

# CAPITAL AREA SCHOOL FOR THE ARTS CHARTER SCHOOL

SECTION: PROFESSIONAL EMPLOYEES  
TITLE: DRUG AND SUBSTANCE ABUSE  
ADOPTED: 8/10/2015  
REVISED:

451. DRUG AND SUBSTANCE ABUSE	
<p>1. Purpose</p>	<p>The CASA Board recognizes that the misuse of drugs by professional 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 drug use by charter school employees, especially as the use relates to a professional employee's safety, efficiency and productivity.</p>
<p>2. Definitions P.S. 35 Sec. 780-101 et. seq.</p> <p>41 U.S.C. Sec. 8101</p> <p>41 U.S.C. Sec. 8101</p> <p>41 U.S.C. Sec. 8101</p>	<p><b>Drugs or Controlled Substances</b> – shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.</p> <p><b>Conviction</b> – 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 and state criminal drug statute.</p> <p><b>Criminal Drug Statute</b> – a federal or state criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance.</p> <p><b>Drug-free Workplace</b> – the site for the performance of work at which charter school employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance.</p>
<p>3. Authority SC 111 41 U.S.C. SC – Art. XVII - A</p> <p>SC 527 35 P.S. Sec. 780-101 et seq</p>	<p>The CASA Board requires that each professional employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the charter school 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.</p> <p>Any professional 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 charter school.</p>

<p>4. Delegation of Responsibility 41 U.S.C. Sec. 8103, 8104</p>	<p>A statement notifying professional 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 Principal, 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.</p>
<p>41 U.S.C. Sec. 8103</p>	<p>Within ten (10) days after receiving notice of the conviction of a professional employee, the charter school shall notify any federal agency or department that is the grantor of funds to the charter school.</p>
<p>41 U.S.C. Sec. 8103, 8104</p>	<p>CASA shall take appropriate personnel action within thirty (30) days of receiving notice against any convicted professional 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.</p>
<p>41 U.S.C. Sec. 8103</p>	<p>In establishing a drug-free awareness program, the Licensed Practical Nurse shall inform employees about:</p> <ol style="list-style-type: none"> <li>1. Dangers of drug abuse in the workplace.</li> <li>2. Charter school’s policy of maintaining a drug-free workplace.</li> <li>3. Availability of drug counseling, drug rehabilitation, and employee assistance programs.</li> <li>4. Penalties that may be imposed for drug abuse violations occurring in the workplace.</li> </ol>
<p>41 U.S.C. Sec. 8103</p>	<p>The charter school shall make a good faith effort to continue to maintain a drug-free workplace through the implementation of this policy.</p>
<p>5. Guidelines SC 1302.1-A, 1303-A Title 22 Sec. 10.2, 10.21 35 P.S. Sec. 780-102 Pol. 805.1</p>	<p>The Principal 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 Board policies.</p>
<p>SC 1303-A Pol. 805.1</p>	<p>In accordance with state law, the Principal 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.</p>

References:

School Code – 24 P.S. Sec. 111, 527, 1302.1-A, 1303-A, Art. XVII – A  
State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21 PA Controlled  
Substance, Drug, Device and Cosmetic Act – 35 P.S.  
Sec. 780-101 et seq.

Drug-Free Workplace Act – 41 U.S.C. Sec. 8101 et seq. Board Policy – 317, 805.1