

EMPLOYEE/VOLUNTEER DRUG AND ALCOHOL POLICY

PART ONE - INTRODUCTION

1. The use of illegal drugs and the abuse of alcoholic beverages by school students on a national level is at an alarmingly high level.
2. The use of illegal drugs and the abuse of alcoholic beverages by our students is a serious concern of the Board.
3. The District places high emphasis upon prevention of illegal drug use and alcohol abuse through its educational programs.
4. Spearfish school employees/volunteers are role models for our students, both during school hours and at school activities on district premises. In their positions they have an opportunity to be a positive influence and reinforce the District's drug and alcohol prevention programs. Likewise, employees/volunteers can have an adverse impact upon our students and the effect of District drug and alcohol prevention programs if they are in violation of criminal drug statutes or are under the influence of illegal drugs or alcohol on District premises.
5. Federal statutes mandate that employees/volunteers of agencies receiving federal grants and financial assistance be provided with a copy of an anti-drug statement, including the potential penalties and sanctions that may be imposed upon employees for drug and alcohol abuse violations.
6. A policy governing controlled substances, illicit drugs, and alcohol on or in District premises or as any part of its activities and their use by District employees/volunteers is necessary to the proper administration of the programs of the District in the best interest of the District's employees/volunteers and our students.
7. All employees/volunteers of the Spearfish School District 40-2 shall receive a copy of this policy.
8. This policy shall be reviewed biennially to determine the policy's effectiveness, to implement changes which may be necessary, if they are needed, and to insure the disciplinary sanctions provided for in the policy are consistently enforced.
9. Board Policy 1210, Complaints Concerning School Personnel, may be used, as appropriate, in processing violations of this policy.

PART TWO - DRUG FREE WORKPLACE POLICY

1. The Board shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this Policy.
2. Statement of Standards of Conduct:
 - a. All employees/volunteers of the Spearfish School District 40-2 are hereby notified that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or illicit drug is prohibited on or in the premises of the District, or as part of any of its activities. Under Section 5145 of the Drug Free Schools and Communities Act of 1988 and 1989 Amendments, compliance with the Standards of Conduct stated in paragraph 2 A. is mandatory.
 - b. In addition to compliance with the Standards of Conduct stated in paragraph 2 A, employees/volunteers of the District shall not be under the influence of an illegal drug on or in the premises of the District or as part of any of its activities, regardless of where actual use occurred.

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Substances that include or are synthetic drugs (some examples include but are not limited to “herbal incense” or “pot pourri” or “bath salts” or “spice”) which contain synthetic cannabinoids or other “high-inducing” drugs, and substances that mimic or are “look-alike” controlled substances, which are used or intended for use in an abusive and/or intoxicating fashion are also prohibited by this policy in the same manner as the above-controlled substances.

3. An employee/volunteer using prescription drugs under the authorization of a licensed physician does not violate this policy so long as the employee/volunteer conforms to the prescription and Board policies concerning prescription drugs.
4. Employees/volunteers who feel drug abuse is or may be a personal problem may voluntarily seek assistance through the administration.
5. All employees/volunteers are hereby notified under the Drug Free Workplace Act of 1988, as a condition of employment, the employees/volunteers shall (i) abide by the Standards of Conduct stated in paragraph 2 A above; and (ii) notify the superintendent of any criminal drug statute conviction for a violation occurring in the District premises no later than five days after such conviction.
6. Statement of Disciplinary Sanctions:
 - a. Under the Drug Free Workplace Act of 1988: The superintendent and/or the Board shall, within 30 days after receiving notice from an employee/volunteer of a conviction pursuant to paragraph 5 above shall take appropriate personnel action against such employee/volunteer up to and including termination; or, require such employee/volunteer to satisfactorily participate 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.
 - b. Under the Drug Free Schools and Communities Act of 1988 and 1989 Amendments, Section 5145; Disciplinary sanctions (consistent with local, state and federal law) up to and including termination of employment and referral for prosecution will be imposed on employees/volunteers who violate the Standards of Conduct set forth in Part Two paragraph 2 A above. The disciplinary sanction may include the completion of an appropriate rehabilitation program.
 - c. The same disciplinary sanctions provided under paragraph 7 B above shall be imposed on employees/volunteers who violate the Standards of Conduct set forth in Part two paragraph 2 B above.
7. The superintendent shall notify federal granting agencies pursuant to the Drug Free Workplace Act of 1988 within ten days of a conviction under subparagraph 6 of Part Two of this policy from an employee/volunteer or otherwise receiving actual notice of such conviction.
8. Drug-free awareness programs will be established to inform employees of this policy as well as the dangers of drug abuse in the work place and any available resources for counseling, rehabilitation and employee assistance programs.

PART THREE - ALCOHOL FREE WORKPLACE POLICY

1. Statement of Standards of Conduct:

- a. All employees/volunteers of the Spearfish School District 40-2 are hereby notified that the manufacture, distribution, dispensation, possession, or use of alcoholic beverages is prohibited on or in the premises of the District or as part of any of its activities. Under Section 5145 of the Drug

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Free Schools and Communities Act of 1988 and 1989 Amendments, compliance with the Standards of Conduct states in paragraph 1 A. is mandatory.

- b. In addition to compliance with the Standards of Conduct stated in paragraph 1 A, employees/volunteers of the District shall not possess or be under the influence of an alcoholic beverage on or in the premises of the District or as part of any of its activities, regardless of where the alcoholic beverage was consumed. The term “under the influence of an alcoholic beverage” covers not only all well known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition which is the result of indulging in an alcoholic beverage to any degree and which tends to deprive the employee/volunteer of that clearness of intellect and control of himself or herself which the employee/volunteer would otherwise possess. The following characteristics shall be relevant, among others, concerning determination that an employee/volunteer is “under the influence of an alcoholic beverage”: the employee’s/volunteer’s appearance, actions or conduct; the kind and amount of alcoholic beverage consumed; and, if the odor of an alcoholic beverage is evident on the employee’s breath.
2. Employees/volunteers who feel alcohol abuse is or may be a personal problem may voluntarily seek assistance through the administration.
3. Statement of Disciplinary Sanctions
- a. Disciplinary Sanctions under the Drug Free Schools and Communities Act of 1988 and 1989 Amendments, Section 5145: Disciplinary sanctions (consistent with local, state and federal law) up to and including termination of employment and referral for prosecution will be imposed on employees who violate the Standards of Conduct set forth in Part Three paragraph 1 A above. The disciplinary sanction may include the completion of an appropriate rehabilitation program.
 - b. The same disciplinary sanctions provided under paragraph 3 A above shall be imposed on employees/volunteers who violate the Standards of Conduct set forth in Part Three paragraph 1 B above.
4. The Drug-Free awareness program established in Part Two of this policy shall include information on any alcohol counseling, rehabilitation, and re-entry programs that are available to employees/volunteers.

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Received by _____ Date _____
Employee/Volunteer

Legal Authority: Drug Free Workplace Act of 1988 codified at 40 U.S.C. Sec. 701, et. seq.; Drug Free Schools and Communities Act of 1988 and 1989 Amendments, specifically Section 5145 codified at 20 U.S.C. 3224a and 34 C.F.R. Part 86, specifically 86.201.