

SEXUAL HARASSMENT

The policy of this school district forbids discrimination against any employee or applicant for employment on the basis of sex. The Shawnee Board of Education will not tolerate sexual harassment by any of its employees. This policy applies to non-employee volunteers whose work is subject to the control of school personnel. **Please note that sexual harassment allegations against employees that, if true, would meet one or more of the definitions of sexual harassment in policy FB (Sexual Harassment of Students) must be investigated in accordance with the process listed in that policy. This requirement applies whether the allegation is made by a student against an employee or by an employee against another employee. If the allegation, if true, would not meet one or more of the definitions of sexual harassment in policy FB, then the procedure in this policy should be followed.**

General Prohibitions

1. Unwelcome Conduct of a Sexual Nature

- A. Conduct of a sexual nature may include verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented "kidding" "teasing," double meanings, and jokes.
- B. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his or her conduct, that it is unwelcome.

2. Sexual Harassment

For the purpose of this policy, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment if:

- A. Submission to the conduct is made either an explicit or implicit condition of employment;
- B. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
- C. The conduct substantially interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

Specific Prohibitions

1. Administrators and Supervisors

- A. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
- B. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.

SEXUAL HARASSMENT (Cont.)

2. Non-administrative and Non-supervisory Employees

It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

Report, Investigation, and Sanctions

1. It is the express policy of the board of education to encourage victims of sexual harassment to come forward with such claims. This may be done through the Employee Grievance policy.
 - A. Employees who feel that administrators or supervisors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon sexual favors, are encouraged to report these conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the alleged offending person, the report will be made to the next higher level of administration or supervision, unless it is the superintendent who is the alleged offender. In which case, the complaint shall be referred to the board president.
 - B. Employees are also urged to report any unwelcome conduct of a sexual nature by supervisors or fellow employees if such conduct interferes with the individual's work performance or creates a hostile or offensive working environment.
 - C. Confidentiality will be maintained; however, absolute confidentiality cannot be guaranteed because of due process concerns that arise in sexual harassment investigations. No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
2. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The superintendent has the responsibility of investigating and resolving complaints of sexual harassment.
3. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to warning, suspension, or termination subject to applicable procedural and due process requirements.

REFERENCE: Title VII of the Civil Rights Act of 1964

29 CFR §1604.1, et seq.
34 CFR Part 106
20 USC §§1681-1688
29 USC §794
42 USC §§2000d-2000d-7
42 USC §§2000e-2000e-17
42 USC §2000e-2

NONDISCRIMINATION

The Shawnee Board of Education is committed to a policy of nondiscrimination in relation to race, color, religion, sex, age, national origin, alienage, handicap, or veteran status. This policy will prevail in all matters concerning staff, events, students, the public, employment, admissions, financial aid, educational programs and services, facilities access, and individuals, companies, and firms with whom the board does business. Racial discrimination shall include racial slurs or other demeaning remarks concerning another person's race, ancestry, or country of origin and directed toward an employee, a student or a visitor.

The board directs the superintendent of schools to prepare necessary rules, regulations, and procedures to ensure that all local, state, and federal laws, regulations, and guidelines are followed.

The following statement will be included in all course announcements, bulletins disseminated to all students, materials used for recruiting or describing programs and training, application or enrollment forms, brochures, and catalogs:

"The Shawnee Board of Education does not discriminate on the basis of disability, race, color, religion, national origin, sex, age, or veteran status, or gender."

When an open forum is created whereby non-curricular groups are allowed to meet on school premises Boy Scouts and other designated youth groups will have equal access.

Inquiries concerning application of this policy may be referred to _____ who is the Title IX/504/ADA Compliance Coordinator.

District Street Address

Telephone City, State, Zip

- REFERENCE:** Oklahoma Constitution, Article 1, Section 6
Title 6, Title 7, Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972
Executive Order 11246, as amended by Executive Order 11375
Equal Pay Act, as amended by the Education Amendments of 1972
Rehabilitation Act of 1973, §504
Education for All Handicapped Children Act of 1975
Immigration Reform and Control Act of 1986
Americans With Disabilities Act of 1990, 42 U.S.C. §12101
Individuals With Disabilities Education Act, 20 USC §1400, et seq.

**GRIEVANCE PROCEDURE
GENDER DISCRIMINATION**

It is the policy of the Shawnee Board of Education that the superintendent shall serve as Title IX Coordinator for this school district. The superintendent shall direct the implementing of educational amendments and regulations as it pertains to prohibition of gender discrimination in education, and shall prepare a regulation governing gender discrimination grievance procedures.

The board shall appoint on a periodic basis a gender discrimination grievance committee that shall consist of an administrator, a parent, and a member of the certified teaching staff.

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NONDISCRIMINATION (REGULATIONS)

In accordance with the policy of the Board of Education, the following regulations shall apply to insure that all local, state, and federal laws, regulations, and guidelines are followed.

General

In order for the school district to continue to receive federal financial assistance, it must comply with Title IX and the regulations promulgated through the U.S. Department of Health, Education and Welfare by the Department's Office for Civil Rights interpreting Title IX. If any program or activity of this district fails to comply with Title IX, or the federal administrative regulations implementing Title IX, public hearings would be held by the federal government that could result in the termination of federal funding of this district.

In addition to these sanctions, however, the board of education is of the general view that discrimination on the basis of gender in any education program or activity of this district is not to be permitted **except where necessary to accomplish a specific purpose that does not impinge upon essential equality or fundamental fairness in the treatment of students or employees of this district.** Accordingly, employees of this district are required by these regulations to comply with these provisions in relation to any rule or regulation adopted by the board of education of this district and to any state and federal laws applicable to this district.

Application to Specific Education Programs and Activities

This prohibition against action by employees or other persons acting in the name and on the behalf of this district which bases any exclusion from participation in, denial of benefits from, or discrimination in, any educational program or activity because of the gender of a student or employee applies to all education programs and activities conducted by this district including, but not limited to, the following:

1. Educational Programs
 - A. Course Offerings--Applies to all course offerings, except with respect to physical education classes and activities at the elementary and secondary school levels. The following are not prohibited:
 1. Grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to gender;
 2. Separation of students by gender within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other body contact sports;
 3. Separation of students by gender in classes dealing exclusively with human sexuality; and
 4. Separation of persons based on vocal range or quality even though such separation may result in chorus or choruses of one or predominantly one gender.

NONDISCRIMINATION, REGULATIONS (Cont.)

- B. Athletics--Applies to all athletic programs or activities, except that separate teams for members of each gender may be operated:
1. When the sport involved is a contact sport; or
 2. Where selection for the separate teams is based upon competitive skill, provided that where there is no such team for the excluded gender, members of the excluded gender must be allowed to tryout for the team ~~unless the sport involved is a contact sport, as defined above.~~

Equal athletic opportunity shall be provided for members of both genders, including equal provision for equipment, supplies, coaching, facilities, services, and publicity, except that unequal aggregate expenditure of funds for members of each gender or male and female teams will not in or of itself constitute a violation of these regulations.

