



TO: BOARD OF DIRECTORS

FROM: Maurene Stanton, Executive Director of Human Resources

SUBJECT: First Reading Policy 5201 Drug Free Schools, Community, and Workplace

DATE: October 4, 2022

This is the first reading of the updated Personnel Policy 5201 Drug-Free Schools, Community, and Workplace. Updates reflect changes recommended by Washington State School Directors Association. It is identified as an essential policy by the Washington State School Directors Association.

This policy will come before the Board for second reading on October 18, 2022. If you have any questions regarding this policy, please contact me.

DRUG-FREE SCHOOLS, COMMUNITY, AND WORKPLACE

The board has an obligation to staff, students, and citizens to take reasonable steps to provide a reasonably safe workplace and to provide safety and high-quality performance for the students who the staff serve.

For purposes of this policy, the “workplace” is defined to mean the site for the performance of work done, which includes work done in connection with a federal grant. The “workplace” includes any district building or any district property; any district-owned vehicle or any other district-approved vehicle used to transport students to and from school or school activities; and off district property during any school-sponsored or school -approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the district which could also include work on a federal grant.

Prohibited Behavior

To help maintain a drug-free school, community, and workplace the following behaviors will not be tolerated: ~~In accordance with the Drug-Free Workplace Act of 1988, as amended, the district prohibits:~~

1. The unlawful manufacture, distribution, dispensation, possession, or use, of alcohol, illegal drugs, controlled substances including marijuana (cannabis), and anabolic steroids ~~other intoxicants in the workplace;~~
2. Using, possessing, transmitting alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, in any amount, in any manner, and at any time in the workplace ~~Reporting to work or the workplace under the influence of alcohol, illegal drugs and/or controlled substances including marijuana (cannabis), or other intoxicants; and~~
3. Any staff member convicted of a crime attributable to the use, possession, or sale of illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, will be subject to disciplinary action, including termination;
4. Using district property or the staff member’s position with the district to make or traffic alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids; and
5. Using, possessing or transmitting illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids ~~Any other manufacture, distribution, dispensation, possession, or use of alcohol, illegal drugs, controlled substances including marijuana (cannabis), or other intoxicants in a manner that is detrimental to the interests of the district.~~

Notification Requirements

Any staff member who is taking prescribed or over-the-counter medication will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the staff member, other staff members, students or the public, it is the staff member’s responsibility to use appropriate personnel procedures (e.g., use leave, request change of duty, or notify his/her supervisor of potential side effects) to avoid unsafe workplace practices. If a staff member notifies his/her supervisor that the use of medication could compromise the safe performance of his/her job, the supervisor in conjunction with the district office (e.g. Human Resources) then will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

~~“Workplace” for purposes of this policy includes any district building or any district property; any district-owned vehicle, or any other district-approved vehicle used to transport students to or from school activities; and off district property during any school-sponsored or school-approved activity,~~

~~event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the district which could also include work on a federal grant.~~

As a condition of employment, each employee shall notify his or her supervisor of a conviction under any criminal drug statute for a violation occurring in the workplace. Such notification will be provided no later than five (5) days after such conviction. The district will inform the federal granting agency within ten (10) days after such conviction **regardless of the source of the information**. ~~As a further condition of employment, each employee shall abide by the terms of this policy respecting a drug-free workplace.~~

Disciplinary Action

Each employee will be notified of the district's policy and procedures regarding employee drug activity at work. Any employee who violates **any aspect** ~~the terms~~ of this policy may be suspended, discharged, or non-renewed in accordance with the provisions of board policy, state law, and/or applicable collective bargaining agreements. The district may also refer the matter for criminal prosecution. In cases where the district in its sole discretion determines that reinstatement of the employee is appropriate, it may require as a condition of eligibility for reinstatement that an employee satisfactorily complete a drug rehabilitation or treatment program approved by the district, at the employee's expense. Nothing in this policy shall be construed, however, to guarantee reinstatement of any employee who violates this policy, nor does the district accept any financial obligation for treatment or rehabilitation required as a condition of eligibility for reinstatement.

~~The superintendent or designee is directed to:~~

- ~~1. Provide a copy of the district's Drug-Free Workplace statement to new employees.~~
- ~~2. Maintain a drug free awareness program; and~~
- ~~3. Comply with other specific requirements of the Drug-Free Workplace Act of 1988, as amended.~~

~~The drug free awareness program shall include: informing employees about the dangers of drug abuse in the workplace; the district's policy establishing a drug free workplace; available drug counseling, rehabilitation, and employee assistance programs, if any; and the penalties that may be imposed for drug abuse violations.~~

Cross References:	Board Policy 4215	Use of Tobacco, <u>Nicotine Products and Delivery Devices on School Property</u>
	Board Policy 5203	Staff Assistance Program
	Board Policy 5280	<u>Separation from Termination of Employment</u>
	<u>Board Policy 3423</u>	<u>Parental Administration of Marijuana for Medical Purposes</u>

Legal References:	41 USC §§ 701-707	Drug Free Workplace Act of Subtitle D 1988 and as amended in 1989
	41 USC 8103	Drug Free Workplace Requirements for Federal Grant Recipients
	20 USC §§ 7101-7118	Safe and Drug-Free Schools and Communities Act <u>[as amended by Title IV – 21st Century Schools]</u>
	21 U.S.C. 812	Controlled Substance Act
	21 CFR 1300.11-1300.15	

RCW 69.50.435

Violations committed **in or on certain public places or facilities – Additional penalty – Defenses – Construction – Definitions** ~~on school bus or in or near school grounds or school bus route stop~~

Management Resources:

2019 – July Policy Issue

2015 – December Issue

2013 – February Issue

2011 – December Issue

Policy News, February 1999

Bus drivers still tested for marijuana