



ACE CHARTER SCHOOL
Academic & Communication Excellence
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DRUG FREE WORKPLACE

The ACE (Academic & Communication Excellence) Charter School seeks to provide a safe, healthful and productive work environment for its staff members by supporting maintenance of a Drug-Free Workplace as defined by the Florida Drug-Free Workplace Act, 440.101-440.102; Florida Administrative Code, Drug-Free Workplace Standards; and Florida Department of Labor Employment Security pursuant to the Rules of Worker's Compensation Drug Testing, 38-F9.

This policy prohibits the use, sale, distribution, manufacture, or possession of alcohol, drugs, or related paraphernalia or being under the influence of alcohol and/or drugs to the extent of possible impairment, defined as having bodily concentrates or metabolites of drugs or alcohol exceeding the threshold levels listed below, while on ACE premises or work sites or anytime while operating ACE vehicles, whether resulting from usage on or off the job, unless prescribed by a licensed physician:

The "occasional", "recreational", or "off-duty" use of drugs will not be excused. The use of an illegal drug or the possession of it on or off-duty is cause for disciplinary action up to and including termination.

No prescription drug shall be brought upon ACE premises by any person other than the person, for whom the drug has been prescribed by a licensed medical practitioner, and prescription drugs shall be used only in the manner, combination, and quantity prescribed. A staff member taking any prescription or over-the-counter medication that could impair safety, performance, or other motor or mental functions must advise his/her supervisor before reporting to work if using such medication. To facilitate enforcement of this Policy, following an offer of employment by ACE, all job applicants will be required to take and pass a drug test. Current staff members will be tested for drugs and/or alcohol under: 1.) reasonable suspicion/cause; 2.) post accident/injury, all staff members involved in any way, in any accident whether bodily injury has occurred or not will be tested; 3.) random testing for staff members under the Federal Department of Transportation of Drug-Free Workplace Program; 4.) follow up after a staff member from a drug treatment or counseling program; and 5.) as part of a routine fitness for duty examination if required by ACE. Refusal to submit to testing upon request, for any of the reasons authorized, shall subject the staff member to the same disciplinary consequences as would result from a positive test result including termination for cause, denial of Unemployment and Worker's Compensation medical and indemnity benefits.

Analysis of specimens will be performed only by laboratories licensed or certified by the State of Florida Agency for Health Care Administration (AHCA) or the Federal Substance Abuse and Mental Health Services Administration (SAMHSA) utilizing qualified sites and employing collectors trained to follow authorized collection protocols and properly maintain legal specimen chain-of-custody.

An experienced physician/Medical Review Officer will review all negative and confirmed positive reports. Positive results shall only be reported to ACE after the MEDICAL 1 REVIEW

OFFICER has ascertained that the personal prescriptions or other legal substances do not account for the laboratory findings. Investigations may include, as appropriate, telephone contact with the staff member and any prescribing physician(s).

Within five (5) working days of receiving written notice of a confirmed positive test result, which has been verified by the MEDICAL REVIEW OFFICER, staff members may submit any information to ACE and/or MEDICAL REVIEW OFFICER explaining or contesting the test results. If ACE disagrees with the staff member's position, within fifteen (15) days of receipt of a formal challenge of test results, ACE must respond. If the staff member wishes to maintain the challenge, within thirty (30) days of receipt of ACE's written response, the staff member may appeal pursuant to law or to rules adopted by the Agency of Health Care Administration, and/or a Judge of Compensation Claims (if a workplace injury has occurred). Upon initiating a challenge either administratively or in a civil action, it shall be the staff member's responsibility to notify the testing lab, which must retain the specimen until the case is settled.