- C. Counseling--Applies to all counseling and guidance activities at the elementary and secondary school levels.
- D. Textbooks--Nothing in these regulations shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.
2. Other Activities or Facilities
- A. Financial Assistance--Applies to offering scholarship or other aid or assisting non-school organizations in the offering of scholarships or other aid to students of this district.
- B. Employment Assistance--Applies to all efforts to place students in employment. The district shall, as part of any employment assistance program for students, ensure that all employment opportunities are made available without discrimination on the basis of gender and refuse participation in its student employment program to employers who would practice such discrimination.
- C. Health and Insurance--Applies to all health or insurance policies offered to students but does not prohibit benefits or services which may be used by a different proportion of students of one gender than of the other, including family planning. If full coverage is provided, such coverage must include gynecological care.
- D. Housing--Nothing in these regulations shall be interpreted as prohibiting the separation of students by gender in housing for field trips or other reasons. Such separate housing must be comparable in quality and availability.
- E. Toilet, Locker, and Shower Facilities--Separate toilet, locker, and shower facilities may be provided on the basis of gender. Such facilities shall be comparable to similar facilities provided for students of the other gender.

NONDISCRIMINATION, REGULATIONS (Cont.)

No rule on marital, family, or parental status that treats one gender different from the other shall be applied or enforced.

3. District Employment Activities

Applies to all aspects of the district's employment programs, including but not limited to, recruitment, advertising, process of application for employment, promotion, granting of tenure, termination, layoffs, wages, job assignments, leaves of absence of all types, fringe benefits, training programs, employer-sponsored programs, including social or recreational programs and any other term, condition, or privilege of employment. Specifically, the following personnel employment practices are prohibited:

- A. Tests--Administration of any test or other criterion that has a disproportionately adverse effect on persons on the basis of gender unless it is a valid predictor of job success and alternative tests or criterion are unavailable.
- B. Recruitment--Recruitment of employees from entities which furnish as applicants members of only or predominantly one gender, if such action has the effect of discrimination on the basis of gender.
- C. Compensation--Establishment of rates of pay on the basis of gender.
- D. Job Classification--Classification of jobs as being for males or females.
- E. Fringe Benefits--Provision of fringe benefits on the basis of gender; all fringe benefit plans must treat males and females equally.
- F. Marital and Parental Status--Any action based on marital or parental status; pregnancies are considered temporary disabilities for all job-related purposes and shall be accorded the same treatment by the district as are all other temporary disabilities. No inquiry shall be made by the district in job applications as to the marital status of an applicant, including whether such applicant is "Miss" or "Mrs.," but inquiry may be made as to the gender of a job applicant for employment if made of all applicants and is not basis for discrimination.
- G. Employment Advertising--Any expression of preference, limitation, or specification based on gender, unless gender is a bona fide occupational qualification for the particular job in question.

Policy Enforcement

To ensure compliance with board policy, the superintendent shall:

- 1. Designate a member of the administrative staff to:
 - A. Coordinate efforts of the district to comply with these regulations;

NONDISCRIMINATION, REGULATIONS (Cont.)

- B. Develop and ensure the maintenance of a filing system to keep all records required under these regulations;
 - C. Investigate any complaints of violation of these regulations;
 - D. Administer the grievance procedure established in these regulations; and
 - E. Develop affirmative action programs, as appropriate; and
2. Provide for the publication of these regulations on an ongoing basis to students, parents, employees, prospective employees, and district employee unions or organizations, such publication to include the name, office, address, and telephone number of the compliance administrator designated above.

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**GRIEVANCE PROCEDURES
GENDER DISCRIMINATION**

In accordance with the policy of the Board of Education, the following procedures will be used in the processing of employee gender discrimination/sexual harassment grievances in this school district.

1. Any employee of this school district who wishes to file a gender discrimination/sexual harassment grievance against another employee of the district may file a written complaint with the superintendent. The grievance shall set forth the circumstances of the incident and the identity of the employee(s) involved.
2. The superintendent shall initiate an investigation of the incident and shall protect the confidentiality of the grievant.
3. During the investigation of the incident, the superintendent or appointed administrator who interviews the grievant shall ensure that a staff member who is the same sex as the grievant will be present. This may help the grievant to feel more comfortable.
4. The investigation shall be completed within ten days of the filing of the grievance. Results of the investigation, along with recommendations and suggestions, shall be furnished to the grievant.
5. If the grievant believes the issues are not resolved after considering the recommendations and suggestions of the superintendent, the grievant may request a hearing by the grievance committee.
6. Upon receiving a request for a hearing, the grievance committee shall schedule the hearing to occur within twenty days from the date of the request.
7. Both the grievant and the person against whom the complaint was made may be represented by legal counsel at the hearing.
8. Within ten days of the hearing, the grievance committee shall furnish a written report of its findings and recommendations to the superintendent or to the board, if the complaint is filed against the superintendent.
9. The superintendent shall, within five days of the receipt of the grievance committee's report, act upon the recommendations of the committee or furnish a written report to the grievant explaining why the recommendations will not be implemented.
10. Upon receipt of the superintendent's report, the grievant may file a written appeal with the Board of Education. The Board of Education shall, within thirty days from the date the appeal was received, review the report and affirm, overrule, or modify the decision of the grievance committee. The decision of the board shall be final unless overturned by a court of competent jurisdiction.
11. If the grievant's complaint is based on contract termination, the grievant shall pursue the complaint in accordance with the termination procedures of this district. Such termination procedures are set forth elsewhere in this policy manual or may be obtained from the office of the superintendent.

GRIEVANCE PROCEDURES, GENDER DISCRIMINATION (Cont.)

12. In the event that the superintendent is the person against whom an employee wishes to file a gender discrimination/sexual harassment complaint, the complaint may be filed with the president of the Board of Education. The board shall then appoint a special investigator to investigate the allegation. The board shall direct a hearing by the grievance committee as set forth above.

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GENDER DISCRIMINATION/HARASSMENT GRIEVANCE FORM

1. Name and address of the grievant:

2. Date: _____

3. Grievant's telephone numbers: Home _____ Office _____

4. Statement of grievance (please provide as detailed a statement as is possible and feel free to attach supplemental pages if necessary for a complete understanding of your concerns):

5. Please identify any documents or other materials that support your grievance. If documents or materials are in your possession, please attach copies to this form.

