LENAPE TECHNICAL SCHOOL

SECTION: EMPLOYEES

TITLE: CONTROLLED SUBSTANCES ABUSE

ADOPTED: November 21, 2019

REVISED: August 15, 2024

	351. CONTROLLED SUBSTANCES ABUSE (replacing former policies 351, 451 and 551)
1. Purpose	The Joint Operating Committee recognizes that the misuse of **controlled substances** by administrative, professional and support employees is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by **controlled substance abuse** by employees may cause, especially as **it** relates to an employee's safety, efficiency and productivity. The primary purpose and justification for any school action will be for the protection of the health, safety and welfare of students, staff and school property.
2. Definitions	**Controlled Substances -** shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act. [1] **Conviction** – **for purposes of this policy, is defined as** a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes. [2] **Criminal Drug Statute** - a federal or state criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance. [2] **Drug-free Workplace** - the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance. [2]
3. Authority	The Joint Operating Committee requires that each administrative, professional and support employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the school of any criminal drug statute conviction for a violation occurring in the workplace immediately, but no later seventy-two (72) hours, after such conviction. [3][4] Any employee convicted of delivery of a controlled substance or convicted of possession of a controlled substance with the intent to deliver **or convicted of an**

	offense defined as a felony under the Controlled Substance, Drug, Device and Cosmetic Act, shall be terminated from employment with the school, in accordance with applicable law, regulations and Joint Operating Committee policy. [1][3][5][6]
4. Delegation of Responsibility	A statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Administrative Director or designee and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination and referral for prosecution. [4][7] Within ten (10) days after receiving notice of the conviction of an employee, the school shall notify any federal agency or department that is the grantor of funds to the school. [4] The school shall take appropriate personnel action within thirty (30) days of receiving notice, against any convicted employee, up to and including termination. or require the 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. [4][6][7] In establishing a drug-free **workplace** awareness program, the Administrative Director or designee shall inform employees about: [4] 1. Dangers of drug abuse in the workplace. 2. Joint Operating Committee's policy of maintaining a drug-free workplace. 3. Availability of drug counseling, drug rehabilitation, and employee assistance programs. 4. Penalties that may be imposed for drug abuse violations occurring in the workplace. The school shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy. [4]
5. Guidelines	The Administrative Director or designee shall immediately report incidents involving the **prohibited** possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance Drug, Device and Cosmetic Act by any employee while on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the **law enforcement agency** that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with **law enforcement** and Joint

Operating Committee policies. [8][9][10][11][12][13]

In accordance with state law, the Administrative Director shall annually, by July 31, report all incidents of **prohibited** possession, use or sale of controlled substances or drug paraphernalia to the **PA Department of Education** on the required form. [8][9][13]

PSBA Revision 5/24 © 2024 PSBA

Legal References
1. 35 P.S. 780-101 et seq
2. 41 U.S.C. 8101
3. 24 P.S. 111
4. 41 U.S.C. 8103
5. 24 P.S. 527
6. Pol. 317
7. 41 U.S.C. 8104
8. 24 P.S. 1306.2-B
9. 24 P.S. 1319-B
10. 22 PA Code 10.2
11. 22 PA Code 10.21
12. 35 P.S. 780-102
13. Pol. 805.1

41 U.S.C. 8101 et seq
Pol. 810.1
Pol. 810.3