All information, including interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by ACE, laboratories, Medical Review Officer, Employee Assistance Programs, drug and alcohol rehabilitation providers, and their agents who receive or have access to information concerning drug test results ensuing from testing performed in conjunction with this policy, is to be treated as confidential communications. Such information may not be used or received in evidence, obtained in discovery in any public or private proceedings unless released, including consultation with legal counsel, is required to defend related civil or administrative matters such as determining compensability under Chapter 440, Florida Statutes, or unless such release is compelled by a hearing officer or court of competent jurisdiction pursuant to an appeal taken under this section or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. Release of such information under any circumstances other than as set forth herein above shall be pursuant to a written consent form signed voluntarily by the person tested. Information on drug test results shall not be released for use in any criminal proceedings against the employee or job placement and if released contrary to this section, the information shall be inadmissible as evidence in any such criminal proceeding.

Nothing in this Drug-Free Workplace Policy is intended to prohibit the prescribed use of legally obtained medications, many containing otherwise illegal substances. Because of potentially impairing side effects, which could endanger the staff member, co-workers, or the public, all staff members using such medications are encouraged to call Cash's appointed Medical Review Officer:

Dr. Paul Taylor
Occupational Health 5040
US 98 North Lakeland, FL
33809 (863) 687-0931

If warranted, the Medical Review Officer, without disclosing medication names or their specific purpose, will ask ACE to temporarily reassign the affected staff member to less safety-sensitive duties until treatment is completed. If the contents or impairing effects of prescribed medications are not known, a current listing of narcotic-containing drugs detailed by brand or common names, as well as chemical names, will be posted by ACE for references. In addition, staff members may call the Medical Review Officer or laboratory performing the drug testing for information. To discourage use and/or distribution of illegal drugs or alcoholic beverages in the workplace, upon

reasonable suspicion, searches for alcohol, drugs or alcoholic beverages in the workplace, upon reasonable suspicion, searches for alcohol, drugs, or paraphernalia may be conducted of ACE property or work sites or area(s) accessible to staff members, including, but not limited to ACE owned vehicles, equipment, desks, etc. Discovered illegal items will be referred to law enforcement authorities for disposition.

Disciplinary consequences for all staff members for violating this Drug-Free Workplace Policy may include termination of employment for cause and denial of Unemployment Compensation. Any staff member injured and subsequently confirmed positive for drug or alcohol abuse based upon reasonable suspicion post-accidental testing for having medical and indemnity benefits under the Worker's Compensation Act. Following confirmed drug or alcohol abuse and exhaustion of appeal rights, a staff member may be retained at ACE's discretion only if all of the following criteria are satisfied:

1. The staff member was employed by ACE for at least ninety (90) days prior to the infraction;
2. The staff member was not engaged in the sale of drugs to others or engaged in any other criminal activity, such as theft, coincident with said drug and/or alcohol abuse;
3. It is the staff member's first offense while in the employ of ACE.
4. The staff member has enrolled in ACE's Employee Assistance Program treatment and/or counseling programs (at the staff member's own expense unless employer-provided insurance, if any, covers costs) and is progressing satisfactorily, and the staff member has a negative drug test on file before returning to work.

After any staff member has been employed by ACE for more than ninety (90) days, a onetime exemption from this policy's disciplinary provisions may be granted, if the staff member voluntarily pursues treatment or counseling for drug or alcohol abuse/dependence and is progressing satisfactorily in treatment. The staff member may utilize his/her Employee Assistance Programs in order to seek evaluation, recommendations, and referral to treatment.

OVER -THE-COUNTER OR PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT

THE OUTCOME OF A DRUG TEST

The following list contains the most common drug/medications by brand name, common name, or chemical name, which may alter or affect the outcome of a drug test. All or some of these drugs may be tested for under the employer's drug testing policy. The Agency for Health Care Administration list of common drugs/medications is listed below. Job applicants and staff members have the right to confidentially consult with the medical review officer for technical information regarding prescription and non-prescription medication and may contest or explain the test result to the MRO both before and after being tested. The MRO considers these medications before certifying the results of the test as either negative or positive.

