

- a. Once the driver is notified to submit to an alcohol test, the driver must complete the Alcohol/Drug Test Notification Form and proceed immediately to the collection site. Collection site personnel contact the superintendent immediately when a driver does not arrive at the specified time. Failure to arrive at the collection site in a timely manner is considered a refusal to test.

Code No. 403.6-R1, page 3

- b. Upon arrival, the driver must provide a photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test.
- c. The testing procedure is explained to the driver by the collection site person.
- d. The breath alcohol technician (BAT) or saliva testing technician (STT) and the driver complete and sign the appropriate sections of the alcohol testing form.
- e. Evidentiary breath alcohol testing device procedures.
 - (1) The driver forcefully blows into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
 - (2) The screening alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
 - (a) A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.

- breath.
- (b) A physician analyzes the driver's inability to provide adequate
- (c) Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath.
- (3) The results of the screening alcohol test are shared with the driver.
- f. Saliva alcohol testing device procedures
- (1) The driver and the SST review the expiration date of the saliva alcohol testing device, and if the date is valid, the packaging is opened.
- (2) The driver or SST places the swab in the driver's mouth until the swab is completely saturated. If the alcohol test is started again, only the SST may place the swab in the driver's mouth.
- (3) The saliva alcohol testing device is activated with the saturated swab in
- place.
- (4) The saliva alcohol test is stopped when the driver fails twice to provide an adequate amount of saliva. In that case:
- a. The school
- b. The driver must submit to a breath alcohol test immediately.
- (5) The saliva testing device results are read two minutes, and no later than fifteen minutes, after the saliva testing device was activated.
- district is informed

shared with the driver.

(6) The results are

and the driver may continue sensitive function.

confidential mannerto perform a safety-

(2) An alcohol
testresult of 0.02 alcohol concentration or
more requires
aconfirmation alcohol test between fifteen
the screening test. d

C

and thirty minutes of

(3) The breath alcohol

technician provides the superintendent with a copy of the breath alcohol testing form if written communication was not used to report the test results.

i. Potentially incomplete or invalid alcohol tests are repeated with corrected procedures.

6. Confirmation alcohol testing steps.
a. The driver is instructed not to eat, drink, put any object or

substance in his or her mouth, and, to the extent possible, not belch during the fifteen-minute waiting period to avoid accumulation of

mouth alcohol leading to an artificially high reading.

b. The confirmation alcohol test is done between fifteen and twenty minutes of the screening

g. The driver and breath alcohol technician or saliva test technician must sign the alcohol testing form following completion of the alcohol test. Failure to sign the form after the alcohol test is not considered a refusal to test.

However, in the remarks section of the form, the BAT or SST notes the driver's refusal to sign.

h. Screening alcohol test results.

(1) An alcohol test result of less than 0.02 alcohol concentration is reported to the school district in a

alcohol test whether or not the driver

followed the requirements.

- c. If a different collection site is used, the driver must be under the observation of the collection site person or school district person while in transit to the confirmation alcohol testing site or while waiting for the confirmation

alcohol test.

- d. If a different collection site person conducts the confirmation alcohol test, the driver must again provide photo identification.
- e. The testing procedure is explained to the driver by a BAT.

f. The BAT and driver complete and sign the appropriate sections of the alcohol testing form.

(1) Refusal of the driver

to sign the form prior to the

confirmation alcohol test is considered a refusal to test.

(2) The school district is notified immediately of the refusal to sign.

g. The driver forcefully blows into the evidentiary breath testing device mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.

h. The confirmation alcohol test results, which are the final and official test results, are shared with the driver.

i. The driver and BAT must sign the alcohol testing form following completion of the alcohol test. Failure to sign the form after the alcohol test is not considered a refusal to test. However, in the remarks section of the form, the BAT notes the driver's refusal to sign.

j. The BAT informs the superintendent of the results of the test in a confidential manner.

