
AURORA PUBLIC SCHOOLS
Adopted December 1990
Recorded June 1992
Revised November 2007
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APS Code: GBEC

DRUG AND ALCOHOL FREE WORKPLACE

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The Board recognizes the importance of maintaining a workplace that is free from alcohol and drugs to enhance the safety and welfare of employees and students and ensure compliance with applicable law. Accordingly, it shall be a violation of Board policy for any district employee to possess, use or be under the influence of alcohol or illicit drugs on district property, in or on district vehicles, at any school-sponsored or district-sponsored activity or event, or off district property when the employee is on duty.

For purposes of this policy, "illicit drugs" means narcotics, drugs and controlled substances as defined in law. As a recipient of federal funds, the district has an obligation to maintain a drug-free workplace. Thus, for purposes of this policy, marijuana is a controlled substance. "Illicit drugs" also includes any prescription or over-the-counter drug that does not meet the following four criteria: (1) the employee has a current and valid prescription for the drug or the drug is sold over-the-counter; (2) the drug is used or possessed for the purpose for which it was prescribed or sold over-the-counter; (3) the drug is used or possessed at the dosage prescribed or recommended; and (4) the drug is used or possessed consistent with the safe and efficient performance of the employee's job duties.

Although some actions involving marijuana, including its use for recreational and medicinal purposes are no longer prohibited by state law, state law does prohibit the possession or use of recreational and/or medical marijuana on school grounds or on school buses. In addition, federal law still prohibits the manufacture, sale, distribution, possession and use of marijuana. As a recipient of federal funds, the district has an obligation to maintain a drug-free workplace.

Drug-Free Workplace Act

Under the federal Drug-Free Workplace Act (the Act), the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in any district workplace. The Act defines "controlled substance" as a controlled substance in schedules I through IV of 21 U.S.C. section 812, which includes but is not limited to marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamine).

Pursuant to the Act, any employee who is convicted or pleads nolo contendere under any criminal drug statute for a violation occurring in the workplace shall notify the superintendent no later than five days after the conviction. The district has an obligation under the Act to notify the appropriate federal agency within 10 days after receiving notice of such conviction if there is a relationship

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between federal funds received by the district and the convicted employee's work site.

Drug Abuse Prevention Program

The Superintendent shall establish a program to prevent the use of illicit drugs and alcohol by employees. This program shall, at a minimum, satisfy the following requirements:

- There shall be established standards of conduct applicable to employees that clearly prohibit the unlawful possession, use, distribution, being under the influence of, manufacture or dispensation of controlled substances or of illicit drugs or alcohol by employees on school premises or as part of any of the District's activities;
- There shall be developed a clear statement of the sanctions which will be imposed, consistent with applicable law, against employees who violate the standards of conduct, up to and including termination of employment and referral for prosecution;
- Information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to employees shall be distributed;
- Parents, students and employees shall be given a copy of the standards of conduct and statement of sanctions which are developed;
- Parents, students and employees shall be notified that compliance with the standards of conduct is mandatory; and
- A review shall be undertaken once every two (2) years of the program to (a) determine its effectiveness and implement needed changes to the program; and (b) ensure that the sanctions for violations of the standards of conduct are consistently enforced.

Rules Regarding Grants from Federal Agencies

The Superintendent shall, in connection with actions taken pursuant to grants from federal agencies

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require that:

- All certification to a granting agency (including those as to the maintenance of a drug free workplace) which are required by law to be made as a condition of receiving a grant shall be made in a timely manner;
- There shall be established a drug free awareness program to inform employees directly engaged in the performance of work under federal grants of (1) the dangers of drug abuse in the workplace; (2) the District's policy of maintaining a drug free workplace; (3) any available drug counseling, rehabilitation and employee assistance programs; and (4) penalties that may be imposed upon employees for drug abuse violations;
- In the statement of standards of conduct and sanctions distributed to each employee to be engaged in the performance of work under the grant, the employee shall be notified that as a condition of employment in such grant the employee will (1) abide by the standards of conduct in the statement; and (2) notify the District of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- The federal agency that made the grant shall be notified of any criminal drug statute conviction for a violation occurring in the workplace and that this notification shall be made no later than 10 days after the District is notified of the conviction by an employee or receives actual notice of the conviction by some other means;
- If an employee who is directly engaged in the performance of work under the grant is convicted of any criminal drug statute violation for a violation occurring in the workplace, that employee shall either be disciplined in some manner or shall be required to satisfactorily participate in a drug abuse assistance or rehabilitation program; any such program shall have been approved by a federal, state or local health, law enforcement or other appropriate agency; and
- Steps shall be taken to see that a good faith effort to continue to maintain a drug free workplace at those sites where work on federal grants is done through the implementation of the rules applicable to federal grants.

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Note on definition of terms: As used in this policy, the terms "controlled substance", "conviction", "criminal drug or alcohol statute" and "federal agency" shall have the meanings assigned to them by federal law at 41 U.S.C. 706. The term "illicit drug use" (and other phrases using the term "illicit drug") shall mean the use of illegal drugs and the abuse of other drugs and alcohol), including anabolic steroids.

LEGAL REFS.: 20 U.S.C. 7101 et seq. (Safe and Drug-Free Schools and Communities Act)
21 U.S.C. 812 (definition of controlled substance)
41 U.S.C. 8101 and 8102 (Drug-Free Workplace Act of 1988)
34 C.F.R. Part 84 (regulations implementing the Drug-Free Workplace Act)
Colo. Const. Art. XVIII, Section 16(6) (employers may restrict marijuana use, possession, sale, etc. by employees)
C.R.S. 18-18-407 (2) (crime to sell, distribute or possess any controlled substance on or near school grounds or school vehicles)
C.R.S. 25-1.5-106 (12)(b) (possession or use of medical marijuana in or on school grounds or in a school bus is prohibited)
C.R.S. 25-14-103.5 (boards of education must adopt policies prohibiting use of retail marijuana on school property)

CROSS REF.: GDQD-R, Discipline, Suspension and Dismissal of Support Staff
GCQF-R, Discipline, Suspension and Dismissal of Administrators and Professional/Technical Employees

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1. Observance of Policy GBEC is a condition of employment with the District.
2. A violation of the policy shall subject the employee to appropriate disciplinary action which may include termination and referral for prosecution. Alternatively, the employee may (where such action is not in conflict with either District policy or law) be allowed to participate in an approved drug or alcohol abuse assistance or rehabilitation program in accordance with the Employee Assistance/Wellness Policy (APS Code GBGC). Participation in such program shall be at the employee's expense.
3. As part of its Drug and Alcohol Free Awareness Program, the District provides the following information to all employees:
 - a. Drug counseling, rehabilitation and employee assistance programs available to all employees; and
 - b. Literature concerning the dangers of drug and alcohol abuse. Employees and supervisors are encouraged to review both the policy and such information, at least annually.
4. Copies of policy GBEC will be distributed to each employee of the District or will be included in employee handbooks.