

**DRUG/ALCOHOL-FREE WORKPLACE FOR EMPLOYEES & STUDENTS**

The Board of Trustees recognizes the importance of federal requirements to establish a “drug free workplace,” as well as a healthy environment for its students, and does not tolerate drug or alcohol abuse by its employees and students. Employees and students are prohibited from manufacturing, dispensing, using, possessing, or distributing illegal drugs or alcohol on any school premises or at any school activity. Employees and students are further prohibited from being under the influence of illegal drugs or alcohol on any school premises or at any school activity. To that end, the health, safety, and well-being of all employees and students is a major consideration of the Board.

The Board is committed to providing a drug/alcohol-free workplace and environment for its employees and students. The drug-free workplace requirements extend to all property owned by the district, all activities sponsored by the district, and include any vehicle owned by this district. The prevention and elimination of drug and/or alcohol use in the workplace by the employees and students is important, so the following procedure will be followed.

**DEFINITION OF TERMS:**

Employee: Any individual who performs a duty or service for the school district who may or may not receive compensation.

Student: An individual who is enrolled and/or who participates in the activities and services provided by the school district.

Workplace: Any school district property, facility, or vehicle, environment, and/or any place a student related activity is being conducted.

Illegal Drug Use: The use, possession or distribution of illegal drugs, or the abusive use of other drugs, or the use of alcohol on any school premises or at any school activity.

Illegal Drugs: Any controlled substances defined by Idaho Code Section 37-2701, or any other drug or substance, which is used to alter or change the mood of an individual, or anabolic steroids, obtainable with or without a prescription that is used in a manner dangerous to the health of the user. This includes, but is not limited to, alcohol, marijuana, amphetamines (stimulants), barbiturates (depressants), cocaine, codeine, inhalants, heroin, and hallucinogens. The term “illegal drugs” does not include over the counter drugs or prescriptions prescribed by a doctor or dentist specifically for the person in possession of those drugs.

Under the Influence: This definition covers not only all well-known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition that is the result of indulging to any degree in unlawful alcohol or illegal drugs, and which tends to deprive one of that clearness of intellect and control of him/herself, which (s)he would otherwise possess.

Unlawful Alcohol: Any alcoholic beverage as defined by Idaho Code Sections 23-105 and 23-1001.

Unlawful Alcohol Use: The use, possession, or distribution of alcohol on any school premises or at any school activity.

Violations: The commission of an act of illegal drug use or unlawful alcohol use by a district employee or student.

**DRUG/ALCOHOL ASSISTANCE PROGRAM(S)**

1. Drug/Alcohol-Free assistance will be available to inform employees and students about:
  - a. The dangers of drug and alcohol use in the workplace.
  - b. The District's policy of maintaining a drug/alcohol-free workplace.
  - c. Any available drug/alcohol assessment, counseling, rehabilitation, and assistance programs for employees and/or students.
  - d. The consequences and penalties that may be imposed upon employees and students for drug/alcohol use violations occurring in the workplace.
2. Pursuant to the Drug-Free Workplace Act, the school district will report/notify, in writing, to the appropriate agencies, and within ten (10) days after receiving notice of an employee's drug conviction or notice that an employee has been convicted of a criminal drug statute for a violation occurring in the workplace.
3. Employees who have a problem they feel may affect work performance are encouraged to voluntarily seek counseling and information on a confidential basis.
4. The District will make this policy available online. The employee or student will abide by the terms of the policy as a condition of employment or enrollment.

Upon adoption of this policy and/or initial employment with the district, all employees will be notified of this policy and a copy of this policy will be placed on the school district website for public view.

**EMPLOYEES WORKING IN FEDERAL GRANT PROGRAMS**

Any employee working in the department or program responsible for the performance of a federal grant will, as a condition of employment, agree to abide by the terms of this policy and to notify the district of any criminal drug statute conviction for a violation occurring in the workplace. The employee must notify the district no later than five (5) days after such conviction.

