

February 26, 2026

AMEND BOARD REPORT 06-0726-PO2
DRUG AND ALCOHOL FREE WORKPLACE POLICY

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

That the Board of Education amend Board Report 06-0726-PO2, Drug and Alcohol Free Workplace Policy in response to the required biennial policy review of the Board Bylaws 1-2.

PURPOSE: To implement the requirements of Board Rule 4-4(h) Drug and Alcohol Free Workplace and to align Policy with the Drug Free Workplace Act and existing Board practices.

POLICY TEXT:

- I. **Policy Statement:** All employees of the Board of Education of the City of Chicago ("Board of Education") or ("Board") are hereby notified that the unlawful manufacture, distribution, possession, consumption or use of drugs or alcohol on Board of Education property or premises or any site of Board sponsored activities, is prohibited, ~~and as is~~ an employee's presence on Board of Education property or premises or any site of Board sponsored activities while under the influence of alcohol or unlawful drugs or because of the misuse of legally obtainable drugs that have not been legally obtained, or which are not being used for prescribed purposes or taken according to prescribed dosages. For the purposes of this Policy, drugs are defined as any controlled substance pursuant to 21 U.S.C. §812, the Illinois Cannabis Control Act, 720 ILCS 550; or the Illinois Controlled Substances Act, 720 ILCS 570/720 ILCS 550/1 et seq. and 720 ILCS 570/100 et seq. (1992), or legally obtainable drugs that have not been legally obtained, or which are not being used for prescribed purposes or taken according to prescribed dosages.

- II. **Violations of Policy:** Any employee of the Board of Education who violates the drug and alcohol prohibitions contained in this Policy shall be subject to discipline up to and including dismissal in accordance with the Board's established discipline policies and procedures ~~Employee Discipline and Due Process Policy~~ as it exists now or as it may hereafter be amended and/or other appropriate action as determined by the Chief Executive Officer or designee. Any employee who is identified as possessing or distributing illegal drugs will be referred to local law enforcement agencies, which may result in fines, imprisonment or both.

- III. **Drug Free Awareness Program:** The Chief Executive Officer or designee shall establish a drug-free awareness program to inform employees about the dangers of drug ~~abuse~~ use in the workplace; the terms of this Policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug ~~abuse~~ use violations in accordance with this Policy.

- IV. **Procedures:**
 - A. *Drug and Alcohol Free Statement.* All applicants for employment with the Board of Education shall complete and sign a "Drug and Alcohol Free Statement" in the form set forth in Section IV of this Policy, which advises the applicant: 1) of the terms of this Policy; 2) that, as a condition of employment, the applicant shall abide by the statement and this Policy; 3) that, as a condition of employment, the applicant shall notify the Board of any criminal conviction in accordance with Board Rule 4-4(c); and 4) that violations of this Policy will result in the applicant's dismissal from Board employment. Board employees who are assigned to work on state or federal grant-funded programs and who did not receive the Drug Free Work Place Statement at the time of their application for Board employment shall be given a copy of the Drug Free Work Place Statement at the time of they are assigned to perform services under a state or federal grant.

 - B. *Employees Convicted of Criminal Drug Violations.* Any employee of the Board of Education who is convicted of a criminal drug violation must report such conviction to the ~~Chief of Human~~

~~Resources~~ Chief Talent Officer within five (5) days of the conviction in accordance with Board Rule 4-4(c). Conviction for a violation of a criminal drug statute means a finding of guilt or a guilty plea and imposition of sentence (other than a disposition of supervision, withholding of adjudication or their equivalent) by any judicial body for any violation of state or federal criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance. After receiving such notice from an employee or otherwise receiving actual notice of a conviction, the Chief Executive Officer will take appropriate personnel action against the employee up to and including dismissal from employment.

- C. *Reasonable Suspicion Drug and Alcohol Testing of Employees.* Any employee of the Board of Education for whom there is a reasonable suspicion that the employee has used drugs or alcohol or is under the influence of drugs or alcohol while on Board property or at school sponsored activities shall be required to submit to drug and alcohol testing. The Chief Executive Officer or designee may establish additional guidelines and procedures for reasonable suspicion drug and alcohol testing. Employees who test positive for drugs and/or alcohol, who refuse to submit to drug and alcohol testing, or who submit specimens that have been altered or tampered with shall be subject to discipline up to and including dismissal and suspension pending dismissal in accordance with the Board's ~~Employee Discipline and Due Process Policy~~ established discipline policies and procedures.

"Under the influence" is any mental, emotional, sensory or physical impairment due to the use of drugs or alcohol.