(1) An alcohol test result of less than 0.02 alcohol concentration is reported to the school district in a confidential manner and the driver may continue to perform a safety-sensitive

function.

(2) The BAT notifies the superintendent immediately of confirmation alcohol

test results of 0.02 alcohol

concentration or

more.

(3) The collection site person provides the superintendent with a copy of the breath

alcohol testing form if written

communication was not used to report the test results. C

o k. Potentially incomplete or invalid breath alcohol tests are repeated with corrected procedures.

e 1. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:

o (1) A physician analyzes the driver's inability to provide

3 adequate breath.

6 (2) Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition

R provide adequate breath.

caused the failure to

- (3) A refusal of the driver to try a second time to provide adequate breath is

considered a refusal to test.

E. Drug Testing Procedures.

1. Driver's urine is tested for marijuana, cocaine, opiates, amphetamines and phencyclidine.
2. A split specimen urine drug test, often called "split sample test," is used to conduct the drug test.
 - a. A negative drug test result allows the driver to continue to perform a safety-sensitive function.
 - b. A positive drug test result on the primary sample requires the driver to be removed from performing a safety-sensitive function.
 - c. A positive drug test result on the primary sample allows the driver an opportunity to request the split sample be tested by another certified laboratory only for the specific drug found in the primary sample. A negative drug test result on the split sample results in a negative drug test result.
 - d. The driver will be terminated for a positive drug test result.
3. Drivers taking medication at a licensed medical practitioner's direction may perform a safety-sensitive function if the licensed medical practitioner determines there is not an adverse effect on performing a safety-sensitive function and the school district is informed in writing of the medication and the licensed medical practitioner's opinion.
4. Drug testing is conducted at collection sites which provide privacy to the driver and where the necessary equipment, personnel and materials are located.
 - a. Drug testing is conducted at a designated collection site unless the

situation requires another location. Public restrooms can be used as collection sites in exceptional circumstances.

Code No. 403.6-R1, page 6

- b. In the event privacy cannot be assured, privacy is provided to the extent practical. However, direct observation is allowed if:
 - (1) Reasons exist to believe the driver may alter or substitute the specimen.
 - (2) The driver presents a specimen with a temperature outside the allowed range and does not provide an oral body temperature or the oral body temperature varies from the specimen provided.
 - (3) The last specimen provided by the driver was determined by the laboratory to not meet specific gravity and urine concentration criteria.
 - (4) The collection site person observes conduct of the driver to adulterate the specimen.
- c. Direct observation is approved by the supervisor of the collection site person or the designated school district representative. Non-medical personnel performing direct observation must be of the same gender as the driver.
- 5. Drug testing steps.
 - a. The school district contact person makes arrangements with the collection site for the test.
 - b. Once the driver is notified to submit to a drug test, the driver must complete the Alcohol/Drug Test notification Form and proceed

immediately to the collection site. The collection site person contacts the superintendent immediately when a driver does not arrive at the specified time.

Failure to arrive at the collection site in a timely manner is considered a refusal to test.

- c. Upon arrival, the driver must provide a photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test. The driver may require the collection site person to provide proof of identification. If the driver does not have a photo identification with them at the time of the test, a school district representative may identify the driver.
- d. The driver may keep his or her wallet but must remove any unnecessary outer garments, purses, briefcases and similar items at the request of the collection

test unless the physician determines a medical condition caused the failure to

provide adequate urine.

- g. The specimen is kept in view of the driver and the collection site person.

site person.

- e. Immediately prior to providing a urine specimen, the driver must wash his or her hands.

- f. The driver must then provide forty-five milliliters of urine and deliver it immediately to the collection site person.

- (1) Drivers who cannot provide an adequate amount of urine receive instructions for drinking water and trying again.
- (2) The drug test is stopped when the driver fails twice to provide an adequate

amount of urine.

