

**Policy Number:** 351

**Policy Title:** Drug Free Workplace

**Approved:** September 21, 2020

**Revised:** November 16, 2020

### **Purpose**

The Board of Trustees (Board) recognizes that the misuse of drugs by administrative, professional and support employees is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by drug use by Sylvan Heights Science Charter School (School) employees, especially as the use relates to an employee's safety, efficiency and productivity.

The primary purpose and justification for any School action will be for the protection of the health, safety and welfare of students, staff and school property.

### **Definitions**

**Drugs/Controlled Substance** - shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act and includes medical marijuana.[1][12]

**Conviction** - 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.[2]

**Criminal Drug Statute** - a federal or state criminal statute involving the manufacture, distribution, dispensation, use or possession of a controlled substance.[2]

**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, to include medical marijuana.[2][12]

**Medical marijuana** shall mean marijuana for certified medical use as set forth in the Medical Marijuana Act. [12]

### **Authority**

The Board requires that each administrative, professional and support employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the School of any criminal drug statute conviction for a violation occurring in the workplace immediately, but no later than seventy-two (72) hours, after such conviction.[3][4]

Any employee convicted of delivery of a controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the School.[5][1]

## **Delegation of Responsibility**

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 Principal/CAO 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.[4][6]

Within ten (10) days after receiving notice of the conviction of a District employee, the School shall notify any federal agency or department that is the grantor of funds to the District.[4]

The School shall take appropriate personnel action within thirty (30) days of receiving notice against any convicted employee, 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.[4][6]

In establishing a drug-free awareness program, the Principal/CAO or designee shall inform employees about:[4]

1. Dangers of drug abuse in the workplace.
2. 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 School shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy. All employees are prohibited from engaging in the unlawful manufacturing, distribution, dispensation, possession, or use of a controlled substance, or being under the influence of a controlled substance, while on School property, at a School-sponsored activity, or while otherwise caring for School students.[4][12]

## **Guidelines**

The Principal/CAO 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 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, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[7][8][9][10][11]

In accordance with state law, the Principal/CAO 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.[8]

#### Legal

1. 35 P.S. 780-101 et seq
  2. 41 U.S.C. 8101
  3. 24 P.S. 111
  4. 41 U.S.C. 8103
  5. 24 P.S. 527
  6. 41 U.S.C. 8104
  7. 24 P.S. 1302.1-A
  8. 24 P.S. 1303-A
  9. 22 PA Code 10.2
  10. 22 PA Code 10.21
  11. 35 P.S. 780-102
  12. 35 P.S. § 10231.101 et. seq
- 41 U.S.C. 8101 et seq  
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