"Reasonable suspicion" is a belief that an employee may be under the influence of drugs or alcohol. Such a belief must be based on objective indicia, which may include, but is not limited to the following: erratic or unusual behavior by an employee, including but not limited to, noticeable imbalance, incoherence and disorientation, which would lead a person of ordinary sensibilities to conclude that the employee is under the influence of drugs and/or alcohol; observation of possible ingestion of alcohol or use of drugs; and involvement in an accident; excessively aggressive behavior; or other circumstances which could lead a reasonable person to believe that the use of drugs or alcohol may have been involved.

D. *Search and Seizure.* This policy authorizes school officials to inspect a person, personal belongings, vehicle or property owned, leased, or otherwise used by the Board. "Seizure" means the taking or removal of an item reasonably believed to be contraband or evidence of a violation of law or Board Policy.

D. E. *Self-Disclosure and ADA Protection:* Employees who voluntarily disclose a substance use issue to their manager, outside of any reasonable suspicion testing, may be protected under the Americans with Disabilities Act (ADA). In such cases, the Talent Office will provide support and resources, including access to appropriate rehabilitation programs, to assist the employee in recovery and maintain a safe and healthy workplace.

E. E. *Special Provisions with Respect to Employees who Operate Commercial Vehicles.* Pursuant to applicable United States Department of Transportation ("DOT") regulations, all Board employees who operate commercial vehicles as part of their job duties shall be tested for drugs (1) upon application for employment, (2) biennially, as part of the required physical examination required by DOT, (3) when there is reasonable cause to believe that a driver is using drugs, and (4) randomly, as allowed by law. The Board shall follow DOT procedural requirements for drug testing, records maintenance, and disclosure of drug test results as set forth in 40 CFR 40-1 *et seq.*, 49 C.F.R. §382.101 *et seq.* Any commercial drivers' license ("CDL") holder who fails to submit to testing shall be subject to dismissal from employment.

Any employee who tests positive for controlled substances or is found to have a breath alcohol level or blood alcohol level greater than .02 while on duty, shall be subject to dismissal.

E. G. Additional Guidelines. The Chief Executive Officer or ~~their~~ his/her designee may develop guidelines to implement this Policy consistent with its terms and Board Rule 4-4(h).

IV V. Drug and Alcohol Free Workplace Statement. The following Drug and Alcohol Free Workplace Statement shall be given to all applicants for employment or employees assigned to work on federal or state granted funded programs. The Statement may be incorporated in other Policy acknowledgements.

Drug and Alcohol Free Statement

I understand and agree that as a condition of my employment by the Board of Education, I must abide by all Board rules and policies, specifically the Board's Drug and Alcohol Free Work Place Policy. I understand and agree that under the terms of that Policy:

- that the unlawful manufacture, distribution, possession, consumption or use of drugs or alcohol, on Board of Education property or premises or any site of Board sponsored activities, is prohibited, ~~as is~~ and an employee's presence on Board of Education property or premises or any site of Board sponsored activities while under the influence of alcohol or unlawful drugs or because of the misuse of any drug that is legally obtainable but has not been legally obtained, or that is not being used for prescribed purposes or taken according to prescribed dosages;
- that I am subject to drug and alcohol testing while employed by the Board of Education if there is a reasonable suspicion that I am present at Board of Education property or premises or any site of Board sponsored activities, while under the influence of drugs or alcohol;
- that, in accordance with Board Rule 4-4 (c), I must notify the Board of Education if I am convicted of a felony or *any* crime involving the consumption, possession, sale, distribution or manufacture of any controlled substance (as defined in 21 U.S.C. §812, ~~720 ILCS 570/102 (1992)~~ or in the ~~Gannabis Control Act, 720 ILCS 550/1 et seq.~~ 720 ILCS 550, and 720 ILCS 570) or any drug that is legally obtainable but has not been legally obtained, or that is not being used for prescribed purposes or taken according to prescribed dosages; and,
- that if I violate the Board's Drug and Alcohol Free Workplace Policy, the Board shall proceed with discipline up to and including dismissal ~~at me~~ from employment in accordance with the Board's established discipline policies and procedures ~~Employee Discipline and Due Process Policy.~~

I certify that I will remain drug and alcohol free at the workplace at all times during the course of my employment by the Board of Education.

LEGAL REFERENCES: 40 CFR §40.1 *et seq.*; 49 CFR §382.101 *et seq.*; 21 U.S.C. §812; 720 ILCS 550; 720 ILCS 570.

Policy References: BOARD REPORT 09-1216-PO2: SEARCH AND SEIZURE POLICY

Approved for Consideration:

DocuSigned by:

72863AB884664C6
Alfonso Carmona
Acting Chief Education Officer

Approved:

Signed by:

1406F92741F44F8
Macquiline King, Ed.D
Interim Superintendent/Chief Executive Officer

Approved as to Legal Form: 

Signed by:

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Elizabeth K. Barton
Acting General Counsel