6. Please identify what action or relief you are seeking as a result of this grievance.

Signature of Grievant

TEACHERS
DUTIES AND RESPONSIBILITIES

The Shawnee Board of Education recognizes that teachers are professional persons who work within a code of ethics and professional responsibility. Nevertheless, in the interest of consistency and uniformity, the superintendent is directed to establish rules and regulations governing the activities of teachers within the Shawnee Public School system.

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**TEACHERS
DUTIES AND RESPONSIBILITIES
(REGULATION)**

In accordance with the policy of the Board of Education, the following regulation shall govern the duties and responsibilities of teachers employed by the Shawnee Public School system.

1. Teachers shall be required to attend workshops three days before the beginning of the school term, and two days following the end of the school term.
2. Teachers shall be present in their assigned work places at least twenty minutes before the beginning of class each morning and a reasonable time before the opening of class in the afternoon. Teachers shall remain at their work places until ____ p.m.
3. Teachers shall attend promptly all meetings called by the principal or superintendent.
4. Teachers shall devote themselves during school hours to the duties of their respective assignments and will give careful attention to instruction, discipline, manner, and habits of their students.
5. Teachers shall be responsible for discipline of their respective classrooms. Students shall not be excluded from classes without good cause. The aid and counsel of the principal shall be sought on questions of discipline and special misconduct cases shall be referred to the principal.
6. Teachers shall be responsible and accountable for supplies, equipment, apparatus, and other school property within their area of instruction or supervision.
7. Teachers shall report student misconduct.
8. Teachers shall report to the principal any student whose progress or advancement warrants reclassification, and any student who, for any cause, fails to properly complete assigned classroom work. Teachers shall assign, grade, and return to the student any required make-up work for excused absences.
9. Teachers shall not be absent from their classrooms without prior notice to the principal.
10. Teachers who find that they will be late or absent because of unforeseen emergencies should notify the principal as soon as possible so that a substitute teacher may be obtained.
11. Teachers shall perform other duties as assigned by the principal.

At the end of the school year, each teacher must have the following completed and ready to hand in before checking out:

1. Completed inventory of classroom
2. Semester grade sheets completed

TEACHERS, DUTIES AND RESPONSIBILITIES, REGULATION (Cont.)

3. Inventory list of textbooks
4. Supply list for following school year
5. All incomplete grades changed
6. Textbooks properly stored
7. Sponsors must insure all organizational bills are paid
8. Must be cleared by principal before departure

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RESTRICTIONS ON DUAL EMPLOYMENT

It is the policy of the Shawnee Board of Education that district personnel shall not accept other employment which would require the employee to perform services during those times the employee is required to perform services for the school district.

School district personnel may use earned vacation days to perform services for other employers, provided that the employee files a request in a timely manner.

The school district recognizes its responsibility to allow school personnel to participate in Reserve and National Guard training exercises and that such activities do not constitute a violation of this policy. (See policy DEC-R6, Military Leave.)

REFERENCE: 70 O.S. §6-101(D)

Review Note: It is recommended that the second paragraph be deleted. Does the district want to encourage employees to use paid vacation to work for other employees? Taxpayers may be offended by the encouragement of double-dipping.

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STAFF CONDUCT

The professional conduct of school district personnel is essential to the maintenance of an effective educational environment. All school district personnel are expected to be familiar with applicable state and federal laws and regulations, as well as the policies and goals of the Shawnee School District. At all times, school district personnel shall maintain professional relationships with colleagues, students, parents of students, and other members of the community.

Staff shall not bring personal items into classroom that do not relate to instruction. This includes, but is certainly not limited to, microwaves, toasters, refrigerators, and other appliances that are for the preparation and storage of food. If items are found in a classroom, the employee shall be reprimanded and the item shall be removed at employee expense. Repeat violations may lead to termination of employment.

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RULES OF CONDUCT FOR CERTIFIED PERSONNEL

The Shawnee school district has certain rules of conduct that must be observed to ensure the efficient, orderly, and safe operation of the school district. In keeping with the concept of progressive discipline, certified personnel who fail to abide by these basic rules will be subject to corrective discipline ranging from verbal warning through discharge for major offenses or for repeated infractions or incorrect conduct.

Attire

Certificated employees within the district are expected to dress appropriately and in a manner in keeping with their professional status. Employees should keep in mind what constitutes good taste, appropriate grooming, and appearance. Good taste is defined as professional attire that would not offend students, parents, visitors, and fellow employees.

Distribution of Correspondence/Information

Teachers may not distribute any literature or solicit for any cause in working areas during working time except as otherwise provided.

1. "Working time" includes working time of both the teacher soliciting or distributing and the school district employee to whom the solicitation or distribution is directed. Working time does not include time periods when the teacher has been released from the performance of his/her work.
2. Certain correspondence/information may be distributed with prior approval. Such information must be reviewed and approved five working days prior to the delivery date.
 - A. Bulk materials must be packaged and appropriately addressed to each individual school if the correspondence is district-wide, with final distribution being made through the school's delivery system.
 - B. Correspondence/information on a district-wide level must receive prior approval from the superintendent or the superintendent's designee. Correspondence/information that is disseminated on a building level that affects only the employees of the building must be approved by the building principal.

Attendance/Punctuality

1. It is the responsibility of each teacher to be at school ready to work on time every day and to stay until the scheduled departure time. If for some reason a teacher is unable to get to school on time, or if illness, personal business, or emergency keeps the teacher from coming in at all, it is the teacher's responsibility to promptly notify the building principal. Teachers who are out due to illness, personal business, or emergency will be expected to contact the building principal the evening prior to the scheduled workday. If unable to make contact by the evening prior to the scheduled workday, it is expected that contact will be made by 6:00 a.m. so that arrangements can be made for a substitute.
2. The report of need for a substitute shall include a brief explanation of the reason for the request and an estimate of how long the substitute will be required.
3. Each teacher is required to leave lesson plans in his or her desk at school so that they may be used by a substitute when necessary.

RULES OF CONDUCT FOR SUPPORT PERSONNEL

1. **Ethical Conduct:** All efforts shall be made to obtain the services of men and women of integrity with high ideals. Persons who are already employed are expected to maintain the high standards contained in the following guidelines for ethical conduct:
 - A. The welfare of students shall be the primary consideration in making decisions relating to personnel problems.
 - B. Courteous, just, and professional relationships shall be maintained at all times with other personnel and with the people served by the schools.
 - C. Employee contacts and employment privileges shall not be used for personal gain.
 - D. All school properties, equipment, and materials must be properly used and protected.
2. **Personal Appearance:** All employees shall dress appropriately in direct relation to their position, including wearing uniforms when required.
3. **Work Standards:** All employees shall perform work with the result that both quantity and quality of work produced meets acceptable standards.
4. **Absences:** It is the obligation of each employee to notify his/her immediate supervisor as soon as possible on any work day that the employee intends to be absent.
5. **Health:** Employees must be able to safely and effectively perform tasks necessary to a particular position. Food services personnel and bus drivers are required to have a physical at the time of employment and at the beginning of each school year.

