

# REGULATION

## ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

**Related Entries:** GAC

**Responsible Office:** OFFICE OF INVESTIGATIONS

### DRUG-, ALCOHOL-, AND TOBACCO-FREE WORK ENVIRONMENTS

#### A. PURPOSE

To establish procedures and guidelines regarding the prohibition of drugs, alcohol, and tobacco on Anne Arundel County Public Schools (AACPS) property.

#### B. BACKGROUND

In accordance with *The Drug Free School and Communities Act Amendment of 1989* and State law and regulations, AACPS maintains drug-, alcohol-, and tobacco-free work environments.

#### C. DEFINITIONS

1. *Drugs* –

- a. *Illegal Drugs* – includes marijuana, hashish, phencyclidine, methadone, opium, heroin, morphine, cocaine, lysergic acid diethylamide, amphetamines, barbiturates, anabolic steroids, and any other drug or substance of which the use, possession, or distribution is prohibited by State or federal law.
  - b. *Other Drugs* – controlled substances not authorized or utilized in accordance with a physician's prescription.
2. *Synthetic Substances* – stimulant compounds and substances that replicate the effects of illegal drugs.
3. *Mind Altering Substances* – chemical compounds and substances that replicate the effects of illegal drugs.
4. *Alcohol* – any spirituous, vinous, malt, distilled, or fermented liquor, or compound by whatever name called which contains alcohol. Examples include ale, beer, wine, whiskey, vodka, rum, or gin.

5. ***Tobacco*** – products derived from the tobacco plant that are smoked, chewed, sniffed or otherwise consumed, including cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, smokeless tobacco, electronic cigarettes or vapor pens, whether or not containing tobacco products. Tobacco does not include nicotine replacement therapy that is prescribed by a medical provider and coordinated at the school administration level.
6. ***School Buildings*** – AACPS owned or leased buildings as well as charter and contract school facilities that serve AACPS students.
7. ***School Grounds*** – AACPS owned or leased land that surrounds a school building including all charter and contract school facilities.
8. ***School Vehicles*** – AACPS owned or leased vehicles, including school buses.
9. ***Use/Misuse*** –
  - a. The use of a drug as defined in this regulation;
  - b. The use of any synthetic or mind-altering substance as defined in this regulation;
  - c. The use of alcohol as defined in this regulation; or
  - d. The misuse of any over the counter (OTC) drugs or prescription drugs which the user knows or should know may impair job performance, affect an individual’s ability to remain alert while on the job, or endanger the safety of oneself or others in the work site.

**D. PROCEDURES**

AACPS is designated as a drug-, alcohol-, and tobacco-free environment. Accordingly, AACPS employees are subject to State and federal laws as well as AACPS policies and regulations regarding drugs, alcohol, and tobacco.

**1. Drugs, Synthetic Substances, Mind Altering Substances, and Alcohol**

- a. The sale, use, distribution, manufacture, possession or dispensing of any drugs, synthetic substances, mind altering substances, or alcohol in any form is prohibited in all AACPS buildings, facilities, warehouses, school buildings, and school grounds whether owned or leased at all times, 24 hours a day, every day.
- b. The sale, use, distribution, manufacture, possession or dispensing of any drugs, synthetic substances, mind altering substances, or alcohol in any form is prohibited at all times, 24 hours a day, every day, in all school system owned or

leased vehicles, including AACPS buses and vehicles operating under contract with the school system.

- c. An employee may not report to work under the influence or showing signs of the use or misuse of drugs, alcohol, synthetic substances, mind-altering substances, or alcohol. Additionally, an employee may not report to work if the employee has misused any prescription drug or OTC drug.
- d. Suspected employee violations of this regulation and accompanying policy shall be referred to the Office of Investigations for further investigation and appropriate action, up to and including dismissal.
  - i. An investigation shall be conducted into the alleged violation(s), and a determination shall be made regarding the employee's involvement in the alleged violation(s).
  - ii. An employee may be placed on administrative leave while an investigation is being conducted and may not return to work until the investigation is complete, the disciplinary process is complete, or the employee has been directed to return to work by the Office of Investigations.
  - iii. An employee may be required to submit to a drug or alcohol test.
  - iv. After the investigation and a conference with the employee, the employee may be suspended or dismissed from employment if it is determined that any AACPS policy or regulation has been violated. If an employee is suspended, a determination shall be made at that time regarding the employee's present and future employment assignment.
- e. If an employee is required to submit to a drug or alcohol test, the following procedures shall be followed.
  - i. The employee's supervisor must immediately contact the Office of Investigations if the supervisor has reasonable suspicion that an employee has used or misused drugs, synthetic substances, mind-altering substances, prescription drugs, OTC drugs, or alcohol and is currently exhibiting conduct or symptoms consistent with such use or misuse.
  - ii. If, upon the completion of an investigation, the Office of Investigations believes that there is a reasonable suspicion the employee has used or misused drugs, synthetic substances, mind-altering substances, prescription drugs, OTC drugs, or alcohol and is currently exhibiting conduct or symptoms consistent with such use or misuse, the employee shall be directed to accompany the designated school system representative and submit to a drug

or alcohol test immediately at a facility designated by AACPS to perform such tests.

