</sup> 24 P.S. 1303-A.