*Adoption Date:**Revision Date(s):**Page 1 of 1*

ACCOMMODATIONS FOR LACTATING EMPLOYEES

The school district shall provide an appropriate private, secure and sanitary room, other than a restroom, for an employee to express breast milk or breastfeed her child. School administrators shall make available a clean, accessible room with a lock or privacy sign.

The district shall provide lactating employees a reasonable amount of break time to express milk. The employee shall, to the extent possible, take breaks to express milk concurrently with the break times that are otherwise provided to the employee.

Employees must inform the building principal of the need to express breast milk and work collaboratively to develop a plan to accommodate the needs of the employee while ensuring that the employee's students are appropriately supervised.

LEGAL REFERENCE: 70 O.S. § 5-149.3.

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EMPLOYMENT PRACTICES

It is the policy of the Shawnee Board of Education to take action and provide statutory notification concerning the renewal or nonrenewal of all teachers' contracts prior to the first Monday in June each year.

The district will provide reasonable assurance in writing to support employees that the district intends to employ for the subsequent school year no later than ten days after the effective date of the education appropriation bill or by June 1, whichever is later.

The superintendent shall recommend candidates for administrative, support, and certified positions to the board. The principal(s) shall be consulted on the employment and retention of teachers.

Among other requirements for employment, the superintendent shall ensure that prospective employees produce legally sufficient documents showing citizenship status. The superintendent may develop rules and regulations governing employment practices. Such rules and regulations, if developed, must be approved by the Board of Education and shall become a part of this policy.

In the event the board decides not to employ a candidate who is recommended by the superintendent, further recommendations should be made to the board by the superintendent until a selection is made.

The employment of any person with this school district shall not be made or excluded on the basis of age, sex, race, religion, national origin, handicap, pregnancy, parenthood, marriage, or for any other reason not related to individual capability to perform in the position for which employed. In accordance with Oklahoma Statutes Title 70, Section 5 113.1, the Board of Education shall not consider for employment in any capacity a relative within the second degree of consanguinity or affinity of a board member.

NOTE: 70 O.S. §5-138 prohibits a school board from requiring any employee, other than the superintendent, to reside within the boundaries of that school district.

MEDICAL EXAMINATIONS

Every employee of the school district must be physically capable of performing the duties for which the employee is hired and/or assigned. Therefore, every employee of this school district is required to furnish a completed medical history form, under oath, to the superintendent's office at such time as employment begins. To verify physical fitness and capability of continuing to perform one's duties, medical examinations may be required of any employee at the discretion of the Board of Education or its designated officer, on an individual basis. Such examinations shall be at the district's expense.

A drug screening test will be a part of the physical examination for all applicants who are required to take a pre-employment physical examination. All applicants will be notified of this requirement. Any applicant who refuses to take the drug screening test or whose test is positive for the presence of illegal chemical substances will not be considered for employment.

A drug screening test is a part of the physical examination for all employees who are required to have an annual physical examination. These employees will be subject to random drug screening testing after employment.

All drivers of commercial motor vehicles who are required to hold a commercial driver's license (CDL) are subject to Department of Transportation regulations for alcohol and controlled substances testing for persons in safety-sensitive positions and will be tested accordingly.

EMPLOYMENT PROCEDURES CERTIFIED PERSONNEL AND CLERICAL STAFF

All applications will be submitted to the Board of Education administrative offices.

Applicants will be screened and interviewed by the superintendent of schools prior to being interviewed by the building principals.

1. Screening procedures by the superintendent:
 - A. Select a reasonable number of applicants for interviews.
 - B. Interview applicants.
 - C. Submit applications and schedule interviews with the building principal.
2. Screening procedures by the principals:
 - A. Interview applicants selected by the superintendent.
 - B. Select an applicant for the vacant position. If the applicants interviewed do not meet the approval of the principal, the superintendent must be notified that interviews of additional applicants are required.
 - C. Upon selection of an applicant, the principal must return all applications to the superintendent and designate the selected applicant.
3. Recommendation to the Board of Education for approval:
 - A. The superintendent will submit to the Board of Education the name of the applicant selected.
 - B. When the applicant has been approved by the , the applicant and building principal will be informed by the superintendent.
4. When employed, the applicant must:
 - A. Establish a personnel file in the administration office;
 - B. Contact the finance office at the administration office to make financial arrangements;
 - C. Report to the building principal for further instructions.

Oath of Office

Every person who is employed to teach in the Shawnee Public Schools shall first take and subscribe to the loyalty oath or affirmation required by state law in order to qualify for and enter upon the assigned duties and/or receive compensation.

**EMPLOYMENT PROCEDURES, CERTIFIED PERSONNEL
AND CLERICAL STAFF (Cont.)**

Certification and Licensing

It is the responsibility of the employee to meet the qualifications for any license or certification required in order to hold the position assigned. Any license or certification required must be kept valid and up-to-date to qualify for continued employment. State school law requires a valid certificate before salary can be paid.

Health Examinations

All teachers entering the Shawnee school system for the first time are required to furnish a certificate of health and tuberculosis clearance (x-ray or test) for the first contract year prior to the start of school but in no instance later than the start of the second month of school. Teachers shall furnish tuberculosis clearance certificates every third year thereafter, prior to the start of the school year.

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APPLICATIONS

Each person who is interested in a vacant position with the school district will be sent an application blank along with a letter outlining procedures for filing the application.

The application shall make no mention of the potential marital, parental, or family status of the applicant or whether the applicant for employment is the head of a household or principal wage earner in the applicant's family unit.

No inquiry shall be made in regard to an applicant's religion, creed, race, color, or national origin.

In order to become a candidate for the position, the applicant must file an application in writing and supply the school with transcripts of all college work and a college placement folder. All former employment from the first position to the last shall be recorded by the applicant. Application forms must be filed with the administrative offices of the board and not with the individual school sites.

Upon receipt of the application, a file will be established containing confidential information relative to the training and experience of the applicant along with other pertinent data. The application shall remain a confidential record.

The completed application serves as a request to add the applicant's name to the district's list of applicants. The acceptance of an application is not a promise of employment. Only applicants whose papers are evaluated favorably become candidates for employment. False information given will remove the applicant from consideration for employment. Applicants may be required to be tested as to certain skills, may be required to authorize the district to conduct various investigations as to the applicant's experience, employment history, and personal history, and shall be required to submit information for a felony record search. Any person who is determined to have falsified information on his or her employment application may be dismissed.

After careful evaluation of an applicant's file, the applicant will be notified as soon as possible if a personal interview is to be arranged.

Every attempt will be made to evaluate each application objectively and to inform the applicant as soon as possible of the follow-up action the school wishes to take.

