WOODFORD COUNTY BOARD OF EDUCATION
AGENDA ITEM

ITEM #: **DATE:**

TOPIC/TITLE: First Reading- Policy on Drug-Free/Alcohol-Free Schools

PRESENTER: Josh Rayburn

ORIGIN:

☐ TOPIC PRESENTED FOR INFORMATION ONLY (No board action required.)
☒ ACTION REQUESTED AT THIS MEETING
☐ ITEM IS ON THE CONSENT AGENDA FOR APPROVAL
☐ ACTION REQUESTED AT FUTURE MEETING: (DATE)
☐ BOARD REVIEW REQUIRED BY

- ☐ STATE OR FEDERAL LAW OR REGULATION
- ☐ BOARD OF EDUCATION POLICY
- ☐ OTHER:

PREVIOUS REVIEW, DISCUSSION OR ACTION:

☐ NO PREVIOUS BOARD REVIEW, DISCUSSION OR ACTION
☐ PREVIOUS REVIEW OR ACTION

- ☐ DATE:
- ☐ ACTION:

BACKGROUND INFORMATION:

The board is required to do two readings of policy adjustments

SUMMARY OF MAJOR ELEMENTS:

Adding language to both the classified and certified policies to include:

ALCOHOL/DRUG TESTING

If a supervisor has reason to believe an employee is under the influence of or impaired by alcohol or drugs in the workplace, the supervisor may require the employee to undergo alcohol testing by a portable breathalyzer test administered by a WCPS Law Enforcement Officer and/or blood/urine test administered by a medical facility of the District's choice. Refusal to submit to either such testing may be grounds for disciplinary action, including termination of employment. If test results confirm the employee was under the influence of alcohol or illegal drugs in the workplace, the employee shall be subject to disciplinary action including termination, or may be referred to a treatment program of the District's choice.

IMPACT ON RESOURCES:

TIMETABLE FOR FURTHER REVIEW OR ACTION:

SUPERINTENDENT'S RECOMMENDATION: ☐ **Recommended** ☐ **Not Recommended**

_____

CLASSIFIED PERSONNEL

DrugFree/AlcoholFree Schools

DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

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

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.

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 schoolowned vehicle or any other schoolapproved vehicle used to transport students to and from school or school activities. "Workplace" shall also include schoolsponsored or schoolapproved 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.

SUSPENSION/TERMINATION/NON-RENEWAL

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

DrugFree/AlcoholFree Schools

ALTERNATIVE

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drugfree/alcoholfree workplace policies shall satisfactorily participate in a Boardapproved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, nonrenewed or terminated.

REPORTING

Any school employee who knows or has reasonable cause to believe that a person has violated KRS 158.155 shall immediately report any use, possession, or sale of a controlled substance, or who receives information from a student or other person of conduct which is required to be reported, shall immediately cause a report to be made to the District's law enforcement agency and either the local law enforcement agency or the Kentucky State Police.

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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.

PREVENTION PROGRAM

The Superintendent shall establish a comprehensive and on-going drugfree/alcoholfree 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 drugfree/alcoholfree 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 158.155; KRS 160.290; KRS 161.120; KRS 161.790
KRS 217.900; KRS 218A.1430; KRS 218A.1447; KRS 218B.045
34 C.F.R. Part 85

RELATED POLICIES:

CERTIFIED PERSONNEL

DrugFree/AlcoholFree Schools

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DrugFree/AlcoholFree Schools

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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.

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DrugFree/AlcoholFree Schools

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KRS 161.790; KRS 217.900; KRS 218A.1430; KRS 218A.1447; KRS 218B.045
016 KAR 001:030; 701 KAR 005:130; 34 C.F.R Part 85

RELATED POLICIES:

03.1325; 08.1345; 09.2211; 09.2241

Adopted/Amended: 7/22/2024
Order #: VIII D