

## **POST FALLS SCHOOL DISTRICT NO. 273**

Series 600: Non-Certified Personnel: Related Considerations

Policy No. 604.4

Policy Title: Employee Drug and Alcohol Use

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### **OVERVIEW**

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. Post Falls School 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 of the school district 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 of the school district any incident, event or condition of which the employee has knowledge which constitutes a violation of this policy.

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

### **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 IC §§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.

#### SANCTIONS:

A non-certified employee who violates the terms of this policy may be non-reemployed, discharged, placed on probation, suspended or the administration or Board of Trustees may take other action appropriate under the circumstances.

Notwithstanding the above, upon reasonable suspicion that a district bus driver has violated the terms of this policy, the bus driver may be suspended pending further investigation. If, after conclusion of an informal hearing, the Board of Trustees finds a violation of this policy occurred, the bus driver may be immediately terminated from district employment and the incident reported to the State Department of Education together with a recommendation for license revocation.

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 Superintendent's 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.

#### ADMINISTRATIVE DIRECTIVES

The Superintendent or the Superintendent's designee will administer the implementation of an information program to be presented at least once annually to all the employees in the district. The program shall include information on the district's policy, prevention strategies and treatment opportunities. Separate programs will be established for non-certified employees of the district.

The Superintendent or the Superintendent's designee will take reasonable steps to cause each employee to receive a statement prohibiting the use, possession, and distribution of alcohol and of illicit drugs and the sanctions that may be imposed as set forth in this policy.

The Superintendent or the Superintendent's designee will investigate all instances where there is a reasonable suspicion of a violation of this policy.

Nothing herein shall obligate the district to provide monetary assistance to any employee to participate in drug or alcohol treatment programs.

A review of the district's drug and alcohol abuse prevention program shall be conducted at least biennially or more often as may be required by law or regulation. The review shall serve to:

1. Determine the program's effectiveness;

2. Allow for the implementation of changes to the program if they are needed;
3. Ensure that the sanctions imposed for violating this policy are consistently enforced.

The Superintendent shall complete and file from time to time such certifications of compliance as may be required by the Drug Free Schools and Communities Act Amendments.

Legal References: 41 U.S.C. §701 et seq.  
20 U.S.C. §3171 et seq;  
IC 33-513 - 33-515, 23-105, 23-1001, 23-1002

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