Applications will be kept in the active file for a period of two years. If an individual is hired by the school district, the application shall become a public record.

WORKPLACE DRUG AND ALCOHOL TESTING (REGULATIONS)

The Board of Education may require drug and alcohol testing of all new applicants upon a conditional offer of employment. Substances tested shall be for drugs and alcohol. The refusal of a job applicant who has been offered conditional employment to take the test will be considered as a basis for not employing the applicant. Each case will be reviewed to assure compliance with current regulations of the Americans with Disabilities Act.

The school district may request or require an employee to undergo drug and/or alcohol testing as set forth below and when the superintendent at any time reasonably believes that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following:

- a. drugs or alcohol on or about the employee's person or in the employee's vicinity,
- b. conduct on the employee's part that suggests impairment or influence of drugs or alcohol,
- c. a report of drug or alcohol use while at work or on duty,
- d. information that an employee has tampered with drug or alcohol testing at any time,
- e. negative performance patterns, or
- f. excessive or unexplained absenteeism or tardiness;

Substances tested shall be for drugs and alcohol.

This school district will require school bus drivers, mechanics, maintenance employees, and any employee who is required to obtain a commercial driver's license (CDL) to undergo drug or alcohol testing prior to employment and on a random selection basis. The superintendent shall ensure that employees who are selected for random testing are selected on a basis that is entirely random and on a basis which results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected and does not give the district discretion to waive the selection of any employee selected. (See also policy DCCB and DCCB-R.)

This school district will require bus drivers, mechanics, maintenance personnel, and any district employee who is required to obtain a commercial driver's license (CDL) to undergo drug or alcohol testing during routine employee fitness-for-duty medical examinations. (See also policy DCCB and DCCB-R.)

This school district will require periodic drug and alcohol testing without prior notice of any employee who has tested positively under this policy, who has participated in a drug or alcohol dependency treatment program as a result of this policy, or an employee who is required to obtain a commercial driver's license (CDL).

Any employee who refuses to submit to drug or alcohol testing may be subject to disciplinary action including, but not limited to, termination of employment subject to all applicable due process procedures. Employees who refuse to undergo a drug or alcohol test shall be considered to have been discharged for misconduct for purposes of unemployment compensation benefits. In order to prove misconduct, the employer need only provide proof of a testing policy and either a refusal to take a drug or alcohol test or a positive test result with chain of custody and opportunity to retest.

Drug Testing Procedures

Drug and alcohol testing standards and procedures of this school district shall conform fully to the provisions of the State Board of Health. Testing facilities used by this district shall provide evidence of having met all licensing and/or certification requirements of the State Board of Health including the following:

WORKPLACE DRUG AND ALCOHOL TESTING, REGULATIONS (Cont.)

1. Samples shall be collected and tested only by individuals deemed qualified by the State Board of Health. Such samples may be collected on the premises of the school district or at a testing facility.
2. Only samples deemed appropriate by the State Board of Health for drug and alcohol testing shall be collected.
3. The collection of samples shall be performed under reasonable and sanitary conditions.
4. Samples shall be collected in sufficient quantity for splitting into two separate specimens, pursuant to rules of the State Board of Health, to provide for any subsequent independent analysis in the event of challenge of the test results of the main specimen.
5. Samples shall be collected and tested with due regard to the privacy of the individual being tested. In the instances of urinalysis, no representative, agent, or designee of the school district shall directly observe an applicant or employee in the process of producing a urine sample; provided, however, collection shall be in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
6. The testing facility will provide the necessary documentation of testing procedure and test results to the employer requesting testing services as may be required by a court or administrative proceeding.
7. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required.

Testing Results

The following steps will be taken when an employee's medical exam is positive for the presence of drugs or alcohol:

1. The employee will be notified of the results of the test. The applicant or employee has a right to obtain all information and records relating to that individual's testing.
2. The employee will be advised of the outcome of the drug screening and will be immediately removed from the current job assignment.
3. The employee will be given a reasonable opportunity for confidential rebuttal of the results.
4. To continue employment with the district, the employee must develop a written plan for improvement with the employee's supervisor. As an element of every plan for improvement, the employee will be encouraged to voluntarily seek professional assistance and/or participate in an appropriate rehabilitation program. Drug and alcohol dependency evaluation and referral services for substance abuse counseling, treatment, or rehabilitation shall be provided to the employee.
5. The employee will be suspended until the employee has tested negative on a follow-up drug screening. The follow-up drug screening will be administered no earlier than seven nor more than forty-five (45) calendar days following the initial positive drug screening.

WORKPLACE DRUG AND ALCOHOL TESTING, REGULATIONS (Cont.)

The physician who administered and interpreted the initial drug screening will make a recommendation to the district as to the amount of time that is appropriate before administering the follow-up drug screening, depending on the type and amount of chemical substance initially detected in the employee's system. The employee may use existing accrued leave during this suspension. If the employee does not have sufficient accrued leave to cover the absence, the leave will be without pay unless prohibited by applicable law. All employees hereby affected by this policy and regulation will be provided appropriate due process procedures.

6. If the follow-up drug screening is negative, the employee may be returned to regular assignment. If the drug screening is positive, procedures for the employee's termination will be implemented in accordance with this policy and the district's employment termination policies.
7. Any employee whose drug screening is positive a second time, regardless of the length of time which has passed since the first positive test, will be recommended to the board for dismissal. Any employee who has once tested positive may be subject to random drug screening sampling for a period of two years, commencing with the employee's return to work, and/or may be recommended for dismissal.

Confidentiality

The school district shall maintain the results of any drug/alcohol test in confidentiality to the extent possible. The employee who participates in a drug/alcohol test will be provided an opportunity to review and to obtain copies of any information and records pertaining to the drug/alcohol test.

1. The school district will maintain all drug and alcohol test results and related information, including, but not limited to, interviews, reports, statements, and memoranda, as confidential records, separate from other personnel records. Such records, including the records of the testing facility, shall not be used in any criminal proceeding, or any civil or administrative proceeding, except in those actions taken by the district or in any action involving the individual tests and the district or unless such records are ordered released pursuant to a valid subpoena or other court order.
2. The records described above and maintained by the district shall be the property of this school district and, upon the request of the applicant or employee tested, shall be made available for inspection and copying to the applicant or employee. The district will not release such records to any person other than the applicant, employee, or the district's review officer, unless the applicant or employee has expressly granted permission in writing, following receipt of the test results, for the district to release such records or pursuant to a valid court order.
3. A testing facility, or any agent, representative or designee of the facility, or any review officer, shall not disclose to the district, based on the analysis of a sample collected from an applicant or employee for the purpose of testing for the presence of drugs or alcohol, any information relating to: A. The general health, pregnancy or other physical or mental condition of the applicant or employee; or.