Pursuant to the Drug-Free Workplace Act, the district will report, in writing, to the federal contracting or granting agency, within ten (10) days of receiving notice, that an employee has been convicted of a criminal drug statute for a violation occurring in the workplace.

**DISCIPLINARY ACTION** includes, but is not limited to the following:

The harmful, manufacture, distribution, possession, or use of drugs or alcohol is prohibited on any school district property, facility, or vehicle. Appropriate action will be taken on behalf of any employee or student violating MHSD 193's policy and/or procedure. This action includes the following:

1. Students: The student will be required to follow the procedures as outlined in appropriate student handbooks and in the School Safety and Discipline policy.
2. Employees: Any employee who violates the terms of the district's drug and alcohol policy may be subject to disciplinary action, including, but not limited to, discharge, suspension, and may be required to participate satisfactorily in an assessment by a certified alcoholism/drug abuse counselor and follow the recommendations made, and/or referral for drug and alcohol abuse evaluation and rehabilitation, at the discretion of the board.
  - a. These recommendations may include drug abuse assistance, outpatient or in-patient rehabilitation program, which is approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. Illegal actions will be reported to appropriate legal authorities.
  - b. An employee must notify the school district of any criminal drug/alcohol statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction. Appropriate action against the employee shall be taken within thirty (30) days of such notification.
3. Contracted School Bus Drivers: Notwithstanding the above paragraphs, Mountain Home School District and the Board of Trustees require the school bus company, with whom they have contracted with, to notify the school district administration office within five (5) days of any drug/alcohol abuse by any school bus driver.
  - a. MHSD would request from the contracted bus company that the school bus driver be suspended from all duties pending investigation and/or when reasonable suspicion exists that the driver may be under the influence of illegal drugs or alcohol.
  - b. MHSD would request from the contracted bus company that if a bus driver is found to have violated this policy, (s)he will be immediately terminated from employment with the contracted bus company.
  - c. MHSD will report any violations of this policy or incidents to the State Department of Education. MHSD and Board of Trustees will recommend license revocation to the Idaho Department of Transportation.
  - d. If reasonable suspicion exists that federal, state, or local laws have been violated, the

district will notify the appropriate law enforcement agencies.

4. Failure to comply with the policy will result in action up to and including termination of employment by the Board of Trustees and/or referral for prosecution.

**RIGHT OF APPEAL**

Should the student or employee wish to challenge an administrative decision, (s)he may request a hearing before District administration with right of appeal to the Board of Trustees via the Student Grievance Policy, Grievance for Certified Policy, or Grievance for Classified Policy.

**LEGAL REFERENCE:**

Idaho Code Title 18 - Crimes & Punishment, Chapter 15 – Children and Vulnerable Adults, Sections 18-1501 – Injury to Children; 18-1502 – Beer, Wine, or Other Alcohol Age Violations – Fines; 18-1502B – Possession of Inhalants by Minors; 18-1502C - Possession of Marijuana or Drug Paraphernalia by a Minor – Use of Controlled Substances – Fines

Idaho Code Title 23 – Alcoholic Beverages

Idaho Code Title 33 - Education, Chapter 2 - Attendance/Discipline, Sections 33-205 Suspension/Expulsion, 33-210 (Drugs/Alcohol), Chapter 5 – Governance of Schools, Chapter 12 – Teachers, Chapter 16 – Courses of Instruction, 16-1605 – Health & Physical Fitness – Effects of Alcohol, Tobacco, Stimulants, & Narcotics

Idaho Code Title 37 – Food Drugs, & Oil, Chapter 27 – Uniform Controlled Substances  
Drug-Free Schools & Communities Act (1988)

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41 USC Section 702, *et seq.*

Code of Ethics for Idaho 73 07/07/15 Professional Educators

IDAPA 74 08.02.02.076

BLACK’S LAW DICTIONARY 1527 (6<sup>th</sup> ed. 1990)

EMT Policy 403 (2002 - 02L-01L-D2/12/98-M2/5/03)

MHSD School Safety & Discipline Policy (Policy 208)

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