

Regulation

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy GAC

Responsible Office: Safe and Orderly Schools/Office of Investigations

DRUG-, ALCOHOL-, AND TOBACCO-FREE WORK ENVIRONMENTS

A. PURPOSE

To establish regulations to support Policy GAC, Drug-, Alcohol-, and Tobacco-Free Work Environments.

B. BACKGROUND

1. The Drug Free School and Communities Act Amendment of 1989, Public Law 101-226, and the Code of Maryland Regulations (COMAR) 13A.02.04, Tobacco-Free School Environment, require Anne Arundel County Public Schools (AACPS) to maintain drug-, alcohol-, and tobacco-free work environments.
2. Compliance with standards of conduct set forth in this regulation is mandatory. Violation of this regulation by any Board or school system employee will result in the imposition of disciplinary sanctions when required, the notification of appropriate law enforcement agencies, which may include suspension or termination of employment in accordance with regulations issued by the Superintendent.

C. DEFINITIONS

1. Drugs:
 - a. Illegal drugs includes, but is are not limited to, marijuana, hashish, PCP (phencyclidine), methadone (Quaalude), opium, heroin, morphine, cocaine, LSD (lysergic acid diethylamide), amphetamines, barbiturates, anabolic steroids, and any other drug or substance, the use, possession, or distribution of which is prohibited by Federal or State law.
 - b. Other drugs: controlled substances not authorized or utilized in accordance with a physician's prescription.
2. Synthetic substances: Stimulant compounds/substances that replicate the effects of illegal drugs.
3. Mind altering substances: Chemical compounds/substances that replicate the effects of illegal drugs.

4. Alcohol: Any spirituous, vinous, malt, distilled, or fermented liquor, or compound by whatever name called which contains alcohol. Examples include, but are not limited to, ale, beer, wine, whiskey, vodka, rum, or gin.
5. Tobacco: Products derived from the tobacco plant that are smoked, chewed, sniffed, or otherwise consumed. This shall not include nicotine replacement therapy.
6. School buildings AACPS owned or leased buildings as well as charter and contract school facilities that serve AACPS students.
7. School grounds: AACPS owned or leased land that surrounds a school building including all charter and contract school facilities.
8. School Vehicles: AACPS owned or leased vehicles, including school buses.
9. Use/Misuse means:
 - a. the use of a drug as defined in this regulation;
 - b. the use of any synthetic and/or mind altering substance as defined in this regulation ;
 - c. the use of alcohol as defined in this regulation; or
 - d. the misuse of any over-the-counter (OTC) or prescription medication which the user knows or should know may impair job performance or endanger the safety of oneself or others in the work site.

D. PROCEDURES

1. Tobacco
 - a. All work sites within the jurisdiction of the Board are designated as tobacco-free sites.
 - b. The sale or use of tobacco in any form is prohibited at all times (24 hours a day, every day) in all school system owned or leased vehicles, including buses and vehicles while operating under contract with the school system.
 - c. Employees on or off AACPS properties are prohibited from using tobacco products during the discharge of official school system duties.
2. Drugs, synthetic substances, mind altering substances, and alcohol
 - a. All work sites within the jurisdiction of the Board are designated as drug-, and alcohol-, free sites. The sale, use, distribution, manufacture, possession or dispensing of any of these items in any form is prohibited in all school system owned or leased buildings and on all school grounds at all times (24 hours a day, every day). This includes schools, central office, warehouses or other building controlled by the school system.