A testing facility shall release the results of the drug or alcohol test, and any analysis and information related thereto, to the individual tested upon his/her request.

WORKPLACE DRUG AND ALCOHOL TESTING, REGULATIONS (Cont.)Other Provisions

Drug/alcohol tests required pursuant to this policy will be conducted during, prior to, or immediately after the regular work period for current employees and shall be deemed work time for purposes of compensation and benefits for current employees.

The school district shall pay all costs of testing for drugs or alcohol including any school requested confirmation tests and the costs of transportation to the drug/alcohol test site. Any individual who requests a retest in order

to challenge the results of a positive test shall pay all costs of the retest, unless the retest reverses the findings of the challenged positive test in which case the school district shall reimburse the individual for the costs of the retest.

A copy of this policy shall be posted in a prominent employee access area and shall be provided to each job applicant upon the applicant's receipt of a conditional offer of employment.

Any employee or applicant for employment who refuses to undergo drug or alcohol testing conducted in accordance with board policy and these regulations may be disciplined up to and including termination of employment. An employee discharged on the basis of a refusal to undergo drug or alcohol testing or a confirmed positive drug or alcohol test conducted in accordance with the provisions of the Standards for Workplace Drug and Alcohol Testing Act shall be considered to have been discharged for misconduct and shall be disqualified for unemployment compensation.

Post-Accident

District may request or require an employee to undergo drug or alcohol testing if the employee or another person has sustained an injury while at work, or property has been damaged while at work, including damage to equipment. For purposes of workers' compensation, no employee who tests positive for the presence of substances defined and consumed pursuant to Section 465.20 of Title 63 of the Oklahoma Statutes, alcohol, illegal drugs, or illegally used chemicals, or refuses to take a drug or alcohol test required by the employer, shall be eligible for such compensation.

REFERENCE: 40 O.S. §2-406A
40 O.S. §551, et seq.

*Adoption Date:**Revision Date(s):**Page 4 of 4*

**DRUG-FREE WORKPLACE
NOTICE TO EMPLOYEES**

This school district supports the "Drug-free Workplace Act of 1988" (P.L. 100-690) and all employees must individually certify their understanding of the following conditions of employment and this act:

1. Each employee is hereby notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in all workstations in the school district. Such action is prohibited by any employee during that employee's work hours or in the performance of any duties for the school system.
2. Employees are further notified that as a condition of their employment, they are required to abide by the terms of this policy and that violation of any requirement will result in appropriate disciplinary action that may include (a) probation, (b) suspension, and/or (c) termination. Employees may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program as approved for such proposes by a federal, state, or local health, law enforcement, or other appropriate agency.
3. It shall be the responsibility of the employee to report to the district any and all convictions of a criminal drug statute violation occurring in the workplace no later than five days following such conviction. The district must also notify the federal contracting officer or grant source (if any) within ten (10) days after receiving notification from an employee or otherwise receiving actual notice of such conviction. Appropriate personnel action shall follow such disclosure within 30 days of such notice.
4. Each employee will attend a district drug-free awareness program at which employees will be informed about:
 - A. The dangers of drug abuse in the workplace;
 - B. The district policy of maintaining a drug-free workplace;
 - C. Available drug counseling, rehabilitation and employee assistance programs;
 - D. Penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

It is a requirement of the board of education that each current employee receive a copy of this policy and that all new applicants receive a copy of this policy upon a conditional offer of employment. This policy statement shall be published in appropriate documents for proper distribution and shall be posted at a prominent employee access area.

The district must also demonstrate a good faith effort to maintain a drug-free workplace through implementation of paragraphs 1-4, above.

This is to certify that on _____, I received a copy of this policy pertaining to the Drug-Free Schools and Communities Act of 1989, P.L. 101-226, from the Shawnee Board of Education.

Employee's Signature

DRUG AND ALCOHOL TESTING PROGRAM
BUS DRIVERS

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate a school vehicle which transports 16 or more persons, including the driver, or which weighs 26,001 pounds or more. For the purposes of this testing program, the term "employees" includes applicants who have been offered a position to operate a school vehicle.

Employees operating a school vehicle as described above are subject to preemployment drug testing and random, reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing. Employees operating school vehicles shall not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy shall be subject to drug and alcohol testing beginning the first day they operate or are offered a position to operate school vehicles and will continue to be subject to drug and alcohol testing as long as they may be required to perform a safety-sensitive function as it is defined in administrative regulations. (See DCCB-R.) Employees with questions about the drug and alcohol testing program may contact the superintendent.

Employees who violate the terms of this policy will be subject to discipline up to and including termination. Employees who violate this policy may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program will be subject to discipline up to and including termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy. The superintendent shall also inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment, in the application form, and personally at the first interview with the applicant.

The superintendent shall also be responsible for publication and dissemination of this policy and its supporting administrative regulations to employees operating school vehicles. The superintendent shall also oversee a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment resources and programs.

DRUG AND ALCOHOL TESTING PROGRAM BUS DRIVERS (REGULATION)

The following administrative regulations support the drug and alcohol testing program policy of the Board of Education. It also establishes and explains the requirements of the district's drug and alcohol testing program required for employees operating school vehicles.

Questions regarding the drug and alcohol testing program policy, these supporting regulations, or the drug and alcohol testing program may be directed to the superintendent, or designee, who will be the school district contact person. The contact person will answer questions from employees and others about the program, receive the test results, receive identification numbers of the drivers and will notify those drivers selected for random testing.

Definitions

Air Blank: A reading by an evidentiary breath testing device (EBT) of ambient air containing no alcohol.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohols.

Alcohol Concentration (or content): The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicted by an evidentiary breath test under the law.

Alcohol Use: The consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

Breath Alcohol Technician: An individual who instructs and assists drivers in the alcohol testing process and operates an evidentiary breath testing device.

Canceled or Invalid Test: In drug testing, it is a drug test that has been declared invalid by a Medical Review Officer or a specimen that has been rejected for testing by a laboratory. In alcohol testing, it is a test that is deemed to be invalid under the law. A canceled drug test or alcohol test is neither a positive nor a negative test.

Chain of Custody: Procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, these procedures require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody form(s) account(s) for the sample or sample aliquots within the laboratory.

Collection Site: A place where drivers present themselves for the purpose of providing body fluid or a tissue sample to be analyzed for specific drugs or breath alcohol concentration.