- (3) Failure to provide adequate urine is considered a refusal to

- h. Upon receipt of the specimen, the collection site person immediately, and in no event later than four minutes from the time of urination, measures the temperature of the specimen.
- i. The driver may volunteer to have his or her oral temperature taken to provide evidence against alteration or substitution if there is some question about the temperature of the specimen.

- j. The collection site person inspects the specimen for color and other signs of contaminants and notes any unusual findings in the remarks section of the chain of custody form.
 - k. Another specimen is required as soon as possible under direct observation if adulteration or substitution is suspected by the collection site person. Specimens suspected of adulteration or substitution are also sent to laboratory for testing.
 - l. The specimen is divided into the primary and the split specimen, sealed and labelled. The label is initiated by the driver.
 - m. The driver is required to read and sign the statement on the chain of custody form certifying the specimens are the driver's.
 - n. The collection site person is required to note on the chain of custody form any unusual behavior or appearance of the driver and any failure to cooperate.
 - o. The collection site person completes the chain of custody form and the driver signs the form indicating the collection is complete. Failure of the driver to sign the form after the drug test is not considered a refusal to test.
- However, the collection site person notifies the school district

Human Services (DHHS). Certified laboratories meet the testing procedures, personnel and record keeping requirements of the law.

- b. Upon arrival of the specimens at the laboratory, the split specimen is stored and

the primary specimen is tested.

- (1) A positive drug test result on the initial test of the primary specimen requires a confirmation drug test of the primary specimen.
- (2) The split specimen is discarded if the primary specimen has a negative drug test

result.

- 7. Medical Review Officer (MRO) reviews drug test results.
 - a. The MRO may release drug testing records of a driver to unauthorized individuals only with the written consent of the driver.
 - b. The MRO keeps a record of negative drug test results and reports negative drug test results to the school district, usually within two working days.

ode

contact person and notes the driver's

N

failure to sign on the form.

- p. The specimens are packaged for shipping to the laboratory and are shipped immediately or

0
placed in secure storage until they can be shipped.

- 6. Laboratory.
 - a. The laboratory used by the

school district's drug and alcohol

R

testing program is certified by the U.S. Department of Health and

,

medically unqualified status
or medical leave.

a
g d. The MRO may verify a positive drug test without talking to the driver if:

8

(1) The driver declines

c. The primary role of the MRO is to review and interpret positive drug test results to determine whether a legitimate explanation exists for the positive drug test result.

(1) After reviewing the chain of custody form and the laboratory drug test results, the MRO contacts the driver to

discuss the positive drug test result prior to notifying the school district and to ask whether the driver requests a drug test of the split sample. The driver's request for a drug test of the split sample must be made within seventy-two hours of talking with the MRO.

(2) Upon request of the driver, the split specimen is sent to a second certified laboratory to test only for the drug found in the primary

specimen.

(3) The MRO contacts the superintendent for assistance if the driver cannot

be reached.

(4) The superintendent must confidentially inform the driver to contact the MRO.

(5) Upon contacting the driver, the superintendent must inform the MRO that the

driver was contacted.

(6) Drivers who cannot be contacted are placed on temporary

the opportunity to discuss the positive drug test.

(2) The driver fails to contact the MRO within five days after the superintendent has contacted the driver.

(3) MRO verification of positive drug test results under these circumstances can be challenged by the driver if the driver presents the MRO with information documenting a serious illness, injury or other circumstances unavoidably preventing the driver from timely contacting the MRO. The MRO, based on this additional information, may find a legitimate explanation for the positive drug test result and declare the drug test negative.

e. The driver is notified of the drugs found in a positive drug test result by the MRO, the superintendent or by certified mail to the driver's last known address.

f. The school district receives a written report of the negative and positive drug test results from the MRO.

F. Pre-employment Testing.

1. Drivers shall submit to a drug test if a job offer is made. The job offer is contingent upon:

o results; and
e

C

testN
o

:

2. Positive drug test

3. Refusals to be

b. The information must be

obtained, or a good faith effort made to
4 obtain, the information if
the driver is currently performing and will
3 continue to perform a
safety-sensitive function.

