

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 300 Employees

TITLE: Alcohol, Drug, and
Substance Abuse

ADOPTED: February 5, 1990

REVISED: September 14, 2017

351 ALCOHOL, DRUG, AND SUBSTANCE ABUSE

Purpose

The School Reform Commission recognizes that the misuse of alcohol, drugs and abuse 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 alcohol use, drug use and substance abuse by district employees, especially as the use relates to an employee's safety, efficiency and productivity.

The primary purpose and justification for any district action will be for the protection of the health, safety and welfare of students, staff and school property.

All district property, whether owned, leased or temporarily under the district's control for any program or activity, is declared to be a drug-free and alcohol-free workplace.

Definitions

Drugs - shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.[\[1\]](#)

Conviction - a finding of guilt, including a plea of nolo contendere, an imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the 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 a 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.[\[2\]](#)

Authority

The SRC 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 district of any criminal drug statute conviction for a violation occurring in the workplace immediately, but no later than 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 shall be terminated from his/her employment with the district.[\[5\]\[1\]](#)

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 Superintendent 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.[\[4\]\[6\]](#)

The School District of Philadelphia prohibits the possession, manufacture, sale, dispensing and use of drug, alcohol and/or any controlled substance and prohibits any of its employees' being under the influence of alcohol or a controlled substance on any of its premises or in any of its programs or activities. An employee found to violate this rule shall be subject to discipline up to and including discharge.

All employees shall be subject to reasonable suspicion drug and alcohol testing. The determination that reasonable suspicions exists to require an employee to undergo drug or alcohol testing must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or other sensory evidence of alcohol or drug use on the employee. Observations that include indications of the chronic and withdrawal effects of controlled substances shall support a determination of reasonable suspicion.

The observations for reasonable suspicion testing shall be made by administration and reviewed by the District's physician. An employee subject to testing will be transported to Employee Health Services at the Education Center and will be given the reasons for the request for the test in writing. An employee who refuses to submit to the test or has a positive drug or alcohol test result shall be subject to discipline up to and including discharge.

The district encourages employees experiencing difficulty with controlled substance abuse to seek assistance in their efforts to control such problems and to achieve rehabilitation. The employee shall be responsible for initiating efforts to seek assistance before the stage at which his/her work performance is impaired and leads to disciplinary action.

Within ten (10) days after receiving notice of criminal drug statute conviction of a district employee, the district shall notify any federal agency or department that is the grantor of funds to the district.[\[4\]](#)

The district 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.[\[4\]\[6\]](#)

In establishing an alcohol-free and drug-free awareness program, the Superintendent or designee shall inform employees in an annual written statement about:[\[4\]](#)

1. Dangers of alcohol and drug abuse in the workplace.

2. SRC's policy of maintaining an alcohol-free and drug-free workplace.
3. Availability of alcohol and drug counseling, drug rehabilitation, and employee assistance programs.
4. Penalties that may be imposed for alcohol and drug abuse violations occurring in the workplace.
5. The district shall make a good faith effort to continue to maintain an alcohol-free and drug-free workplace through implementation of this policy.[4]

Mandated Regulatory Procedures

The Superintendent or designee shall immediately report incidents involving the 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 local police department 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 local law enforcement and SRC policies.[7][8][9][10][11][12]

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances or drug paraphernalia to the Office for Safe Schools on the required form.[8][12]

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. 41 U.S.C. 8104
7. 24 P.S. 1302.1-A
8. 24 P.S. 1303-A
9. 22 PA Code 10.2
10. 22 PA Code 10.21
11. 35 P.S. 780-102
12. Pol. 805.1 - Relations With Law Enforcement Agencies

Related Information:

- 41 U.S.C. 8101 et seq
- Pol. 317 - Conduct/Disciplinary Procedures