
DRUG-FREE WORKPLACE/DRUG-FREE SCHOOLS**Definitions**

1. *Alcohol* shall mean *intoxicating liquor/beverages* as defined in RSA 175:1, RSA 265-A:2, RSA 571-C:2.
2. *Drug(s)* or *illicit drug(s)* or *illegal drug(s)* shall mean *controlled drugs/substances* as defined by RSA 318-B.

For purposes of this policy, "workplace" shall mean the site for the performance of work, and will include at a minimum any Nashua School District ("the District") building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction, care or control of the District.

The District will provide a drug-free and alcohol-free workplace in accordance with the Drug-Free Schools and Communities Act of 1988 and Amendments of 1989, the Drug-free workplace requirements for federal contractors, 41 U.S.C. §701, and the Drug-Free Workplace Act of 1988; 34 CFR 84.200. In compliance with these requirements, the District will:

1. Notify all employees, in writing, that the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and alcohol is prohibited in the District's workplace and that any violation is subject to disciplinary action. Notification will be accomplished by distribution of this policy to all employees.
2. Provide a drug and alcohol-free awareness program to inform employees about:
 - a. The dangers of illicit drugs in the workplace;
 - b. The District's policy of maintaining a drug and alcohol-free workplace;
 - c. Available drug and alcohol counseling, rehabilitation, and employee assistance and/or re-entry programs; and
 - d. The penalty/penalties that may be imposed on employees for drug and alcohol violations occurring in the workplace.
3. Notify employees that, as a condition of employment in the District, they will agree to and abide by the terms of the policy, and will notify the District of any drug statute conviction resulting from workplace conduct within five days of the conviction.
4. Establish the following as grounds for disciplinary action:
 - a. Working under the influence of alcohol or illegal drugs, no matter where consumed.
 - b. Having a container of alcohol or consuming alcohol on School property. (Any employee who finds any type of container of alcohol on School property should report it to the administration immediately.)
 - c. Possessing or distributing controlled substances on School property.
 - d. Consuming, possessing, or distributing alcohol or illegal drugs at official school functions not on school property.

5. Drug-Free School Zone

- a. Pursuant to New Hampshire's "Drug-Free School Zone" law (RSA Chapter 193-B), it is unlawful for any person to manufacture, sell prescribe administer, dispense, or possess with intent to sell, dispense or compound any controlled drug or its analog, within a "drug-free school zone". The Superintendent is directed to assure that the District is and remains in compliance with the requirements of RSA 193-B, I, and N.H. Ed. Part 316 with respect to establishment, mapping and signage of the drug-free zone around each school of the District.
6. Alert the local law enforcement agency of any suspected controlled drugs/substance violations of the policy as required by State or federal law.
 7. Take any of the following disciplinary actions (either alone or in combination) regarding an employee who is in violation of the policy:
 - a. Suspension
 - b. Termination of employment
 - c. Satisfactory participation in a drug or alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, State or local health or law enforcement, or other appropriate agency. In the case of drug abuse, any employee participating in a drug abuse program shall be removed from direct interaction with children until such time as the employee has successfully participated in the program and the District has determined that the employee is capable of performing his/her job without posing a risk to others or himself/herself.
 - d. A verbal or written warning may be given for minor or incidental alcohol violations.
 8. Make a good faith effort to continue to maintain a drug and alcohol-free workplace through implementation of all the provisions of this policy. In so doing, the District will conduct a biennial review of its programs to determine their effectiveness and to ensure that the disciplinary sanctions are consistently enforced and changes are implemented, if needed.

Legal References:

RSA 193-B, Drug Free School Zones

RSA 175:1, Definitions

RSA 265-A:2, Driving or Operating Under the Influence of Drugs or Liquor; Driving or Operating With Excess Alcohol Concentration

RSA 571-C:2, Responsibility to Minors

RSA 318-B, Controlled Drug Act

41 USC Section 701 Et. seq., Drug-free workplace requirements for Federal contractors

Public Law 101-226, Drug-Free Schools and Communities Act Amendments of 1989, Workplace Act of 1988, 34 CFR 84.200.

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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