6
= c. The information must be
obtained or a good faith effort made to
1 obtain the information if the
driver performed a safety-sensitive
function and is no
longer employed by the school district.

a
g d. The information does not

and

- a. A negative drug test result;
- b. A signed written statement

need to be obtained if the driver did not perform a safety-sensitive function and is no longer employed by the school district.

- e. The school district may obtain information held by the prior employer for the two-year period authorizing former employers to release all information on the driver related to drugs and alcohol.
2. Prior to allowing a driver to perform a safety-sensitive function, and no later than fourteen days after performing a safety-sensitive function, information must be obtained or a good faith effort must have been made to obtain the information about the driver's drug and alcohol history.
- a. The following information must be obtained about the driver for the two-year period preceding the date of application:
 - 1. Alcohol test result of 0.04 alcohol concentration or greater;

period preceding the date of application
even if the information came from other employers.

- f. A good faith effort requires the school district to request and hopefully receive the information prior to the driver driving and no later than fourteen days after first driving by taking the following steps:

- (1) Obtain the driver's written consent immediately after a conditional employment offer is made.
- (2) Send a completed consent for Release of Information signed

employers via certified mail.

by the driver to prior

to obtain the information when it is not received or the prior employer refuses to

- (3) Contact the prioremployers' drug and alcohol testing program managers about the status of the request if no response is received

within reasonable period.

submit the information.

G. Random Testing.

1. Annually, ten percent of the average number of drivers are selected for random alcohol tests and fifty percent of the average number of drivers C are selected for random drug tests.

o
d 2. The drivers' identification numbers are selected by a scientific method giving each driver an equal chance to be Nselected.

o
. 3. Random tests are unannounced and spread throughout the year.

4
0 4. Drivers selected for random alcohol tests 3g are notified just before, during or just after performing a safety-sensitive function. The school district documents why some, if any, drivers 4s were selected but not notified.

1
. 5. Drivers selected for random drug testing are notified at any time. The p school district must document why some, if any, drivers were selected but g not notified.e

6. Once the driver is notified of being selected for a random test, the driver 0 must proceed immediately to the

- (4) Take appropriate action (i.e. follow-up with SAP, terminate employment) if the information received, whether prior to or after the fourteen

day period requires.

- (5) Document and maintain the documentation of the steps taken

collection site. However, drivers performing a safety-sensitive function must safely stop and proceed to the collection site as soon as possible.

H. Reasonable Suspicion Testing.

1. A driver may be required to submit to a reasonable suspicion drug test at any time.

2. A driver may be required to submit to a reasonable suspicion alcohol test just before, during or just after the driver performs a safety-sensitive function or just before, during or just after the time the driver is required to be in compliance with the drug and alcohol testing program policy, its supporting administrative regulations or the law.
 - a. A reasonable suspicion alcohol test is performed within two hours and no later than eight hours of determining reasonable suspicion.
 - b. If the alcohol test is not given within two hours, the reasons for the delay must be documented.
 - c. If the alcohol test is not given within eight hours, attempts to test are stopped and the reason for not testing must be documented.

3. A reasonable suspicion test request is made by an employee who received training to determine reasonable suspicion. The reasons for the reasonable suspicion must be documented within twenty-four hours or prior to the release of the test results. If more than one employee trained to determine reasonable suspicion observes the driver, that employee must also document their reasons.

I. Post-accident Testing.

1. Drivers are subject to both post-accident drug and alcohol testing as soon as possible after an accident in which:

- a. A fatality, other than the driver, occurred.

