

Policy GBEBA: DRUG-FREE WORKPLACE

Status: ADOPTED

Original Adopted Date: 01/23/2020 | **Last Revised Date:** 12/14/2023 | **Last Reviewed Date:** 12/14/2023

Definitions

Controlled Substances – Substances listed in schedules I, II, III, IV, and V of the federal Controlled Substances Act, 21 U.S.C. § 812. For the purposes of this policy, a controlled substance shall also include any controlled substance, counterfeit substance, or imitation controlled substance as defined in § 195.010, RSMo., and any chemical substances structurally similar to and treated as controlled substances under state law.

District Activity – Any activity, event, or function where students are under district supervision, such as field trips or athletic events.

District Property – Any property owned or leased by the district, including any vehicle owned, leased, or used for district purposes, and any location where a district-sponsored or approved activity takes place.

Prohibited Substances – For the purposes of this policy, a prohibited substance shall include:

1. Alcohol.
2. Controlled substances for which the employee does not have a valid prescription.
3. Unauthorized inhalants.
4. Counterfeit or imitation controlled substances.
5. Marijuana or marijuana-infused products.
6. Any other illegal drug.
7. Any drug or medicine prohibited on district property by law or policy.
8. Substances intended to create a false negative on a drug test.

Prohibited Substances

Student and employee safety is of paramount concern to the board of education. In recognition of the threat to safety posed by employee use or possession of prohibited substances, the board

commits itself to a continuing good-faith effort to maintain a drug-free workplace. Therefore, the board prohibits employees from manufacturing, using, selling, transferring, distributing, possessing, or being under the influence of prohibited substances on district property; in any district-owned vehicle or any vehicle used to transport students; at district activities; or during any time employees are supervising students on behalf of the district or are otherwise engaged in district business. The board also prohibits the manufacture, use, sale, transfer, or possession of drug-related paraphernalia. When it is evident that an employee has consumed prohibited substances off district property before or during a district activity that the employee is required to attend, the employee will not be allowed on district property or to participate in the activity and will be subject to the same disciplinary measures as for possession or consumption of prohibited substances on district property.

This policy shall be communicated in writing to all present and new employees. Compliance with this policy is mandatory.

Marijuana and Marijuana-Infused Products

Marijuana is illegal under federal law and is considered a prohibited drug under this policy. This policy's prohibitions apply even if an employee has been authorized under state law to use marijuana or marijuana-infused products for medicinal or recreational purposes.

Testing

Employees may be tested for prohibited substances if the district has reasonable suspicion that the staff member has violated this policy. In addition, staff members who operate district vehicles must submit to alcohol and drug testing as required by law. Additional drug testing may occur as allowed by law. All testing will be conducted in accordance with board policy, administrative procedures, and law.

Consequences

Employees who violate this policy will be subject to disciplinary action, which may include, but is not limited to, suspension, termination, referral for prosecution, and referral for discipline of the employee's certification or license. Employees may be required to satisfactorily participate in substance use assistance or rehabilitation programs.

As required by federal law, if an employee is convicted of a criminal drug offense for a violation occurring in the workplace, the district will take appropriate personnel action, which may include discipline, termination, or requiring employee participation in a substance use or rehabilitation program. The district will take action within 30 days of notification of the conviction.

District Notifications

Each district employee is hereby notified that, as a condition of employment, the employee must

abide by the terms of this policy and notify the superintendent or designee of any criminal drug statute conviction for a violation occurring in or on the premises of this district or while engaged in regular employment. Such notification must be made by the employee to the superintendent or designee in writing no later than five calendar days after conviction. In accordance with policy GBEB, employees are required to notify the district if they are charged with any misdemeanor or felony.

Notification to Federal Agency

If an employee is convicted of any criminal drug offense for a violation occurring in the workplace, the superintendent or designee will provide notice in writing of such violation to the U.S. Department of Education or other appropriate federal agency within ten calendar days after the superintendent or designee receives such notification. Notification will be made only if the district receives any federal grants directly from such agency, as opposed to federal grants received through the Department of Elementary and Secondary Education (DESE).

Awareness Program

The superintendent or designee will institute a drug-free awareness program to inform employees of the dangers of drug and alcohol use and misuse in the workplace; of this policy of maintaining a drug-free workplace; of available counseling, employee assistance, and rehabilitation programs; and of the penalties that may be imposed upon employees for substance use violations occurring in the workplace.

Professional Assistance

The board encourages employees who have a substance abuse problem to seek professional assistance. The district will provide referrals to treatment resources upon employee request, but the district will not assume any financial responsibility.

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
§§ 287.120, 302.275, RSMo.	State Statute
Mo. Const. art. XIV §§ 1-2	State Statute
Federal	Description

21 C.F.R. §§ 1300.01-.04	Controlled Substances
21 C.F.R. §§ 1308.11-.15	Controlled Substances
21 U.S.C. § 812(c)	Federal Statute
21 U.S.C. §§ 841, 844, 860	Federal Statute
41 U.S.C. §§ 8101 - 8105	Drug Free Workplace Act

Cross References

Code	Description
EBBA	ILLNESS AND INJURY RESPONSE AND PREVENTION
EBBA-AP(1)	ILLNESS AND INJURY RESPONSE AND PREVENTION - (First Aid Guidelines)
JFCH	STUDENT ALCOHOL AND DRUG USE
JHCD	ADMINISTRATION OF MEDICATIONS TO STUDENTS
JHCD-AP(1)	ADMINISTRATION OF MEDICATIONS TO STUDENTS
JHCD-AP(2)	ADMINISTRATION OF MEDICATIONS TO STUDENTS - (Self-Administration of Medication)