

**BURLINGTON SCHOOL DISTRICT
D 5R: DRUG-FREE WORKPLACE**

Former Policy GBEB

A. As required by the Federal Drug-Free Workplace Act of 1988, as it may be amended from time to time no employee (as defined below) of the Burlington Public Schools shall unlawfully manufacture, distribute, dispense, possess or use any controlled substance as defined in federal and state law, (including but not limited to, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana) in the workplace.

B. The Superintendent or his/her designee shall cause to be published and distributed to employees a statement notifying them that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in the workplace. The notification will also state that an employee violating this prohibition is subject to sanctions deemed appropriate by the Board, ranging from successful participation in a rehabilitation program up to and including suspension, non-renewal or dismissal.

C. As a condition of employment, any employee who is engaged in the performance of a federal grant shall notify his or her supervisor, within five (5) days of such conviction, of any conviction resulting from his/her violation at the workplace of a criminal drug statute. The Superintendent or his/her designee shall notify the grant agency within ten days of receiving notice of such conviction, whether notice is from the employee or actual notice from some other source.

D. 1. Within thirty days of receiving (a) notice of such conviction from the employee, or actual notice from some other source, or (b) actual notice of a violation of paragraph A. above by an employee, the Board shall, at the Board's discretion, either:

- (1) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by federal, state or other appropriate agencies and selected by the Board, or
- (2) subject the employee to other appropriate sanctions determined by the Board, up to and including suspension, termination or non-renewal.

2. If the Board chooses to have the employee participate in a rehabilitation program, whether the employee participates satisfactorily in the program will be determined by the Board with the advice of the program's director. If the Board determines that participation has not been satisfactory, it may allow the employee additional opportunity to participate satisfactorily, or it may impose appropriate sanctions as described in subparagraph (a).

E. Sanctions against employees, including non-renewal, suspension and termination, shall be chosen and imposed as provided by, and in accordance with relevant school district administrative regulations, contracts, policies, and procedures and any due process or other requirements of law.

Definitions:

F. For the purposes of this policy, the following definitions are applicable:

"agency" - means any United States executive department, military department, government corporation, government controlled corporation, any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency;

"employee" - an "employee" is an individual employed by a grantee directly engaged in the performance of work pursuant to the provisions of a federal grant;

"controlled substance" - means a "controlled substance" as listed in schedules I through V of section 202 of the Controlled Substance Act, 21 U.S.C. section 812;

"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;

"criminal drug statute" - means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

"grant" - means an award of financial assistance, including a cooperative agreement, in the form of money, or property in lieu of money, by a Federal agency directly to a grantee.

The term "grant" includes block grant and entitlement grant programs, whether or not exempted from coverage under the grants management government wide regulation ("Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"). The term does not include technical assistance which provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations; or any veterans' benefits to individuals, i.e., any benefits to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.

"grantee" - is an entity or individual who applies for or receives a grant from a federal agency.

"workplace" - is defined to mean the site for the performance of work done in connection with a specific federal grant. The workplace includes any school building, school property, school-owned vehicles, or school-approved vehicle used to transport students to

and from school-sponsored or school-related activity, event or function, such as a field trip or athletic event where students are under the jurisdiction of the school district where work on a federal grant is performed.

Legal Ref.: Federal Drug-Free Workplace Act of 1988, 41 U.S.C. section 702 et. seq.; (34 CFR 85.600 et. seq.); (34 CFR 85, Appendix C, Certification Regarding Drug-Free Workplace Requirements) *16VSA 563(12)*

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