

POST FALLS SCHOOL DISTRICT NO. 273

Series 400: Certified Personnel: Instructional Considerations

Policy No. 405.9

Policy Title: Employee Drug and Alcohol Use

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The Post Falls School District recognizes that abuse of alcohol or illegal drugs is a very serious problem with physical, emotional, social and legal implications. Of primary concern is the effect of alcohol or drug abuse on job performance, school safety, productivity in the work environment and the effect upon the students. The district is committed to maintain a workplace free from alcohol and drug abuse.

STANDARDS OF CONDUCT

An employee engaged in work on school property or in any other school district location as defined below shall not possess, use, or distribute alcohol or illicit drugs.

An employee shall notify the superintendent or designee of any conviction, finding of guilt, withheld judgment, or suspended sentence imposed on such employee under any criminal drug or alcohol statute within five (5) calendar days of such conviction, finding of guilt, withheld judgment, or suspended sentence.

An employee shall promptly report to the superintendent or designee any incident, event or condition of which the employee has knowledge which constitutes a violation of this policy.

DEFINITIONS

DRUG: The term "drug" shall include any "illicit drug", "controlled substance", "intoxicating substance", "inhalant", "counterfeit substance", "look-alike substance", "marijuana", "cannabis", "opiate", "hallucinogen", "narcotic", or other unlawful drug for purposes of federal or state law including, but not limited to, the Drug Free Workplace Act, Drug Free Schools and Communities Act Amendments and the Idaho Uniform Controlled Substances Act (I.C. §37-2701 et seq.).

ALCOHOL: The term "alcohol" shall include "beer", "wine", "alcoholic liquor or beverage" as defined in I.C. §§23-105, 23-1001 and 23-1002 and corollary sections of the Idaho Code.

SCHOOL DISTRICT LOCATION: The term "school district location" means in any school building or on any school premises; in any school owned or leased vehicle or in any school-approved vehicle used to transport students to and from school or school activities; off school property while engaged in school district business at which students are present or during any school-sponsored or school-approved activity, event or function at which students are present including but not limited to field trips or athletic events; or, during any period of time the employee is supervising students on behalf of the school district.

REASONABLE SUSPICION: Otherwise unexplained behavior, which, based on specific objective facts and reasonable inferences drawn from these facts in the light of experience, or any substantive evidence pointing to either use, possession or distribution, may constitute "reasonable suspicion".

EXCEPTION

This policy is not intended to prevent possession of a controlled substance consistent with other district policy, if any, which was obtained directly, or pursuant to a valid prescription or order, from a physician, or dentist or other person duly licensed, registered, or otherwise permitted

under federal and state law to distribute or dispense the substance in the course of professional practice.

OTHER STANDARDS OF CONDUCT

Where other standards of conduct are imposed regarding alcohol or drugs in addition to those prescribed in this policy, the most restrictive shall apply.

MANDATORY COMPLIANCE

Compliance with the standards of conduct referred to in this policy is mandatory.

SANCTIONS

A certified employee who violates the terms of this policy may be non-reemployed according to the terms of Idaho Code 33-514, non-renewed according to the terms of Idaho Code 33-515, terminated according to the terms of Idaho Code 33-513, placed on probation, suspended, reported to the state board of education, or the administration or Board of Trustees may take other action appropriate under the circumstances.

When probation or other applicable sanction is imposed, the employee may be required, at no cost to the school district, to satisfactorily participate in a substance or alcohol abuse assistance or rehabilitation program approved by the Board of Trustees.

When it appears that federal, state or local laws have been violated, the school district will notify the appropriate law enforcement agencies or officials.

When there is a particularized suspicion that an employee has committed a violation of this policy, the employee may be required by the superintendent or designee to submit to appropriate drug or alcohol testing and refusal of an employee to promptly submit upon request shall constitute grounds for imposition of sanctions, including but not limited to, discharge.

All sanctions shall be accompanied by applicable due process as required under the particular circumstances.

Legal References:	41 U.S.C. § 81	The Drug-Free Workplace Act of 1988
	29 C.F.R. § 94.205	What Must I Include in my Drug-free Workplace Statement?
	I.C. § 72-1701, et seq.	Idaho Employer Alcohol and Drug-Free Workplace Act
	I.C. § 33-513	Professional Personnel
	I.C. § 33-515	Issuance or Renewable Contracts
	I.C. § 23-105	Alcohol Liquor Defined
	I.C. § 23-1001	Beer – Definitions
	I.C. § 23-1002	Alcoholic Content

Date of Adoption: 10/14/91

Amended: 2/13/12

Updated: 12/12/22

Reviewed: 2017, 2022