# PERSONNEL 03.23251

‑ Classified Personnel ‑

Drug‑Free/Alcohol‑Free Schools

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.

Definitions

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](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/218A00/020.pdf&requesttype=krs).

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, prohibited volatile substances as defined in [KRS 217.900](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/217-00/900.pdf&requesttype=krs) or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

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.

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Drug‑Free/Alcohol‑Free Schools

Suspension/Termination/Non‑Renewal

Any employee who violates the terms of this policy may be suspended, non‑renewed or terminated. In addition, violations may result in notification of appropriate legal officials.

Drug/Alcohol Testing Program

The Board has established drug and alcohol testing for employees. A plan to implement the drug and alcohol testing program shall be developed by District personnel in cooperation with the testing company approved by the Board and shall be provided to all schools and kept on file in the Central Office.

*Pre-Employment Testing*

As part of the currently required pre-employment physical, all applicants being considered for employment in positions identified as being safety-sensitive will be required to submit to a urinalysis test for the purpose of detecting illegal use of drugs.

Definition of Safety-Sensitive Positions

“Safety-sensitive” shall refer to positions where a single mistake by an employee can create an immediate threat or serious harm to students or other employees and expose the Board to potential liability. Safety-sensitive positions requiring pre-employment drug testing shall include: Principal, Assistant Principal, teacher, itinerate teacher, teacher aide, substitute teacher, school secretary, and bus driver.

###### *Bus drivers are tested under a similar but separate policy in accordance with federal guidelines.*

*Current Staff*

All staff currently employed in a safety-sensitive position shall participate in the drug testing program required for pre-employment.

Reasonable Suspicion Testing

Employees may be tested for drug or alcohol use when there is reasonable suspicion that an employee is using or has been under the influence of drugs or alcohol.

Board Contracted Facility

Drug screening shall be conducted by a Board approved, independent, certified laboratory utilizing recognized techniques and procedures. The contract with such facility shall specify the substances to be tested for which will be:

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Drug‑Free/Alcohol‑Free Schools

5 Panel + Alcohol Breathalyzer

|  |  |
| --- | --- |
| **Marijuana (THC)** | **Amphetamines (including Methamphetamines** |
| **Phencyclidine (PCP)** | **Cocaine** |
| **Opiates** | **Alcohol** |

Employee Acknowledgment

Personnel shall acknowledge having read or having received an explanation of this policy and should understand compliance with this policy is a condition of employment. Personnel shall sign an acknowledgement prior to substance screening permitting the summary result to be transmitted to the Superintendent/designee. Personnel refusing to complete any part of the drug testing procedure shall be deemed insubordinate.

Confidentiality

As reflected in the drug and alcohol testing program, the Superintendent/designee shall establish a process to reasonably ensure employee privacy during the taking of samples, security of samples once obtained, and designation of laboratory services that are accurate and reliable. Appropriate measures shall be taken to protect confidentiality throughout the testing process and in the handling of test results. Access to drug testing results shall be restricted on a need-to-know basis to those persons in positions designated by the Superintendent.

Disciplinary Action

Any employee who violates the terms of the District’s Drug-Free/Alcohol-Free Schools Policy or Drug/Alcohol Testing Program will be subject to disciplinary action which may include suspension, non-renewal or termination. In addition, violations may result in notification of appropriate legal officials.

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. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non‑renewed or terminated.

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 a workplace violation of criminal drug statutes shall, within five (5) working days, provide notification of the conviction to the Superintendent.

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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](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/160-00/290.pdf&requesttype=krs); [KRS 217.900](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/217-00/900.pdf&requesttype=krs); [KRS 218A.143](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/218A00/143.pdf&requesttype=krs)0; [KRS 218A.144](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/218A00/144.pdf&requesttype=krs)7

34 C.F.R. Part 85

Related Policies:

03.2325; 08.1345; 09.2241

Adopted/Amended: 9/10/2012

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