Commercial Motor Vehicle: A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle 1) has a gross combination weight rating of 26,001 or more points inclusive of a towed unit with a gross vehicle weight of 10,000 or more pounds; or 2) has a gross vehicle weight rating of 26,001 or more pounds; or 3) is designed to transport 16 or more passengers, including the driver; or 4) is of any size used in the transportation of materials found to be hazardous for the purposes of the Hazardous Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials regulations.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

Confirmation Test: For alcohol testing, it is a second test following a screening test with a result of 0.02 or greater breath alcohol concentration that provides quantitative data of alcohol concentration. For drug testing, it is a second analytical procedure (GC/MS) to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

Controlled Substances/Drugs: Marijuana, cocaine, opiates, amphetamines, phencyclidine.

Driver: Any person who operates a school vehicle. This includes, but is not limited to, full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the school district or who operate a school vehicle at the direction of or with the consent of the school district. For the purposes of preemployment/pre-duty testing only, the term "driver" includes applicants for drivers of school vehicles positions.

Initial Test (or Screening Test): In drug testing, it is an immunoassay screen to eliminate "negative" urine specimens from further consideration. In alcohol testing, it is an analytic procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath specimen.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a driver's confirmed positive test result together with the driver's medical history and any other relevant bio-medical information.

Non-suspicion-based Post-accident Testing: Testing of a driver after an accident without regard to whether there is any reasonable suspicion of drug usage, reasonable cause to believe the driver has been operating the school vehicle while under the influence of drugs, or reasonable cause to believe the driver was at fault in the accident and drug usage may have been a factor.

Performing a Safety-sensitive Function: A driver is considered to be performing a safety-sensitive function during any period in which the driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

Random Selection Process: When drug tests are unannounced and every driver has an equal chance of being selected for testing.

Reasonable Suspicion: When the school district believes the appearance, behavior, speech or body odors of the driver are indicative of the use of drugs or alcohol.

Refusal to Test: When a driver (1) fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of the law, (2) fails to provide adequate urine for drug testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of the law, or (3) engages in conduct that clearly obstructs the testing process. A refusal to test is treated as a positive drug test result or an alcohol test result of 0.04 or greater breath alcohol concentration.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

Safety-sensitive Function: All time from the time when a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions shall include, but are not limited to:

1. All time at the district waiting to be dispatched.
2. All time inspecting equipment or otherwise servicing any commercial motor vehicle at any time.
3. All time spent at the driving controls of a commercial vehicle in operation.
4. All time in or on a commercial vehicle.
5. All time repairing, obtaining assistance, or remaining in attendance on a disabled vehicle.

School vehicle: A vehicle owned, leased, and/or operated at the direction or with the consent of the school district which transports 16 or more persons, including the driver, or weighs over 26,001 pounds and requires the driver to have/possess a commercial driver's license in order to operate the vehicle.

Split Specimen/Split Sample: The division of the urine specimen into thirty milliliters in a specimen bottle (the primary sample) and into at least fifteen milliliters in a second specimen bottle (the split sample).

Stand-down: Is prohibited by federal regulations and consists of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

Substance Abuse Professional: A licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders.

Verified Test: A drug test or validity testing result from a federally certified laboratory that has undergone review and final determination by the MRO.

Covered Drivers

1. The following requirements apply for a driver to be covered by the drug and alcohol testing program:
 - A. Drive a vehicle transporting 16 or more persons, including the driver, or drive a vehicle weighing over 26,001 pounds; and
 - B. Require a commercial driver's license to hold the driver position.
2. Covered drivers include:

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

- A. Applicants seeking a position as a driver;
 - B. Full-time, regularly employed drivers;
 - C. Casual, intermittent, occasional or substitute drivers (including coaches, teachers, administrators, mechanics, etc.);
 - D. Leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to a school district or who operate a school vehicle at the direction of or with the consent of a school district.
3. Drivers are subject to the drug and alcohol testing program and its requirements throughout the year, including the times when school is not in session or when the driver is on leave.

Prohibited Driver Conduct

- 1. Drivers shall not report to duty or remain on duty with a 0.04 or greater breath alcohol concentration.
- 2. Drivers shall not report for duty or remain on duty when using any drug except when a physician has advised the driver that the drug does not adversely affect the driver's ability to safely operate a school vehicle and the school district is informed in writing of the medication and doctor's opinion.
- 3. Drivers shall not use alcohol at least four hours prior to, or during the performance of, a safety-sensitive function.
- 4. Drivers shall not possess alcohol while on duty. This includes possessing prescriptions and over-the-counter medicines containing alcohol unless the packaging seal is unbroken.
- 5. Drivers required to take a post-accident alcohol test shall not use alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- 6. Drivers shall not refuse to submit to a drug or alcohol test. A refusal to test is considered a positive test result requiring the driver to undergo a substance abuse evaluation and subjecting the driver to discipline up to and including termination.
- 7. Drivers shall not report for duty or remain on duty performing a safety-sensitive function if the driver has a positive drug test result.

Alcohol Breath Testing Procedures

- 1. Driver's breath is tested for alcohol.
- 2. Evidentiary breath testing devices are used to conduct the screening test and, if necessary, the confirmation alcohol test.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

- A. The screening alcohol breath test determines whether the driver's breath alcohol concentration is less than 0.02.
 1. A screening alcohol test result of less than 0.02 breath alcohol concentration allows the driver to continue to perform a safety-sensitive function.
 2. An initial alcohol test result of 0.02 breath alcohol concentration or greater requires a confirmation test.
- B. The confirmation alcohol breath test determines whether the driver may continue to perform a safety-sensitive function.
 1. A confirmation alcohol test result of less than 0.02 breath alcohol concentration allows the driver to continue to perform a safety-sensitive function.
 2. A confirmation alcohol test result of greater than 0.02 breath alcohol concentration but less than 0.04 breath alcohol concentration requires the driver to cease performing a safety-sensitive function for 24 hours.
 3. A confirmation alcohol test result of 0.04 or greater breath alcohol concentration requires the driver to cease performing a safety-sensitive function and undergo a substance abuse evaluation.
3. Alcohol testing is conducted at collection sites that provide privacy to the driver and contain the necessary equipment, personnel, and materials.
 - A. Alcohol testing is conducted at a designated nonschool district facility unless the situation requires another location.
 - B. In the event privacy cannot be assured, privacy will be provided to the extent practical.
4. Screening alcohol testing steps
 - 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 person will contact the superintendent or designated contact person 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, absent an acceptable excuse.
 - B. Upon arrival, the driver must provide a photo identification. 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.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

