

**BOARD POLICY: DRUG, ALCOHOL, AND TOBACCO**

**6090**

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Section A - Drug and Alcohol-Free Workplace

It is the policy of the Board of Education of District #225 that all district workplaces shall be free from drugs and alcohol. A district workplace is defined as any physical area attendant to school or District-sponsored or related activities, whether or not such area is on school or District property (including but not limited to, school buildings and lands, District offices), or at any school-sponsored or related activities, performances, extracurricular and athletic events, school-sponsored travel at other venues; and on any means of school-supplied or sanctioned transportation. All employees shall be prohibited from engaging in any of the following activities while on District premises in a district workplace:

1. The unlawful manufacture, distribution, dispensing, possession, use or being under the influence of illicit drugs, including a controlled substance while on district premises or while performing work for the district.
2. The distribution, consumption, possession of or being under the influence of alcohol while on district premises or while performing work for the district.
3. The distribution, consumption, possession or being under the influence of medical cannabis while in a district workplace.

Section B - Definition of Controlled Substance

For purposes of the policy, a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner or for a person different than prescribed,
3. Legally obtainable, but not legally obtained; or
4. Referenced as a controlled substance in any Federal, State or local statute, ordinance or regulation.

**Section C - Tobacco Prohibition**

All employees are covered by the conduct prohibitions contained in Board Policy 5015: Visitors. The prohibition on the use of tobacco products and other alternative devices such as e-cigarettes applies when an employee is in a district workplace as defined in Section A of this policy. Tobacco shall include any form of cigarettes, e-cigarettes, cigars and any alternative thereto, including smokeless tobacco that is loose, cut shredded, ground, powdered, compressed and leaf tobacco intended to be placed in the mouth without being smoked.

**Section D- Condition of Employment**

As a condition of employment, each employee shall by accepting employment in the district:

1. Agree to abide by the terms of this policy respecting a drug, alcohol and tobacco-free workplace; and
2. Agree to notify his or her supervisor of his or her conviction of any criminal drug or marijuana statute for a violation occurring in a district workplace as defined in Section A of this policy, no later than five days after such a conviction.
3. Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that the employee's work performance is not impaired.

**Section E - Employee Awareness**

In order to make employees aware of dangers of drug and alcohol abuse, the district shall:

1. Provide each employee with a copy of the district Drug and Alcohol Policy,
2. Post notices of the district Drug and Alcohol Policy in a place where other information for employees is posted,
3. Make available materials from local, state and national anti-drug and alcohol abuse organizations,
4. Enlist the aid of community and state agencies with drug and alcohol information and rehabilitation programs to provide information to district employees.

Section E - Employee Awareness (Continued)

5. Establish a drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace,
  - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
  - c. The penalties that the District may impose upon employees for violations of this policy.

Section F - Consequence of Policy Violation

1. An employee who violates the terms of the policy may be subject to disciplinary action, up to and including termination.
2. The Board shall take disciplinary action with respect to an employee conviction of a drug or marijuana offense in the workplace within thirty days after receiving notice of the conviction.
3. Should the district be a current participant in a federal education program in which the district is the prime grantee and a direct receiver of federal funds, the superintendent shall notify the appropriate federal agency from which the district receives grant monies of the employee conviction within ten days after receiving notice of the conviction.
4. The Superintendent or designee may require an employee who violates the terms of this policy to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program which has been approved by the Board.
5. Disciplinary actions by the Board of Education may include, but are not limited to, suspension, termination of employment, and/or referral for prosecution.
6. The superintendent shall have the authority to suspend, without prejudice, an employee from his position when, in the judgment of the superintendent, the employee has violated this policy. The suspension may be for up to ten work days, with or without pay, and shall be effective until acted upon by the Board of Education if the employee chooses to appeal to the Board of Education for review within ten work days of the first day of the suspension.

**Section F - Consequence of Policy Violation (Continued)**

7. An employee who acknowledges to the superintendent that he or she has a drug/chemical or alcohol dependency problem, prior to a violation of this policy, will be referred to resource information on available rehabilitation programs. No disciplinary action will be taken by the district when the employee voluntarily seeks help for a drug/chemical or alcohol dependency problem. If the employee, after voluntarily seeking help for a drug/chemical or alcohol dependency problem, violates this policy, the employee may be subject to disciplinary action as outlined in this policy.

Leg. Ref.: Drug-Free Workplace Act, 41 U.S.C. 701 et. seq; Regulations 54 Fed. Reg. 4946

Controlled Substance Act, 21 U.S.C. Sect. 812. Regulations, 21, C.F.R. 1308.11 through 1308.15

Approved: August 13, 1990  
Revised: September 10, 1990  
Readopted: December 17, 1990  
Revised: August 21, 2000  
Revised: July 14, 2014