- C b. The driver was cited and bodily injury occurred to a person who, d as a result of the injury, required immediate medical treatment away from the scene of the accident; or o

:

c. The driver was cited and

one or more motor vehicles incurred
4 disabling damage as a result
of ~~the~~ accident, requiring a motor
3 vehicle to be transported
away from the accident scene by a tow
6
vehicle.
R1

truck or other motor

(1) “Disabling damage”

is damage which precludes the departure of a motor vehicle. It includes damage to a motor vehicles that could have been driven but would e damaged if so driven.

have been further

(2) "Disabling damage" excludes damage which can be remedied temporarily at the scene of the accident without special tools or parts.

(a) Tire disablement without other damage even if no spare tire is available. taillight damage.

(b) Headlight or

(c) Damage to
turn signals, horn, or windshield

make them inoperative.

wipers which

- b. The reasons for administering the test later than two hours after the
- 2. Drivers must remain readily available for post-accident testing.

documented.

accident must be

- c. The reasons for not
 - a. Drivers who leave the scene or who do not remain readily available are deemed to have refused

administering the test within eight hours of the
accident must be
documented.
to test.

b. Necessary medical

d. Drivers are prohibited from consuming alcohol for eight hours after treatment cannot and should not be denied to a driver waiting to complete post-accident drug and alcohol tests.

3. Alcohol testing requirements.

a. The alcohol test is administered within two hours and no later than eight hours of the accident.

the accident or until the alcohol test is completed.

4. Drug testing requirements.

- a. The drug test is administered as soon as possible and no later than 32 hours after the accident.

C b. The reasons for not administering the test must be documented.d

5. e Results of drug or alcohol testing conducted by law enforcement officers or

N other officials on the scene with independent authority to conduct such tests

; are presumed valid if the testing conforms with the law. The school district

use them.

4 must receive a copy of the results to0
3

J. Return-to-duty/Follow-up Testing.

1. Prior to returning to duty after a positive drug test, a positive alcohol test of 0.04 breath alcohol concentration

N
or greater, or otherwise violating the drug and alcohol testing program policy, its supporting regulations or the law, the driver bears the personal and financial responsibility to:

O
a. Be re-evaluated by a substance abuse professional to

determine that the driver has properly followed any treatment

program prescribed.

R

b. Submit to the tests required by the substance abuse professional. The substance abuse professional may require a return-to-duty test for drugs, alcohol or both.

c. Have a negative drug test result and/or an alcohol test result of less than 0.02 alcohol concentration before the driver can return to duty and perform a safety-sensitive function.

2. After returning to duty, the driver is subject to a minimum of six unannounced follow-up tests within twelve months for alcohol, drugs or both, as determined by the substance abuse professional.

a. The substance abuse professional can terminate the follow-up testing requirement after the first six tests have been completed or continue the follow-up testing for up to sixty months from the date of the driver's return to duty.

b. Alcohol follow-up testing is done just before, during or just after performing a safety-sensitive function.

c. Drug follow-up testing is done any time.

J. School district responsibilities.

1. Provide drivers with information on the drug and alcohol testing requirements of the drug and alcohol testing program policy, its supporting administrative regulations and the law, including the driver's obligations.
2. Supervisors of drivers or employees designated to determine reasonable suspicion must receive sixty minutes of training on alcohol misuse and sixty minutes of training on drug use.

The training must address the physical, behavioral, speech and performance indicators of probable alcohol misuse and drug use. The reasonable suspicion training certificate must be

o

maintained by the school district until the employee leaves employment of the school district or is no longer authorized to make a reasonable suspicion determination.

3. Provide drivers with instructions prior to the driver operating a school vehicle to enable the driver to comply with the drug and alcohol testing requirements.
4. Disallow drivers to report to work or perform a safety-sensitive function when the school district has actual knowledge of a driver's drug use whether or not a drug test was

conducted.

8. Ensure, through the school district's drug and alcohol testing program service provider, that the collection site person using a saliva alcohol testing device is a certified BAT or salivatest technician (STT).

K. Consequences of violating the drug and alcohol testing program policy, its supporting administrative regulations or the law.

ode

5. Disallow drivers to report to work
N
or perform a safety-sensitive function
when the school district has actual
knowledge of a driver with 0.02
alcohol concentration or greater
whether or not an alcohol test was

0
conducted.

