

**- CERTIFIED PERSONNEL -****Drug-Free/Alcohol-Free Schools****DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

District employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain, sell or transfer any of the following in the workplace or in the performance of duties:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that look like a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

In addition, employees shall not possess prescription drugs for the purpose of sale or distribution.

**DEFINITIONS**

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to [KRS 218A.020](#).

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in [KRS 217.900](#) or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

**AUTHORIZED DRUGS**

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy. Persons taking prescriptions that are narcotic or contain opiates are to report these prescriptions immediately to their supervisor with a statement from their physician indicating they have authorized the prescription.

**PRE-EMPLOYMENT TESTING**

All applicants being considered for employment positions identified as safety-sensitive will be required to submit to a urinalysis test for the purpose of detecting illegal use of drugs, as part of the currently required pre-employment physical. "Safety-sensitive" shall refer to positions where a single mistake by such employee can create an immediate threat of serious harm to students and fellow employees. Safety-sensitive positions requiring pre-employment drug testing shall include, but not be limited to: Principal, assistant principal, teacher, traveling teacher, teacher aide, substitute teacher, counselor, central office administrator, custodian, cook, school secretary, maintenance worker, and others as indicated on the description for the position.

**Drug-Free/Alcohol-Free Schools****RANDOM TESTING**

All safety-sensitive employees shall be subject to random drug testing in accordance with this policy and related procedures.

**PHYSICAL EXAMINATION/SCREENING BASED UPON REASONABLE SUSPICION**

The Superintendent/designee, with such assistance and input of the employees' supervisors as deemed necessary, is authorized to make the determination that reasonable suspicion or cause exists to order a drug screen of employees in safety sensitive positions. Circumstances under which substance screening may be considered include, but are not limited to, the following:

1. Observed use, possession, or sale of illegal drugs and/or illegal use, possession, sale, or abuse of alcohol and/or the illegal use or sale of prescription drugs.
2. Apparent physical state of impairment of motor functions.
3. Marked changes in personal behavior not attributable to other factors.
4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.
5. A formal allegation made by a duly authorized law enforcement officer.

The circumstances under which substances screening may be considered are limited to employee conduct on duty or during working hours, or on or in Board property, or at school related functions of the District.

Prior to substance screening, employees shall sign an acknowledgement that the summary result shall be transmitted to the Superintendent. Failure to comply will be considered insubordination and appropriate disciplinary actions shall occur.

**WORKPLACE DEFINED**

Workplace shall mean the site for the performance of work done for the District including any place where work on a District program, project or activity is performed, including, but not limited to, a school building or other school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. "Workplace" shall also include school-sponsored or school-approved activities, events or functions which are held off school property and in which students are under District jurisdiction including, but not limited to, field trips and athletic events.

**SUSPENSION/TERMINATION/NON-RENEWAL**

Any employee who violates the terms of this policy may be suspended, non-renewed or terminated. In addition, violations may result in notification of appropriate legal officials.

**ALTERNATIVE**

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non-renewed or terminated.

**Drug-Free/Alcohol-Free Schools****REPORTING**

Any school employee who knows or has reasonable cause to believe that a person has violated [KRS 158.155](#) shall immediately report any use, possession, or sale of a controlled substance, or who receives information from a student or other person of conduct which is required to be reported, shall immediately cause a report to be made to the District's law enforcement agency and either the local law enforcement agency or the Kentucky State Police.

**NOTIFICATION BY EMPLOYEE**

Any employee convicted of a workplace violation of criminal drug statutes shall, within five (5) working days, provide notification of the conviction to the Superintendent.

**POST-DISCIPLINE DRUG TESTING**

Following determination by an administrative or judicial proceeding that s/he engaged in misconduct involving the illegal use of controlled substances, a teacher who has been reprimanded or disciplined for misconduct involving illegal use of controlled substances shall submit to random or periodic drug testing in accordance with applicable Kentucky Administrative Regulation for a period not to exceed twelve (12) months from the date of such reprimand or disciplinary action.

**PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all employees which shall include notice of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

**REFERENCES:**

[KRS 158.155](#); [KRS 160.290](#); [KRS 160.380](#); [KRS 161.120](#); [KRS 161.175](#)  
[KRS 161.790](#); [KRS 217.900](#); [KRS 218A.1430](#); [KRS 218A.1447](#); [KRS 218B.045](#)  
[016 KAR 001:030](#); [701 KAR 005:130](#); 34 C.F.R Part 85

**RELATED POLICIES:**

03.1325; 08.1345; 09.2211; 09.2241

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