

Section 4: PERSONNEL

Employee Health and Well-Being Substance-Free Workplace

File: 404.07

- I. The Holt County School District No. 7 is committed to providing an employment environment that is safe and provides appropriate motivation to ensure a creative and productive work force. To this end, the school district unequivocally endorses the philosophy that the workplace should be free from the detrimental effects of illicit drugs and alcohol.

It is unlawful and, therefore, absolutely prohibited for any employee of the school district to engage in the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as a part of any of the school's activities.

DEFINITION OF TERMS

As used in this policy, prohibition against the unlawful possession, use, or distribution of illicit drugs and alcohol on the school premises or as a part of any of the school's activities shall mean, but not be limited to the following:

1. The possession, use, or distribution of any substance which is declared by the State of Nebraska or any other applicable law to be an illicit substance.
2. The possession, use, or distribution of alcohol on the school premises or as a part of any of the school's activities.

As used herein, the term "school premises" shall mean any property whether owned, leased, or in other manner under the control of the Board of Education of Holt County District No. 7. As used herein, the phrase "as a part of any of the school's activities" shall mean any activity or enterprise carried out in whole or in part under the auspices of Holt County School District No. 7.

PROCEDURES

1. All employees and each new employee will receive a copy of this policy.
2. Each employee will acknowledge receipt of this policy and will sign such form acknowledging receipt and acknowledging the school district's policy of absolutely prohibiting conduct as set forth in this policy, and further acknowledging that serious sanctions can and will be taken against an employee, including termination of employment and referral for prosecution for any failure to comply with the above-stated standards of conduct and further acknowledging that such compliance is mandatory, and further acknowledging that this policy is adopted pursuant to P.L. 101-226, 34 C.F.R., Part 86, and other applicable statutes, and will further acknowledge that failure to comply with such federal requirements may put the school district's receipt of federal funds in jeopardy.
3. In the event the employee does not understand the terms and conditions of this policy, it shall be the duty of the employee to ask for such points of clarification from the superintendent of schools or his or her designee at the time this policy is distributed to the employee. If no question is directed by an employee to the superintendent of schools or his or her designee, it shall be the legal position of the school district to presume that the employee has understood and will abide by this policy.

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4. In the event of any non-compliance by any employee with this policy it shall be the duty of the superintendent of schools or his or her designee to inform any employee not in compliance about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to employees within fifty miles of the administrative offices of the school district. If no such programs are available within fifty miles, then such other programs as may exist in the State of Nebraska shall be made known to such employee. The superintendent of schools or his or her designee shall maintain a list of such available services and shall from time to time update such list.
5. Sanctions which may be taken against an employee for non-compliance with this policy may be any one or more of the following:
 - a. An oral reprimand.
 - b. A written reprimand.
 - c. Suspension with pay.
 - d. Suspension without pay.
 - e. Termination of employment.
 - f. Cancellation of employment.
 - g. Non-renewal of employment.
 - h. Referral to appropriate authorities for criminal prosecution.
 - i. Mandatory enrollment in inpatient/outpatient care or otherwise as a term and condition to any continuing employment by the school district.
 - j. Mandatory enrollment in any training programs that are or may be provided by the school district or others relating to any of the activities prohibited by this policy.
6. Disciplinary action sought to be imposed by the superintendent of schools or his or her designee shall be carried out in accordance with the established policies of the school district. However, nothing in this policy shall be construed to vest any right in any employee beyond that required by law and the manner in which each case shall be handled shall be in the sole discretion of the superintendent of schools or his or her designee subject to the superintendent's approval, provided only that such action shall be carried out within the bounds of applicable law.
7. Conviction of an employee of the school district of any criminal statute relating to the unlawful use, possession, or distribution, of any controlled substance or alcohol, may result in disciplinary action being taken against such employee. When such conviction shall come to the attention of the superintendent of schools or other official of the school district, any employee convicted as above described may be disciplined in any manner provided by statute, the contract of the employee, any existing policy of the school district, or any other applicable body of law. As used herein "applicable body of law" shall mean, but shall not be limited to, state and federal statutes, state and federal regulations, and any applicable case law.
8. As an alternative to discipline or as a concurrent requirement to the disciplinary action less severe than the maximum disciplinary action that may be carried out against an employee as referred to in the immediate preceding paragraph, the school district by and through its superintendent of schools or his or her designee may require the employee to successfully finish a drug abuse program that has been selected and approved by the school district. As used herein, the term "drug abuse

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program" shall mean a drug abuse program sponsored by an approved private or governmental institution. The superintendent of schools or his or her designee may require the employee to provide the superintendent of schools or his or her designee written documentation satisfactory to the superintendent of schools or his or her designee that the employee has successfully finished such program. If aftercare is recommended by such institution, then the superintendent of schools or his or her designee at his or her sole discretion may require the employee to enroll in such aftercare program and to participate in a manner satisfactory to the provider of such aftercare program. The superintendent of schools or his or her designee may require ongoing reporting of such participation as a term and condition of continuing employment by such employee with the school district.

