

- CERTIFIED PERSONNEL -**Drug-Free/Alcohol-Free Schools**

The Board of Education 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 and its employees share a commitment to create and maintain a drug-free workplace. A consistent message needs to be communicated by the Board that the use of illegal drugs, the use of prohibited substances, the abuse of alcohol, and the misuse of prescription drugs are unacceptable.

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 of 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 school employees.
7. To provide a consistent model of substance-free behavior for students.

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 Substances 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.

Drug-Free/Alcohol-Free Schools**DEFINITIONS (CONTINUED)**

"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, prohibited volatile substances as defined in [KRS 217.900](#) or synthetic compounds/substances 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.

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

DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

District employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, 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
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.

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.

EMPLOYEE DRUG TESTING PROGRAM*Pre-employment:*

Based on the Board-approved employee drug testing program, all applicants being considered for employment shall be required to submit to a urinalysis test for the detection of illegal use of drugs, as part of the 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 had this policy explained to them and should understand that, as a condition of employment, they are subject to the contents of this policy and the employee drug-testing program. They shall sign an acknowledgment prior to substance screening, permitting the summary result to be transmitted to the Superintendent/designee.

Drug-Free/Alcohol-Free Schools*Pre-employment: (continued)*

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 individual's application for employment. The applicant shall not be permitted to reapply for employment with the District for at least twelve (12) months and not until the applicant shows proof of successful completion of a drug rehabilitation program or proof that the applicant is no longer engaging in illegal drug use.

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/designee. If the first or any requested second confirming test is positive, any job offer shall be revoked.

Employees

The Board has established a random drug testing program for all certified and classified employees. The number and frequency of the random tests shall be determined by the Board's testing lab.

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 from 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 or prohibited substances, for purposes other than those for which they are intended.
- Employees shall not dispense such drugs except as provided in Policy 09.2241.

PROMOTION AND TRANSFER TESTING

Current employees who apply for a transfer or promotion shall be subject to drug testing in accordance with this policy and related procedures before being considered a valid candidate for the job opening. Employees who test positive for illegal drugs on a promotion/transfer test shall no longer be considered an applicant for the position. In addition, such employees shall also be in violation of this policy and thus be subject to disciplinary action up to and including termination in accordance with Board policy and state law.

Employees who have applied for a transfer or promotion may withdraw their application for the position at any time until the employee is scheduled for promotion/transfer testing. Once scheduled for the test, if an employee refuses to submit to the test, s/he shall be disqualified for consideration for the position, be considered insubordinate, and thus subject to appropriate discipline. In addition, under no circumstances shall the employee be considered a viable candidate for future openings in this classification until the employee has signed a release for drug testing at the time of applying for a position in connection with a job posting.

Drug-Free/Alcohol-Free Schools**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 agree to 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 program, including the frequency of any substance screening contained in a 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 testing. When a supervisor observes or is notified of behaviors or events that lead the supervisor to believe that their 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.

An employee who tests positive on a reasonable suspicion test shall be in violation of this policy, which shall constitute grounds for 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 substance screening the employee shall sign a form acknowledging that the summary results shall be transmitted to the Superintendent/designee.

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

Drug-Free/Alcohol-Free Schools**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 to the Superintendent only to the extent necessary to address any work-related safety risks occasioned by either the drug or alcohol use. The Superintendent shall maintain any such records in a secure fashion to ensure confidentiality and privacy.

Medical records, and information relating directly thereto, shall be maintained in accordance with provisions of state law and used with the highest 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.

DISCIPLINARY ACTION

Any employee in violation of the terms of this policy and the District's employee drug testing program shall be subject to disciplinary proceedings up to and including 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.

In determining whether and to what extent an employee shall be disciplined or discharged for the conviction of a criminal drug law involving alcohol, illicit drugs, prescription drugs, or over-the-counter drugs, the Superintendent shall consider the following factors:

- The degree to which the nature of the criminal offense reduces the Board's ability to maintain a safe working environment;
- The degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or student;
- The degree to which the conviction unreasonably undermines public confidence in the Board's operations;
- The nature of the criminal offense;
- The nature of the employee's job with the Board;
- The existence of any explanatory or mitigating facts or circumstances;
- Whether the employee promptly reported the conviction; and
- Any other facts relevant to the employee, which may include, but not be limited to, years of service and record of performance with the District.

Drug-Free/Alcohol-Free Schools**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 fact that an employee has been referred for assistance and demonstrates willingness or ability to rehabilitate shall be appropriate considerations as to what, if any, personnel action may be taken.

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.

NOTIFICATION BY EMPLOYEE

Any employee convicted of any criminal drug statute involving illegal use of alcohol, illicit drugs, prescription drugs, or over-the counter drugs shall, within five (5) working days after receiving notice of a conviction, 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.

POST-DISCIPLINE DRUG TESTING

Following determination by an administrative or judicial proceeding that s/he engaged in misconduct involving the illegal use of controlled substances, a teacher who has been reprimanded or disciplined for misconduct involving illegal use of controlled substances shall submit to random or periodic drug testing in accordance with applicable Kentucky Administrative Regulation for a period not to exceed twelve (12) months from the date of such reprimand or disciplinary action.

Drug-Free/Alcohol-Free Schools**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.

REFERENCES:

[KRS 160.290](#); [KRS 160.380](#); [KRS 161.120](#); [KRS 161.175](#)

[KRS 161.790](#); [KRS 217.900](#); [KRS 218A.1430](#)

[016 KAR 001:030](#); [701 KAR 005:130](#); 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:

03.1325; 08.1345; 09.2241

Adopted/Amended: 06/19/2012

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