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Drug-Free WorkplaceA. Generally

The school board demands compliance with both the word and intent of the Drug-Free Workplace Act, acts of the Virginia General Assembly relating to drug (including alcohol) use, and Federal, State and Department of Education regulations implementing such legislation.

B. Definitions

As used in this regulation:

1. "Controlled substance means a controlled substance in schedules I through V of the Federal Controlled Substance Act and schedules I through VI of the Virginia Drug Control Act.
2. "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
3. "Criminal drug statute" means a Federal or State statute involving the manufacture, distribution, dispensing, possession or use of any controlled substance.
4. "Drug-free workplace" means a site for the performance of work by a school board employee at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol.

C. Use of Alcohol and Drugs

1. The illegal use, possession of, or sale of alcohol, narcotics, hallucinogens, depressants, stimulants, marijuana or other controlled substance on school board property shall result in suspension or termination of employment.

If a supervisor has reasonable cause to believe that an employee has reported to work under the influence of intoxicants, the supervisor has the right and responsibility to request the employee to submit to an alcohol or drug test. The failure of an employee to submit to an alcohol or drug test shall be grounds for discipline which may include termination. The results of the alcohol or drug test shall not be used for any purpose other than to determine adherence to policy and to discipline an employee whenever necessary.

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Use of Alcohol/Drugs and Tobacco (continued)D. Drug-Free Awareness Program

The school board is aware of its obligation to employees with respect to the use of abuse of drugs. The board holds the belief that a climate should be established within the division that is conducive to the nonuse of illegal drugs. This climate is to be achieved through the establishment of the following:

1. That opportunities be provided when possible and appropriate to have an effective counseling program. The Employee Assistance Program is available for this purpose.
2. That a continuing program of in-service instruction be implemented on the nature of drugs and their proper use and on the deleterious effects of drug use on the mental, physical, social, economic and legal status of the individual employee.
3. That opportunities be provided for the community to understand the school division's approach to a drug-free workplace.
4. That this regulation and related rules instituted to insure against the use, sale and distribution of controlled substances on school property (including vehicles) be made available to each employee and posted in workplaces when appropriate.

E. Notification of Convictions

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off school premises while conducting school business. A report of a conviction must be made within five (5) days after the conviction to their immediate supervisor. The supervisor will immediately inform the personnel department.

Within ten (10) days of learning of an employee's criminal conviction for illegal drug activity within the workplace, the personnel department will notify the federal government of such conviction. Within thirty (30) days of learning of an employee's criminal conviction for illegal drug activity within the workplace the personnel department will take appropriate action. (This requirement is mandated by the federally, legislated Drug-Free Workplace Act of 1988.)

Regulatory Authority:

Drug-Free Workplace Act. (1988)

Drug-Free Workplace Requirements; Notice and Interim Final Rules (Effective March

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Use of Alcohol/Drugs and Tobacco (continued)

18, 1989)

Code of Va., Drug Control Act.Code of Va., § 4.1-309 Drinking or possessing alcoholic beverages in or on public school grounds; penalty

A. No person shall possess or drink any alcoholic beverage in or upon the grounds of any public elementary or secondary school during school hours or school or student activities.

B. In addition, no person shall drink and no organization shall serve any alcoholic beverage in or upon the grounds of any public elementary or secondary school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only.

C. Any person convicted of a violation of this section shall be guilty of a Class 2 misdemeanor.

D. This section shall not prohibit any person from possessing or drinking alcoholic beverages or any organization from serving alcoholic beverages in areas approved by the Board at a performing arts center owned by any city having a population between 100,000 and 105,000, provided the organization operating the performing arts center or its lessee has a license granted by the Board. (1997)

Code of Va., § 18.2-255.2 Prohibiting the sale of drugs on or near certain properties

A. It shall be unlawful for any person to manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance, imitation controlled substance or marijuana at any time while (i) upon the property, including buildings and grounds, of any public or private elementary, secondary, or post secondary school, or any public or private two-year or four-year institution of higher education; (ii) upon public property or any property open to public use within 1,000 feet of such school property; (iii) on any school bus as defined in § 46.2-100; (iv) upon the property, including buildings and grounds, of any publicly owned or publicly operated recreation or community center facility or any public library; or (v) upon the property of any state hospital as defined in §37.1-1 or upon public property or property open to public use within 1,000 feet of such an institution. Nothing in this section shall prohibit the authorized distribution of controlled substances.

B. Violation of this section shall constitute a separate and distinct felony. Any person violating the provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more than five years and fined not more than \$100,000. However, if such person proves that he sold such controlled substance or

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Use of Alcohol/Drugs and Tobacco (continued)

marijuana only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance or marijuana to use or become addicted to or dependent upon such controlled substance or marijuana, he shall be guilty of a Class 1 misdemeanor.

- C. If a person commits an act violating the provisions of this section, and the same act also violates another provision of law that provides for penalties greater than those provided for by this section, then nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or the imposition of any penalties provided for thereby. (1997)

Code of Va., §18.2-265.1. Definitions. As used in this article, the term "drug paraphernalia" means all equipment, products, and materials of any kind which are either designed for use or which are intended by the person charged with violating §18.2-265.3 for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance. It includes, but is not limited to:

1. Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of marijuana or any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing marijuana or controlled substances;
3. Isomerization devices intended for use or designed for use in increasing the potency of marijuana or any species of plant which is a controlled substance;
4. Testing equipment intended for use or designed for use in identifying or in analyzing the strength or effectiveness of marijuana or controlled substances;
5. Scales and balances intended for use or designed for use in weighing or measuring marijuana or controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, or mannite, intended for use or designed for use in cutting controlled substances;
7. Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

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Use of Alcohol/Drugs and Tobacco (continued)

8. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding controlled substances;
9. Capsules, balloons, envelopes, and other containers intended for use or designed for use in packaging small quantities of marijuana or controlled substances;
10. Containers and other objects intended for use or designed for use in storing or concealing marijuana or controlled substances;
11. Hypodermic syringes, needles, and other objects intended for use or designed for use in parenterally injecting controlled substances into the human body;
12. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons, and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongs;
 - m. Ice pipes or chillers. (1997)

Approved by School Board: August 1, 1989

Revised by School Board: December 19, 1989