

**General Personnel – Drug- and Alcohol-Free Workplace; E-Cigarette, Vaping, Tobacco,
and Cannabis Prohibition**

It is the policy of the District that the public has the reasonable right to expect all District employees to be free from the effects of drugs and alcohol while on duty or on District property and to observe the laws concerning the use of drugs and alcohol regardless of whether they are on duty, on District property, or at District events. The purposes of this policy shall be achieved in such a manner as not to violate any constitutional rights of employees.

All District property and events are drug- and alcohol-free places.

All employees are prohibited from:

1. Possessing, consuming, using, manufacturing, dispensing, distributing, or being impaired by or under the influence of alcohol or cannabis while on duty or on District property. Possession or distribution of medical cannabis by a school nurse or school administrator pursuant to Ashley's Law, 105 ILCS 5/22-33, is not prohibited.
2. Consuming, using, or being impaired by or under the influence of alcohol or cannabis while on call.
3. Being impaired by or under the influence of prescription medication or over the counter medication while on duty, on call, or on District property.
4. Possessing, selling, purchasing, delivering, manufacturing, dispensing, distributing, using, or being impaired by or under the influence of any illegal drug or controlled substance.

For purposes of this policy, an *illegal drug or controlled substance* means a substance that is:

1. Not legally obtainable;
2. Being used in a manner different than prescribed;
3. Legally obtainable, but has not been legally obtained; or
4. Referenced in federal or State controlled substance acts.

An employee is *on call* when the District schedules the employee with at least 24 hours' notice to be on standby or otherwise responsible for performing employment-related tasks either on District property or another previously-designated location.

The District considers an employee to be *impaired by or under the influence of* one of the substances listed above if the employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including, but not limited to, symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee, students, or others, or involvement in any accident that results in serious damage to equipment or property; or carelessness that results in any injury to the employee, students, or others.

Upon the Superintendent or designee's reasonable suspicion of an employee's violation of any of the prohibited activities stated above, the Superintendent or designee may direct the employee to undergo a drug and/or alcohol test to corroborate or refute the alleged violation. State law protects the District from liability when it takes actions pursuant to a reasonable workplace drug policy, including but not limited to subjecting an employee or applicant to reasonable drug and alcohol testing, reasonable and nondiscriminatory random drug testing, discipline, termination of employment, or withdrawal of a job offer due to a failure of a drug test.

For purposes of this policy, *District property* means workplace as defined in the Cannabis Regulation and Tax Act ("CRTA") in addition to District and school buildings, grounds, and parking areas; vehicles used for school purposes; and any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. *School grounds* means the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground, designated school bus stops where students are waiting for the school bus, and school-sponsored or school-sanctioned events or activities. *Vehicles used for school purposes* means school buses or other school vehicles.

As a condition of employment, each employee shall:

1. Abide by the terms of this Board policy respecting a drug- and alcohol-free workplace; and
2. Notify their supervisor of their conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than five calendar days after such a conviction.

To make employees aware of dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following:

1. Provide each employee with a copy of this policy, or with access to this policy online;
2. Post notice of this policy where other information for employees is posted;
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations;
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees;
5. Establish a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs; and
 - c. The penalties that the District may impose upon employees for violations of this policy.
6. Remind employees that Board Policy 6.60, *Curriculum Content*, requires the District to educate students, depending upon their grade, about drug and substance abuse prevention and relationships between drugs, alcohol, and violence.

E-Cigarette, Vaping, Tobacco, and Cannabis Prohibition

All employees are covered by the conduct prohibitions contained in Board Policy 8.30, *Visitors to and Conduct on School Property*. The prohibition on the use of e-cigarettes, vaping, tobacco, and cannabis products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event regardless of the event's location.

"Tobacco" has the meaning provided in 105 ILCS 10-20.5b.

"Cannabis" has the meaning provided in the CRTA, 410 ILCS 705/1-10.

"E-Cigarette" is short for electronic cigarette and includes, but is not limited to, any electronic nicotine delivery system ("ENDS"), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device and any components or parts that can be used to build the product or device.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. In addition, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse program and/or employee-assistance program.

If the District elects to discipline an employee on the basis that the employee is under the influence or impaired, the District will afford the employee a reasonable opportunity to contest the basis of the determination.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent or designee shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

Disclaimer

The Board reserves the right to interpret, revise or discontinue any provision of this policy pursuant to the Suspension of Policies subhead in Board Policy 2.240, *Board Policy Development*.

LEGAL REF.: 20 U.S.C. §7101 et seq., Safe and Drug-Free School and Communities Act of 1994.
21 U.S.C. §812, Controlled Substances Act; 21 C.F.R. §1308.11-1308.15.
41 U.S.C. §8101 et seq., Drug-Free Workplace Act of 1988.
42 U.S.C. §12114, Americans With Disabilities Act.
21 C.F.R. Parts 1100, 1140, and 1143.
30 ILCS 580/, Drug-Free Workplace Act.
105 ILCS 5/10-20.5b.
410 ILCS 82/, Smoke Free Illinois Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.
410 ILCS 705/1-1 et seq., Cannabis Regulation and Tax Act.

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720 ILCS 675, Prevention of Tobacco Use by Persons under 21 Years of Age
and Sale and Distribution of Tobacco Products Act.
820 ILCS 55/, Right to Privacy in the Workplace Act.
23 Ill. Admin. Code §22.20.

CROSS REF.: 5.10 (Equal Employment Opportunity), 5.120 (Employee Ethics; Code of
Professional Conduct; and Conflict of Interest), 6.60 (Curriculum Content), 8.30
(Visitors to and Conduct on School Property)