



Book	Policy Manual
Section	300 Employees
Title	Controlled Substance Abuse
Code	351
Status	First Reading
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### **Purpose**

The Board recognizes that the misuse of **controlled substances** 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 **controlled substance abuse** by district employees, especially as **it** relates to an employee's safety, efficiency and productivity.

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

### **Definitions**

**Controlled Substances** – shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.[\[1\]](#)

**Conviction – for purposes of this policy, is defined as** 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 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.[\[2\]](#)

### **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 district 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 **or convicted of an offense defined as a felony under the Controlled Substance, Drug, Device and Cosmetic Act, shall be terminated from his/her employment with the district, in accordance with applicable law, regulations and Board policy.**[\[1\]](#)[\[3\]](#)[\[5\]](#)[\[6\]](#)

**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

Superintendent or designee

Personnel Director

Business Manager

(Other) \_\_\_\_\_

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.[\[4\]](#)[\[7\]](#)

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

The district 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.[\[4\]](#)[\[6\]](#)[\[7\]](#)

In establishing a drug-free **workplace** awareness program, the

Superintendent or designee

Personnel Director

(Other) \_\_\_\_\_

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 district shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.[\[4\]](#)

**Guidelines**

The Superintendent or designee shall immediately report incidents involving the **prohibited** 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 a school or school-sponsored activity to the **law enforcement agency** 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 law enforcement and Board policies. [\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of **prohibited** possession, use or sale of controlled substances or drug paraphernalia to the **PA Department of Education** on the required form. [\[8\]](#)[\[9\]](#)[\[13\]](#)

NOTE:

Pre-Employment Drug Testing - if backup materials have pre-employment drug testing policy that is newer than 5 years, keep the policy as is and note on Cross-Reference that this is a local policy, PSBA does not draft policy on this subject, and the policy was kept "as is" since it is recent--please review the draft policy with your school solicitor. If the policy is 5 years or older, please mark the policy as "Not Included" and note on Cross-Reference that this is a local policy, PSBA does not draft policy language on this subject, and the policy was not included because it has not been recently revised and we recommend consulting with the school solicitor in drafting language on this subject.

**PSBA Revision 5/24 © 2024 PSBA**

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. Pol. 317

[7. 41 U.S.C. 8104](#)

[8. 24 P.S. 1306.2-B](#)

[9. 24 P.S. 1319-B](#)

[10. 22 PA Code 10.2](#)

[11. 22 PA Code 10.21](#)

[12. 35 P.S. 780-102](#)

13. Pol. 805.1

[41 U.S.C. 8101 et seq](#)

Pol. 810.1

Pol. 810.3

 [351-AR-0-Drug-FreeWorkNot.docx \(27 KB\)](#)

 [351-AR-1-RecordOfReasonableSuspicion.docx \(26 KB\)](#)