9. It shall be the policy of this school district to require an employee who has been charged or convicted of a violation of any statute as hereinabove referred to in this policy to report such charge or conviction to the superintendent of schools or his or her designee within 48 hours. Any information received pursuant to this policy may be used in any lawful manner. Any employee having concerns about an admission hereunder constituting self-incrimination shall bear the burden of seeking his or her own legal advice regarding any such potential self-incrimination.
- II. It shall be the policy of the Holt County School District No. 7 to provide information to all students concerning available drug and alcohol counseling, rehabilitation, and re-entry program within fifty miles of the administrative offices of this school district or, where no such services are found, within the State of Nebraska. Information concerning such resources shall be presented to all of the students of this school district. In the event of disciplinary proceedings against any student for any school district policy pertaining to the prohibition against the unlawful possession, use, or distribution of illicit drugs or alcohol, appropriate school personnel shall confer with any such student and his or her parents or a guardian concerning available drug or alcohol counseling, rehabilitation, and re-entry programs that appropriate school personnel shall consider to be of benefit to any such student and his or her parent, parents, or guardian.
- III. It shall be the policy of the Holt County School District No. 7, in addition to standards of student conduct elsewhere adopted by school board policy or administrative regulation, to absolutely prohibit the unlawful possession, use, or distribution of illicit drugs or alcohol on school premises or as a part of any of the school's activities. This shall include such unlawful possession, use, or distribution of illicit drugs or alcohol by any student of this school district during regular school hours or after school hours, at school sponsored activities on school premises, or at school sponsored activities off school premises. Conduct prohibited at places and activities as hereinabove described shall include, but shall not be limited to, the following:
 - a. Possession of any controlled substance, possession of which is prohibited by law.
 - b. Possession of any prescription drug in an unlawful fashion.
 - c. Possession of alcohol on school premises or as a part of any of the school's activities.
 - d. Use of any illicit drug.
 - e. Distribution of any illicit drug.
 - f. Use of any drug in an unlawful fashion.

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- g. Distribution of any drug or controlled substance when such distribution is unlawful.
- h. The possession, use, or distribution of alcohol.

It shall further be the policy of this school district that violation of any of the above prohibited acts will result in disciplinary sanctions being taken within the bounds of applicable law, up to and including short term suspension, long term suspension, expulsion, and/or referral to appropriate authorities for criminal persecuting.

- IV. It shall be the policy of the Holt County School District No. 7 to provide each student of this school district with a copy of the standards of conduct for student behavior in the district which prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as a part of any of the school's activities. Such standards of conduct and the school district's policy of disciplinary sanctions that may be taken for violation of such standards of conduct shall be given to each student and his or her parents or a guardian prior to the commencement of each school year on a form to be developed by the administration or the board of education.

It shall further be the policy of this school district to keep a file showing receipt of standards of conduct and a statement of disciplinary sanctions that may be taken for violations of such standards of conduct. The receipt shall be issued in duplicate and shall contain in prominent letters the following language:

"THIS RECEIPT SHALL SERVE TO DEMONSTRATE THAT YOU AS PARENT OR GUARDIAN OF A STUDENT ATTENDING THE HOLT COUNTY SCHOOL DISTRICT NO. 7 HAVE RECEIVED NOTICE OF THE STANDARDS OF CONDUCT OF THE SCHOOL DISTRICT EXACTED OF STUDENTS CONCERNING THE ABSOLUTE PROHIBITION AGAINST THE UNLAWFUL POSSESSION, USE, OR DISTRIBUTION OF ILLICIT DRUGS OR ALCOHOL ON SCHOOL PREMISES OR AS A PART OF ANY OF THE SCHOOL'S ACTIVITIES AS DESCRIBED IN SCHOOL BOARD POLICY OR ADMINISTRATIVE REGULATION. THIS NOTICE IS BEING PROVIDED TO YOU PURSUANT TO P.L. 101-226 AND 34 C.F.R. PART 86, BOTH FEDERAL LEGAL REQUIREMENTS FOR THE SCHOOL DISTRICT TO OBTAIN ANY FEDERAL FINANCIAL ASSISTANCE. YOUR SIGNATURE ON THIS RECEIPT ACKNOWLEDGES THAT YOU AND YOUR CHILD OR CHILDREN WHO ARE STUDENTS ATTENDING THIS SCHOOL DISTRICT FULLY UNDERSTAND THE SCHOOL DISTRICT'S POSITION ABSOLUTELY PROHIBITING THE UNLAWFUL POSSESSION, USE, OR DISTRIBUTION OF ILLICIT DRUGS OR ALCOHOL ON SCHOOL PREMISES OR AS A PART OF THE SCHOOL'S ACTIVITIES AS HEREINABOVE DESCRIBED AND THAT COMPLIANCE WITH THESE STANDARDS IS MANDATORY. ANY NON-COMPLIANCE WITH THESE STANDARDS CAN AND WILL RESULT IN PUNITIVE MEASURES BEING TAKEN AGAINST ANY STUDENT FAILING TO COMPLY WITH THESE STANDARDS."