- b. The sale, use, distribution, manufacture, possession or dispensing of drugs, synthetic or mind altering substances or alcohol in any form is prohibited at all times (24 hours a day, every day) in all school system owned or leased vehicles, including buses and vehicles operating under contract with the school system.
- c. Employees shall not report to work under the influence of or showing signs of the use of drugs, alcohol, synthetic substances, or mind altering substances. Additionally, employees shall not report to work after having misused any OTC or prescription medication.
- d. Suspected violations by employees will be referred to the Office of Investigations for further investigation and appropriate action, up to and including termination.
 - i. Supervisors may recommend to the Office of Investigations that an employee submit to drug or alcohol testing in accordance with the procedures herein.
 - ii. An investigation will be conducted into the alleged violation(s), and a determination will be made regarding the employee's involvement in the alleged actions.
 - iii. Employees may be placed on administrative leave while an investigation is being conducted.
 - iv. After the investigation and a conference with the employee, the employee may be suspended or terminated if it is determined that established policies and/or regulations have been violated. If an employee is suspended, a determination will be made at that time regarding the employee's present and future position assignment.
- e. Procedures for requiring drug or alcohol testing for employees:
 - i. The appropriate supervisor must immediately contact the Office of Investigations with reasonable suspicion that an employee has used or misused drugs, synthetic substances and/or mind altering substances, prescription or OTC drugs, or alcohol and is currently exhibiting conduct or symptoms consistent with such use or misuse.
 - ii. If the Office of Investigations believes that a reasonable suspicion as identified above exists, the employee will be directed to accompany the designated school system representative and submit to a drug or alcohol test immediately at the facility contracted to perform such tests by the school system.
 - iii. An employee who refuses or fails to comply fully with an order for alcohol or drug testing at the facility contracted to perform such tests by the school system will be deemed to have failed to obey a lawful and reasonable direction issued by a department head or supervisor and will be subject to

disciplinary sanctions that may include suspension or termination of employment.

- f. Employees will be expected to cooperate fully with appropriate law enforcement authorities in the investigation and prosecution of illegal drug or alcohol use at the worksite, or while on official Board business on or off Board property.
- g. The school system encourages employees who use and/or misuse drugs, prescription drugs, alcohol, OTC medications, and synthetic or mind altering substances or who recognize that they are suffering from dependency on such substances to seek assistance through their designated health care provider or other appropriate treatment option(s).
- h. Employees will report any arrest for the illegal use of drugs or alcohol to their supervisor within 24 hours of the arrest absent extraordinary and compelling circumstances as determined in the sole, exclusive, and reasonable discretion of the Office of Investigations. Employees will advise the Office of Investigations within 24 hours of the disposition of the case. Employees convicted on drug or alcohol offenses are in violation of Board Policy GAC. The Office of Investigations will review the incident with the Superintendent or designee for appropriate action, which may include written reprimand, suspension, or termination.
- i. Irrespective of an individual's voluntary participation in treatment programs, the school system and the Board may take appropriate and lawful action to identify and discipline employees who violate this regulation.
 - i. Employees must provide the Office of Investigations with evidence of participation and progress in any treatment program required for continued employment or as a condition of returning to work.
 - ii. To the extent that an employee violates this regulation and is not terminated, the employee must submit to random drug and alcohol testing as a condition of continued employment.
- j. The Division of Human Resources will be responsible for:
 - i. notifying all new employees of the Board policy and administrative regulation on drug-, alcohol-, and tobacco-free workplace;
 - ii. maintaining exclusive custody of all records and documentation of each drug testing case in a secure location separate from the personnel files.
 - 1. All staff involved with a drug and alcohol testing case will observe strict confidentiality with respect to the identity of an employee required to submit to a drug and alcohol test, regardless of the results of the test.

2. The only persons authorized to receive information relating to drug and alcohol tests are:
 - a. the employee affected;
 - b. the employee's supervisor or department head;
 - c. the Director of Human Resources or designee;
 - d. the Superintendent or designees; and
 - e. members of the Board of Education and their agents and representatives in the context of an appeal hearing as requested by the employee.
- k. The "School Facility Use Application and Permit" form will state the school system's policy on the ban of drug, alcohol, and tobacco use. Authority to use buildings and grounds may be withdrawn upon evidence of a violation of this regulation.

Regulation history: Developed by Superintendent: 11/09/11
Reviewed by Board of Education: 04/18/12
Issued: 04/18/12

Note previous regulation history: Adopted 10/08/80 revised 11/07/90. *This Regulation incorporates GAFF-RA/AR-800.30, thus rescinding former Regulation 800.30.*