Alcohol:

All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

Amphetamines:

Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex

Cannabinoids

Marinol (Dronabinol, THC)

Cocaine:

Cocaine HCl topical solution (Roxanne)

Phencyclidine:

Not legal by prescription

Methaqualone:

Not legal by prescription

Opiate:

Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.

Barbiturates:

Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Florinal, Floricet, Esgic, Butisol, Mebaral, Butabital, Butabarbital, Phrenilin, Trian, etc.

Benzodiazepines:

Ativan, Axene, Clonopin, Dalmane, Diazepam, Librium, Serax, Tranzene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax, etc.

Methadone:

Dolophine, Methadose

Propoxyphene:

Darvocet, Darvon N, Doline, etc.

****Several of the above drugs have nicknames and trade names other than what is mentioned. If you are in doubt about a drug, please ask a medical professional.**

5/18/09

PART II

GENERAL RULES AND REGULATIONS

5. clothing not properly fastened or with tears which are indecent;
6. clothing or outer garments traditionally designed as undergarments such as boxer shorts, bloomers, tights, or hosiery; or
7. clothing or footwear that is construed by the Director or designee as hazardous or dangerous to the health of the student or others.

SECTION 2.09. DRUG-FREE SCHOOLS: The A.C.E. Charter School Board is responsible for maintaining an environment in which students are protected from drugs and drug related activities. The community rightfully expects the school to exercise this responsibility to prevent drug problems from arising.

- A. **Florida Law:** The use, possession, or distribution of illicit drugs or alcohol is unlawful and harmful.
 1. **Students:** Students are subject to the laws regarding the use, possession, and distribution of illicit drugs or alcohol on school campus as well as elsewhere and have the responsibility to obey these laws.
 2. **Employees/Failure to Report a Violation:** Failure by any employee to report a known violation shall be in violation of Florida law and the expressed policy of this Board and would constitute an act of gross insubordination and willful neglect of duty.
- B. **Policy:** It is the expressed policy of this Board that the use, possession, distribution, or overt act in connection with any controlled substance, counterfeit controlled substance, alcoholic beverage, or model glue, as defined by law, by any student enrolled in the A.C.E. Charter School program would result in immediate disciplinary action.

SECTION 2.10. EMERGENCY INFORMATION CARD: School personnel must rely on the information recorded on the emergency information card by the parent at the time of enrollment, unless otherwise properly notified (also refer to Section 2.04, Checking Out of Class or School).

SECTION 2.11. LAW ENFORCEMENT: It may be necessary at times for law enforcement officials or Department of Children and Families ("DCF") officials to take a student into custody or interview a student during school hours.

- A. **Director's Knowledge and Approval:** A student may not be taken into custody or interviewed by any person who is not a member of the school staff without the approval of the Director. A school staff member must be present during any such interview.
- B. **Parental Notice:** School administrators will call all telephone numbers listed on the student's emergency information card as necessary in order to alert the parent/guardian prior to releasing a student to a law enforcement agent or DCF official. These calls shall be documented.
- C. **Release Form:** Students may be released to properly identified law enforcement agents or DCF officials upon completing the Release of Students to Legal Authorities form.
- D. **Exceptions:** The procedures in paragraphs A, and B, above will not apply in cases where such legal authorities are investigating suspected abuse or neglect.

SECTION 2.12. MEDICATION: Students are not allowed personal possession of any medication while at school.

- A. **Definition:** Medications-preparations (either over-the-counter or prescription) used in the treatment of a physical condition and/or illness, which shall include but not be limited to all forms of pills, tablets, capsules, lozenges, liquids, creams, etc., that may be taken internally or applied to the body.
- B. **Requirements:** All medications-preparation, that are to be administered to the student while at school, unless administered by the parent/guardian, must be in a properly identified container and given to a designated school staff member, together with the medication form (that can be obtained at the school) which must be completed by the student's physician indicating the dosage, time requirements, and other instructions as required by the A.C.E. Charter School Board Medication Administration Procedures Manual.