- iii. An employee who refuses or fails to comply fully with an order for alcohol or drug testing at a facility designated by AACPS to perform such tests shall be deemed to be in violation of this regulation and accompanying policy and shall be subject to disciplinary action that may include suspension or dismissal from employment.
  
- f. If applicable, an employee shall cooperate fully with appropriate law enforcement authorities in any investigation regarding or prosecution of the illegal use or misuse of any drugs, synthetic substances, mind-altering substances, prescription drugs, OTC drugs, or alcohol at the worksite, or while working in the employee's official capacity on or off AACPS property.
  
- g. AACPS encourages employees who use or misuse drugs, synthetic substances, mind altering substances, prescription drugs, OTC drugs, or alcohol or recognize that they are suffering from dependency on such substances to seek assistance through their designated health care provider or other appropriate treatment options.
  
- h. Absent extraordinary and compelling circumstances as determined in the sole, exclusive, and reasonable discretion of the Office of Investigations, an employee shall report any arrest for the illegal use of drugs or alcohol to the employee's supervisor within 24 hours of the arrest. The employee shall advise the Office of Investigations within 24 hours of the disposition of the case. An employee convicted of any drug or alcohol offenses is in violation of the accompanying policy and this regulation. The Office of Investigations shall review the incident with the Superintendent or the Superintendent's designee for appropriate action, which may include written reprimand, suspension, or dismissal.
  
- i. Regardless of an individual's voluntary participation in treatment programs, AACPS may take appropriate and lawful action to identify and discipline any employee who violates this regulation.
  - i. An employee must provide the Office of Investigations with evidence of participation and progress in any treatment program required for continued employment or as a condition of returning to work.
  
  - ii. To the extent that an employee violates this regulation and is not dismissed from employment, the employee must submit to random drug and alcohol testing as a condition of continued employment.

## **2. Tobacco**

The sale or use of tobacco and tobacco products in any form are prohibited in all AACPS buildings, facilities, warehouses, school buildings, and school grounds whether owned or leased buildings and school grounds at all times, 24 hours a day, every day.

- a. All work sites within the jurisdiction of the Board are designated as tobacco-free sites.
- b. The sale or use of tobacco or tobacco products in any form is prohibited at all times, 24 hours a day, every day in all AACPS owned or leased vehicles, including buses and vehicles while operating under contract with AACPS.
- c. Employees on or off AACPS properties are prohibited from using tobacco products during the discharge of official school system duties.

## **3. Violations**

AACPS employees shall comply with the provisions and standards of conduct set forth in this regulation. A violation of this regulation by any AACPS employee shall result in the imposition of disciplinary sanctions when required, notification to appropriate law enforcement agencies as appropriate, and may include suspension or dismissal from employment in accordance with this regulation.

## **4. The Division of Human Resources**

The Division of Human Resources shall be responsible for:

- a. Notifying new employees of Policy GAC – Drug-, Alcohol-, and Tobacco-Free Work Environments and this regulation; and
- b. Maintaining exclusive custody of all records and documentation of each drug testing case in a secure location separate from the personnel files.
  - i. Strict confidentiality with respect to the identity of an employee required to submit to a drug and alcohol test, regardless of the results of the test, shall be maintained at all times.
  - ii. The only individuals authorized to receive information relating to drug and alcohol tests are:
    - a) The affected employee;
    - b) The employee’s supervisor or department head;

- c) The Executive Director of Human Resources or the Executive Director’s designee;
  - d) The Superintendent or the Superintendent’s designee; and
  - e) Members of the Board of Education of Anne Arundel County as well as their agents and representatives in the context of an appeal hearing or administrative appeal as requested by the employee.
- c. The AACPS *School Facility Use Application and Permit* form shall state the school system’s policy on the prohibition of drug, alcohol, and tobacco use. Authority to use buildings and grounds may be withdrawn upon evidence of a violation of this regulation.

**Regulation History:** Issued 10/15/14; Revised 06/01/21

**Note Previous Regulation History:** Developed by Superintendent 10/15/14  
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Issued 10/15/14

**Legal Reference:** The Drug Free School and Communities Act Amendment of 1989; Section 4-124 of the Education Article; Code of Maryland Regulations 13A.02.04 Tobacco-Free School Environment