- V. It shall be the policy of Holt County School District No. 7 to review biennially its entire program pertaining to the prevention of the use of illicit drugs and the abuse of alcohol by students and employees to determine the effectiveness of the program and to implement such changes to the program as are deemed needed.

The superintendent of schools shall undertake such study as is deemed appropriate to determine whether the program of the school district as hereinabove referred to is accomplishing its intended goals. If the superintendent of schools determines that changes are necessary or desirable in the program, the superintendent of schools shall, on or before

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the regular July meeting of the board of education, present to the board of education such changes as are proposed by the administration in the program of the school district.

- VI. It shall be the policy of the Holt County School District No.7 to require the superintendent of schools to keep a statistical report of all violations of the school district's policies and program prohibiting the unlawful possession, use, or distribution of illicit drugs or alcohol by students and employees on the school district's property or as a part of any of the school district's activities. The superintendent of schools shall at least annually provide a report to the board of education consisting of at least the following:
 1. The date and nature of any incidents of non-compliance with the school district's policies pertaining to the unlawful possession, use, or distribution of illicit drugs or alcohol by students or employees.
 2. The nature of any sanction carried out against any such person in violation of such policies.
 3. A brief description of any treatment, counseling, or rehabilitation that any such individual in violation of any such policy shall be undertaken and whether such undertaking was voluntary or involuntary.
- VII. ACKNOWLEDGEMENT OF UNDERSTANDING AND RECEIPT OF THE BOARD OF EDUCATION STANDARDS AND POLICIES PROHIBITING THE UNLAWFUL POSSESSION, USE, OR DISTRIBUTION OF ILLICIT DRUGS OR ALCOHOL ON THE SCHOOL PREMISES OR AS A PART OF ANY OF THE SCHOOL'S ACTIVITIES.

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I, the undersigned, do by affixing my signature hereto acknowledge that I understand the absolute prohibition of the school district against any employee of the school district to engage in unlawful possession, use, manufacture, or distribution of illicit drugs or alcohol on the school premises or as a part of any of the school district's activities as defined by school district premises or as a part of any of the school district's activities as defined by school board policy or administrative directive. I further understand by affixing my signature hereto that disciplinary sanctions up to and including termination of my employment and referral of me for criminal prosecution may be imposed upon me for an violation of these standards. I further agree to be bound by these standards and acknowledge that I have been fully notified and that all policies have been explained to my satisfaction and full understanding by appropriate school personnel. I further understand that compliance with these standards is mandatory and is a material term and condition of my employment by this school district.

Dated this _____ day of _____, _____

Signature of Employee

VIII. It shall be the policy of the Holt County School District No. 7 to provide age appropriateness and developmentally based drug and alcohol education and prevention program for all students of the schools. It shall be the policy of this school district to require instruction at each grade level concerning the adverse effects resulting from the use of illicit drugs and alcohol. Such instruction shall be designed by affected classroom teachers or as otherwise directed by the board of education to be appropriate to the age of the student exposed to such instruction. Such instruction should be described in any curriculum guides of the school district and should have as one of its primary objectives the prevention of the use of illicit drugs and alcohol by such students. It shall further be the policy of this school district to encourage the use of outside resource personnel such as law enforcement officers, medical personnel, and experts on the subject of drug and alcohol abuse, so that its economic, social, educational, and psychological consequences may be made known to the students of this school district. It shall further be the policy of this school district through the instruction earlier herein referred to as well as by information and consistent enforcement of the school board's policy pertaining to student conduct as it relates to the use of illicit drugs and the unlawful possession and use of alcohol, that drug and alcohol abuse is wrong and is harmful both to the student and this school district, and its educational programs.

Legal Reference:

P.L. 101-226, Drug-Free Schools and Communities Act
Amendments of 1989,
41 U.S.C. §§ 701-707 (1994).
42 U.S.C. §§ 12101 et seq. (1994).
34 C.F.R. Pt. 86 (1996).