REQUIRED

DEAA - DRUG AND ALCOHOL-FREE WORKPLACE

Definitions

For purposes of this policy:

- *Alcohol* means any alcoholic beverage as defined in 23 U.S.C. § 158(c) and N.D.C.C. § 5-01-01.
- *Drug* means any controlled substance as defined in N.D.C.C. § 19-03.1-05 through § 19-03.1-13 and § 19-03.1-26 (paraphernalia); schedules I through V of the Controlled Substances Act (21 U.S.C. § 812), and as further defined by regulation 21 CFR Part 1308 through § 1308.11.
- *Possession* shall mean:

  a. Actual physical possession of the drug or alcohol while on school property;

  b. Use or consumption of the drug or alcohol while on school property;

  c. Drugs or alcohol in the employee's car, handbag, backpack, or other belongings while on school property; or

  d. Appearance by an employee on school property after having consumed or ingested the drug or alcohol that is noticeable by breath odor, speech alterations, unsteadiness of gait or posture, or like symptoms of chemical intoxication.

- *School property* is defined in N.D.C.C. § 15.1-19-10(6)(c) as all land within the perimeter of the school site, all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- *Use* means that an employee is reasonably suspected to have ingested, injected, inhaled or otherwise taken into their body drugs or alcohol, or is reasonably found to be under the influence of drugs or alcohol.

Purpose

The Drug-Free Workplace Act and the Drug-Free Schools and Communities Act are federal laws requiring schools in receipt of federal funding to maintain drug- and alcohol-free workplaces and learning environment by enforcing policies against unlawful possession, use, or distribution of illicit drugs and alcohol. The Hope-Page School District is committed to maintaining a safe, healthy, and productive working and learning environment for its employees and students. To promote this goal, the District is a drug- and alcohol-free workplace, and employees are required to report to work unimpaired in any way by the use of alcohol or drugs. Further, the District explicitly prohibits employees from the use, manufacturing, possession, distribution, dispensing, or being under the influence of drugs or alcohol while on school property, unless such use is (1) at the

instruction of a treating medical provider, the treating provider has advised that such use shall not affect the employee's ability to perform duties and maintain the safety of themselves and others, and (2) the employee has reported such use and engaged in an interactive process with the District in accordance with applicable state and federal law. Employees are also prohibited from knowingly or intentionally aiding or abetting in any of the above activities.

An employee must immediately inform their immediate supervisor when the employee's ability to perform job duties is affected or impaired due to on- or off-duty drug or alcohol use.

Students must abide by District policy FFA, Student Alcohol and Other Drug Use/ Abuse.

Scope of the Policy

This policy applies to all school employees during all working hours, on all school property, at all school-sponsored events, and at all other times when employees are representing or conducting business for the District (whether on or off school property and whether during or outside of normal working hours). The drug- and alcohol-free provisions of this policy also apply to students, parents, independent contractors, vendors, visitors, and any other members of the public who are on school property and/or at a school-sponsored activity or event.

Awareness Program

The Superintendent shall create an Employee Drug-Free Awareness Program in accordance with federal law. Information on the effects of drug and alcohol misuse, signs and symptoms of a drug and/or alcohol misuse or abuse problem, and available methods of intervention when a misuse or abuse problem is detected can be found under Employee Resources.

Policy Dissemination

The Superintendent shall give a copy of this policy to each employee and maintain documentation of receipt of this information.

Drug and Alcohol Testing

All employees are subject to the District’s Drug and Alcohol Testing Program. Employees working in covered and safety-sensitive positions as defined under district policy DBBA shall be subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations or as allowed by applicable law. Other employees working in non-covered and non-safety-sensitive positions identified under policy may be subject to reasonable suspicion testing and other types of testing when the District can demonstrate a special need to conduct the test or as allowed under state or federal law.

Students are subject to the provisions and testing procedures identified under district policy FFA, Student Alcohol and other Drug Use/Abuse.

Employee Reporting

As a condition of employment, each employee shall agree to abide by this policy. Employees shall immediately (or as soon as reasonably practicable, but no later than five days) inform their immediate supervisor or Superintendent when the employee has been arrested, charged, adjudicated, **or** convicted of any drug- or alcohol-related crime or offense. The Superintendent, in accordance with applicable law, shall notify the appropriate federal and/or state agency after receiving any notice of a conviction for a violation occurring in the workplace. Failure of the employee to report accordance with this policy within the time prescribed may lead to disciplinary action up to and including discharge.

Violations

Violations of this policy may result in the following:

1. Mandatory participation in the Employee Assistance Program (EAP) and/or a rehabilitation program. Chemical dependency leave shall be granted in accordance with the chemical dependency leave policy
2. Paid or unpaid leave or suspension (as allowed under the law);
3. Termination of employment; due process procedures shall be followed prior to termination, if required;
4. Notification to proper law enforcement authorities (as required or allowed under the law); and/or
5. Notification to other reporting agencies (as required or allowed under the law).

Assistance

The Board recognizes that drug and/or alcohol addiction is a treatable disease and that early intervention and support improve the success of rehabilitation**.** The District shall offer an Employee Assistance Program (EAP) to assist in rehabilitation and intervention efforts. Use of the EAP will not jeopardize employment or promotion opportunities. Treatment for drug and/or alcohol addiction may be covered by the employee benefit plan; however, the ultimate financial responsibility for this treatment belongs to the employee.

Confidentiality

All information received by the District as a result of this policy is confidential. Access to this information is limited to those who have a legitimate need to know or upon written consent of the employee.

The District shall maintain employee testing records in accordance with federal law on drug and alcohol testing regulations.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DBBA, Drug and Alcohol Testing Program for Employees

- DE, Staff Code of Conduct
- DGB, Employee Assistance Program
- DGB-BR, Employee Assistance Program Procedure
- FFA, Student Alcohol and Other Drug Use/Abuse

Legal References

- 20 U.S. Code Chapter 58, Drug-Free Schools and Communities
- 21 U.S.C. § 812, Schedules of Controlled Substances
- 21 CFR Part 1308, Schedule of Controlled Substances
- 23 U.S.C. § 158, National Minimum Drinking Age
- 41 U.S.C. 81 Drug-Free Workplace Act of 1988
- N.D.C.C. § 5-01-01, Alcoholic Beverages; Definitions
- N.D.C.C. § 15.1-14, Administrators
- N.D.C.C. § 15.1-15, Contracts of Teachers & Administrators
- N.D.C.C. § 15.1-19-10, Possession of a weapon - Policy - Expulsion from School
- N.D.C.C. § 19-03.1, Uniform Controlled Substances Act
- N.D.C.C. § 44-04-18.1, Public Employee Personal, Medical, and Employee Assistance Records - Confidentiality - Personal Information Maintained by State Entities - Exempt

End of Hope-Page District Policy DEAA . . . . . Adopted: 05/13/2026