

4118.231

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Personnel - Certified/Non-Certified

Alcohol, Drugs, and Tobacco

The Board of Education is concerned with maintaining a safe and healthy working and learning environment for all staff and students. Medical research indicates that the use of alcohol, drugs and tobacco are hazardous to one's health. In addition to the health hazard to the individual, certified employees are entrusted with the responsibility of imparting knowledge and serving as role models to students.

Alcohol and Drugs

The Board of Education recognizes the importance of maintaining a drug-free environment for its staff and students. In compliance with federal and state requirements, employees are prohibited from the unlawful manufacture, distribution, dispensing, possession or use on or in the workplace any alcohol, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, medical or otherwise, or any other controlled substance. Controlled drugs are further defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15.

The "workplace" is defined to mean the site for the performance of work done. 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.

Each employee shall notify his or her supervisor of his or her conviction occurring in the workplace as defined above, no later than 5 days after such conviction.

Each employee shall abide by the terms of the school district policy respecting a drug-free and alcohol-free workplace.

An employee who violates the terms of this policy may be required to successfully complete an appropriate rehabilitation program, may not be renewed or his/her employment may be suspended or terminated, at the discretion of the Board.

Tobacco

There shall be no smoking or other use of tobacco, including vaping devices, ecigaarettes products on school property during regular school hours, on transportation provided by the Board

of Education, or during the course of any trip sponsored by the Board or under the supervision of the Board or its authorized agent.

A copy of this policy and the consequences of violating the policy shall be distributed to all employees of the Board of Education. Failure to comply with the policy may result in disciplinary action as detailed by the administration.

Legal Reference: Drug-Free Workplace Act. 102 Stat. 4305-4308.

Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226 (199)

21 U.S.C. 812, Controlled Substances Act, I through V, 202.

21 C.F.R. 1300.11 through 1300.15 regulation.

54 Fed. Reg. 4946 (1989)

Connecticut General Statutes

[1-21b](#) Smoking prohibited in certain places.

Policy adopted: September 26, 2013

DERBY PUBLIC SCHOOLS

Derby, Connecticut

4118.231

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Personnel - Certified/Non-Certified

Alcohol, Drugs and Tobacco

Employees violating the alcohol, drug and tobacco policy may be subject to disciplinary action as indicated below.

Alcohol and Drugs

In accordance with state and federal law, the Board of Education is required to provide written explanation of the consequences of violating the Board's policy which prohibits the unlawful manufacture, possession, use, dispensing, or distribution of illicit, controlled drugs and alcohol on school premises or as part of any of the school activities.

"Controlled drugs" are those drugs which contain any quantity of a substance which has been designated as subject to federal narcotic laws, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the public health council and Commissioner of Consumer Protection pursuant to Section 19-451 as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. Specifically excluded from controlled drugs are alcohol, nicotine and caffeine.

The Board of Education working with the Superintendent will provide drug-free a workplace in accordance with state and federal regulations.

The Board of Education will establish a drug-free awareness program to inform employees about the dangers of drug and alcohol abuse in the workplace; the district's policy of maintaining drug-free workplace; any available drug and alcohol counseling, rehabilitation, and employee assistance program; and the penalty that may be imposed on employees for drug or alcohol abuse violations occurring in the workplace.

Employees Funded by Federal Grant

Any employee who is funded by a federal grant, in an amount greater than \$25,000, is required to be given a copy of this policy and regulation concerning a drug-free workplace.

All employees will be notified that as a condition of employment under the grant the employee will abide by the terms of the statement, and will notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

If an employee who worked on a federal grant is convicted, the federal agency will be notified within ten days after the employer receives notice from an employee of such conviction.

One of the following actions will be taken within 30 days of receiving notice with respect to any employee who is so convicted:

1. Take appropriate personnel action against such an employee, up to and including termination;
2. Require such 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.

The Board of Education shall make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of this regulation.

Disciplinary Action for Violation of Alcohol and Drug Policy

These procedures should be followed if an employee of the district is found to have violated the alcohol and drug policy.

1. Employees observed selling, possessing, or transferring of controlled drugs and alcohol.
 - A. The observation of possession, selling/or transference will be reported to the building Principal at once.
 - B. The Superintendent will become responsible for holding the suspicious materials and will issue a signed receipt for them.
 - C. The confiscated material will be placed in the hands of the police for analysis and disposition.
 - D. The police will be notified and the material turned over to them in exchange for a written receipt. Any further action will be left to the police. No employee shall act in a law enforcement capacity.
2. Employees suspected to be under the influence of drugs or alcohol.
 - A. If an employee appears to be under the influence of drugs or alcohol, he/she shall be taken to the nurse and shall be treated as a person who is ill. The Superintendent shall be

notified by the Principal. In case of emergency or if there is a clear and present danger to the employee's health, he/she will be transferred immediately to the hospital.

B. Consistent with local, state and federal law, employees found to be in possession of, using or distributing illicit drugs or alcohol on school premises may be subject to termination of employment and prosecution.

C. Information about drug and alcohol counseling and rehabilitation and re-entry programs will be made available to employees, and the completion of an appropriate rehabilitation program will be required as a condition of continued employment.

3. Discovery of Controlled Drugs and Alcohol

A. An employee finding such material will deliver it to the Principal.

B. The Principal will investigate the matter and notify the Superintendent of the incident.

C. If the material is found to be or is suspected of being a controlled drug, the building principal will turn over the material to the police in exchange for a written receipt.

The Superintendent will designate one staff member, who handles all disciplinary matters regarding personnel, to review, monitor and recommend to the Superintendent disciplinary action.

Sanctions for Violation of Smoking Policy

1. First Offense

Upon the first violation, an employee found to be smoking in the school building or on the school grounds during regular school hours, will be warned verbally that he/she is violating the school smoking ban policy and that further violation will lead to a written warning and further disciplinary action.

2. Second Offense

Employees who are found to violate the policy a second time will receive a written warning. A copy of this written warning will be placed in the employee's supervisory file.

3. Third Offense

Upon the third violation, an employee will receive a second written warning. A copy of this written warning will be the employee's supervisory and personnel files.

4. Fourth Offense

If the employee violates the smoking policy a fourth time, the employee will be referred to the Superintendent for disciplinary action.

Legal Reference: Drug-Free Workplace Act. 102 Stat. 4305-4308.

Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226 (1991)

21 U.S.C. 812, Controlled Substances Act, I through V, 202.

21 C.F.R. 1300.11 through 1300.15 regulation.

54 Fed. Reg. 4946 (1989)

Connecticut General Statutes

[1-21b](#) Smoking prohibited in certain places.

[19-443\(6\)](#) Exception.

Regulation approved: September 26, 2013

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