6. Ensure, through the school district's
drug and alcohol testing program

-
service provider, that the quality

R
assurance plan, developed by the
manufacturer and approved by the National Highway Traffic Safety
Administration (NHTSA) for the evidentiary testing device or saliva alcohol
testing device used for alcohol testing of its drivers, describes the
inspection, maintenance and calibration requirements and intervals for the
device.

7. Ensure, through the school district's drug and alcohol testing program
service provider, that the collection site person using an evidentiary breath
testing device is a certified breath alcohol technician (BAT).

1

,

page

1

4

1. Each violation is dealt with based on the circumstances surrounding the violation. The following consequences may result from a violation.
 - a. Drivers may be disciplined up to and including termination.

- b. Drivers may not be permitted to perform safety-sensitive functions.
- c. Drivers may be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of drugs.

2. Nothing in the drug and alcohol testing program policy, its supporting documents or the law relating to drug and alcohol testing limits or restricts the right of the board or superintendent to discipline, up to and including termination, a driver for conduct which violates the school district's policies, supporting documents and

d. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to termination.

e. Drivers/applicants who refuse to submit or to cooperate with the drug and/or alcohol testing process and requirements shall be disqualified from further

consideration.

f. Drivers, as a condition of continued employment, bear the personal and financial responsibility for undergoing a substance abuse evaluation to determine what assistance, if any, the driver needs in resolving problems associated with the misuse of alcohol or use of drugs and be required to follow any recommended substance abuse treatment program.

g. Prior to returning to duty, the driver is required to have a negative drug and/or alcohol test result and be subject to the follow-up drug and/or alcohol testing determined necessary based on the circumstances surrounding

the incident.

h. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to discipline up to and including termination.

procedures.

L. Drug and alcohol testing records.

1. Drug and alcohol testing records are stored in locked files at limited access locations separate and apart from the driver's general personnel records.
2. The records are released only with the written consent of the driver. Only those records specifically authorized for release may be released. However:
 - a. Records may be released to appropriate government agencies without a driver's written

consent.

Code No. 403.6-R1, page

15

- b. Records may be released to appropriate school district employees without a driver's written
- c. School districts may, without a driver's written consent, make a driver's drug and alcohol test records available to a decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the driver and arising from the result of an alcohol or drug test under the drug and alcohol testing program policy, its supporting regulations or the law or from the school district's determination that

consent.

the driver violated the drug and alcohol testing program, its supporting regulations, or

the law.

- (5) Driver substance abuse evaluations and referrals; and
- (6) Annual calendar

year summary.

- 3. With a written request, drivers may access and copy their drug and alcohol test records in accordance with the board policy related to employee records. A driver is not denied access to these records for failure to pay fees associated with other records.
- 4. The following records of the school district's drug and alcohol testing programs are maintained for the time period indicated.
 - a. One year:
 - (1) Records of negative and canceled drug test results and alcohol test results of less than 0.02 alcohol concentration.
 - (2) Records related to a

- (7) Records related to the administration of the drug and alcohol testing program.
 - d. Forever or as designated

below.

- (1) Reasonable suspicion training certificates must be retained two years after the employee is no longer authorized to make a reasonable

suspicion determination.

- (2) Records related to the education and training of drivers must be retained two years after the employee ceases to perform a safety sensitive

function.

driver's test results.

- (4) Records related to

other violations of the law.

- (5) Records related

to substance abuse evaluations.

b. Two years:

- (1) Records related

to the alcohol and drug collection process,

except calibration

of evidentiary breath testing devices, and

training.

c. Five years:

- (1) Alcohol test

results of 0.02 alcohol concentration and

greater;

- (2) Verified positive

drug test results;

- (3) Documentation of

refusals to take required alcohol and/or

drug tests;

- (4) Evidentiary

breath testing device calibration documentation;