

## Drug-Free Schools, Community and Workplace

The Board has an obligation to staff, students and citizens to take reasonable steps to assure safety in the workplace and to provide safety and high quality performance for the students that the staff serves.

The District will comply with the Drug Free Workplace Requirements for Federal Grant recipients.

“Workplace” is defined to mean the site for the performance of work done, which includes work done in connection with federal grants. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school 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 school district.

For these purposes, the Board declares that the following behaviors will not be tolerated:

- A. Reporting to work under the influence of alcohol, illegal and/or controlled substances including marijuana (cannabis).
- B. Using, possessing, transmitting alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, in any amount or in any manner on district property at any time or when involved in a school district activity on/or off district property. Any staff member convicted of a felony attributable to the use, possession, or sale of illegal and/or controlled substances including marijuana (cannabis) will be subject to disciplinary action, including immediate termination.
- C. Using district property or the staff member’s position within the district to make, traffic, unlawfully manufacture, distribute, or dispense alcohol, illegal and/or controlled substances, including marijuana (cannabis)

Any staff member who is taking a drug or medication whether or not prescribed by the staff member’s physician, which may adversely affect that staff member’s ability to perform work in a safe or productive manner, is required to report such use of medication to his or her supervisor. This includes drugs which are known or advertised as possibly affecting judgment, coordination, or any of the senses, including those which may cause drowsiness or dizziness. The supervisor in conjunction with the district office, then will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

As a condition of employment, each employee shall notify his or her supervisor of a conviction under any criminal drug statute violation occurring in the workplace as defined above. Such notification will be provided no later than 5 days after such conviction. The district shall inform the federal granting agencies within ten days of such conviction, regardless of the source of the information.

Each employee shall be notified of the district’s policy and procedures regarding employee drug activity at work. Any staff member who violates any aspect of this policy may be subject to disciplinary action, which may include immediate discharge. As a condition of eligibility for reinstatement, an

employee may be required to satisfactorily complete a drug rehabilitation or treatment program approved by the Board, at the employee's expense. Nothing in this policy will be construed to guarantee reinstatement of any employee who violates this policy, nor does the school district incur any financial obligation for treatment or rehabilitation ordered as a condition of eligibility for reinstatement.

The district may notify law enforcement agencies regarding to a staff member's violation of this policy at the district's discretion or take other actions as it the district deems appropriate.

Safety Sensitive Drug and Alcohol Test Results for Employees that Operate District Vehicles or Transport Other District Employees and/or Students:

The District will follow requirements of the Federal Highway Administration Mandated drug and alcohol Testing Program, Department of Transportation Drug and Alcohol Testing, 49 CFR 382 and 49 CFR Part 40 with the exception of tests results and consequences.

The District will adhere to a zero tolerance policy for both drug and alcohol test results. This will be based upon a BAT result of 0.000 for the confirmation test result or a positive substance test.

Marijuana remains a drug listed in Schedule 1 of the Controlled Substances Act. The Department of Transportation's Drug and Alcohol Testing Regulation 49 CFR Part 40 does not authorize the use of Schedule 1 drugs, including marijuana for any reason.

Any results that do not meet these criteria will be considered professional misconduct in accordance with WAC 392-144-020(12) and shall result in termination.

Cross References:	Board Policy 4215	Use of Tobacco on School Property
	Board Policy 5280	Termination of Employment
	Board Policy 5203	Staff Assistance Program
	Board Policy 5201	Drug-Free Schools, Community and Workplace
	Board Policy 5201F	Notice to Employees - Drug-Free Workplace
	Board Policy 5202	Federal Motor Carrier Safety Administration Mandated Drug and Alcohol Testing Program
	Board Policy 5202P	Federal Highway Administration Mandated Drug and Alcohol Testing Program
	Board Policy 5281	Disciplinary Action and Discharge
	Board Policy 5281P	Disciplinary Action and Discharge
Legal References:	RCW 69.50.435	Violations committed in or on certain public places or facilities - Additional penalty - Defenses - Construction - Definitions
	20 USC 7101 - 7118	Safe and Drug-Free Schools and Communities Act
	21 USC 812	Controlled Substance Act
	41 U.S.C. § 8103	Drug Free Workplace Requirements for Federal Grant Recipients
	FHAM	Federal Highway Administration Drug and Alcohol Testing Program
	49 CFR Part 40	Procedures for Transportation Workplace Drug and Alcohol Testing Programs

49 CFR Part 382      Controlled Substances and Alcohol Use and Testing  
DOT Department of Transportation Drug and Alcohol  
Testing and Compliance  
WAC 392-144-020(12) School Bus Driver Qualifications

Management Resources:

*Policy & Legal News*, February 2013  
*Policy News*, December 2011  
*Policy News*, February 1999

Policy Revisions  
Changes in WSSDA's *Policy Reference Manual*  
Bus drivers still tested for marijuana

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