- D. The collection site person, the breath alcohol technician, and the driver complete and sign the appropriate sections of the alcohol testing form.
1. Refusal of the driver to sign the form prior to the screening alcohol test is considered a refusal to test.
 2. The school district is notified immediately of the driver's refusal to sign.
- E. 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.
- F. The initial test results are shared with the driver.
- G. The driver and breath alcohol 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 breath alcohol technician notes the driver's refusal to sign.
- H. Screening alcohol test results
1. An alcohol test result of less than 0.02 breath alcohol concentration is reported to the school district in a confidential manner and the driver may continue to perform a safety-sensitive function.
 2. An alcohol test result of 0.02 or more breath alcohol concentration requires a confirmation alcohol test between 15 and 20 minutes after the screening test.
 3. The breath alcohol technician provides the superintendent, or designated contact person, 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 breath alcohol tests are repeated with corrected procedures.
- J. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
1. A physician analyzes the driver's inability to provide adequate breath.
 2. 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. A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test, unless a physician determines the driver is not physically capable of providing adequate breath.
5. Confirmation alcohol testing steps
- A. The confirmation alcohol test is done between 15 and 20 minutes after the screening alcohol test whether or not the driver followed the requirements to not eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during the 15-minute waiting period to avoid accumulation of mouth alcohol leading to an artificially high reading.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

- B. If a different collection site is used, the driver must be under the observation of the collection site personnel or school district personnel while in transit to the confirmation alcohol testing site or while waiting for the confirmation alcohol test.
- C. If a different collection site person is used for the confirmation alcohol test, the driver must again provide photo identification.
- D. The testing procedure is explained to the driver by the collection site person.
- E. The collection site person, a breath alcohol technician, and the 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.
- F. 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.
- G. The confirmation alcohol test results, which are the final and official test results, are shared with the driver.
- H. The driver and breath alcohol 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 breath alcohol technician notes the driver's refusal to sign.
- I. The breath alcohol technician informs the superintendent, or designated contact person, of the results of the test in a confidential manner.
 - 1. An alcohol test result of less than 0.02 breath 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 breath alcohol technician notifies the superintendent, or designated contact person, immediately of confirmation of alcohol test results of 0.02 or more breath alcohol concentration.
 - 3. The collection site person provides the superintendent, or designated contact person, with a copy of the breath alcohol testing form if written communication was not used to report the test results.
- J. Potentially incomplete or invalid breath alcohol tests are repeated with corrected procedures.
- K. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
 - 1. A physician analyzes the driver's inability to provide adequate breath.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

2. 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. A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test, unless a physician determines the driver is not physically capable of providing adequate breath.

Drug Testing Procedures

1. Driver's urine is tested for marijuana, cocaine, opiates, amphetamines, phencyclidine, etc.
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 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. A positive drug test result requires the driver to undergo a substance abuse evaluation.
3. Drivers taking medication at a doctor's direction may perform a safety-sensitive function if the doctor determines there is not an adverse affect on performing a safety-sensitive function and the school district is informed in writing of the medication and doctor's opinion.
4. Drug testing is conducted at collection sites that provide privacy to the driver and where the necessary equipment, personnel, and materials are located.
 - A. Drug testing is conducted at a designated nonschool district facility unless the situation requires another location. Public restrooms can be used as collection sites in exceptional circumstances.
 - 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 creatinine concentration criteria.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

4. The collection site person observes conduct of the driver to substitute or adulterate the specimen.
 5. The driver has previously been determined to have used a drug without medical authorization and the particular test is for follow-up testing upon or after return to duty.
- 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. 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, or designated contact person, 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, absent an acceptable excuse.
 - B. Upon arrival, the driver must provide a photo identification. 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.
 - C. 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 site person.
 - D. Immediately prior to providing a urine sample, the driver must wash his or her hands.
 - E. The driver must then provide 45 milliliters of urine and deliver it immediately to the collection site person.
 1. A driver who cannot provide an adequate amount of urine will 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 test unless the physician determines a medical condition caused the failure to provide adequate urine.
 - F. The specimen is kept in view of the driver and the collection site person.
 - G. 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.
 - H. 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.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

- I. The collection site person inspects the specimen for color and other signs of contaminants and notes any unusual findings.
 - J. Another specimen is required as soon as possible under direct observation if adulteration or substitution is suspected by the collection site person.
 - K. The specimen is divided into the primary and the split specimen, sealed, and labeled. The label is initialed by the driver.
 - L. The driver is required to read and sign the statement on the chain of custody form certifying the specimens are the driver's.
 - M. 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.
 - N. The collection site person completes the chain of custody form and the driver signs the form indicating the collection is complete.
 - O. The specimens are packaged for shipping to the laboratory and are shipped immediately or placed in secure storage until they can be shipped.
6. Laboratory
- A. The laboratory used by the school district's drug and alcohol testing program is certified by the U.S. Department of Health and Human Services. Certified laboratories meet the testing procedures, personnel, and record keeping requirements of the law.
 - B. Upon arrival of the specimen 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.
 - 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.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

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 72 hours of talking with the MRO.
 2. Upon request by the driver, the split specimen is sent to a second certified laboratory for drug testing.
 3. The MRO contacts the superintendent, or designated contact person, for assistance if the driver cannot be reached.
 4. The superintendent, or designated contact person, must confidentially inform the driver to contact the MRO.
 5. Upon contacting the driver, the superintendent, or designated contact person, must inform the MRO that the driver was contacted.
 6. Drivers who cannot be contacted are placed on temporary medically unqualified status, sick leave, other available leave, or unpaid leave of absence.
- D. The MRO may verify a positive drug test without talking to the driver if:
1. The driver declines the opportunity to discuss the positive drug test.
 2. The driver fails to contact the MRO within five days after the superintendent, or designated contact person, 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 designated contact person, 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.

Substance Abuse Professional

1. A substance abuse evaluation by a substance abuse professional is required when a driver has:
 - A. A positive drug test;
 - B. A positive alcohol test of 0.04 or greater breath alcohol concentration; or

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

- C. Violated the drug and alcohol testing program policy, these supporting regulations, or the law.
2. The substance abuse evaluation determines what assistance, if any, the driver needs in resolving problems with alcohol misuse and/or drug use.
3. A list of available substance abuse professionals to provide assistance to bus drivers is available through the superintendent, or designated contact person.

Pre-employment Testing

1. Drivers shall submit to a drug test if a job offer is made. The job offer is contingent upon:
 - A. A negative drug test result; and
 - B. A signed written statement authorizing former employers to release all information on the driver related to drugs and alcohol.

A pre-employment drug test may not need to be administered by the school district if the driver has participated in a drug testing program that meets the requirements of these regulations within the previous 30 days and while participating in that program, either was tested for drugs within the past six months from the date of application with the school district or participated in a random drug testing program for the previous 12 months from the date of application with the school district and the school district ensures that, to the school district's knowledge, no prior employer has records of a violation of the regulations within the previous six months.

If the school district chooses not to administer a pre-employment alcohol and/or drug test, the school district must contact the alcohol and drug testing program in which the driver participates or participated and obtain the following information:

- name and address(es) of the program(s);
- verification that the driver participates or participated in the program(s);
- verification that the program(s) conform(s) to these regulations;
- verification that the driver is qualified under these regulations, including that the driver has not refused to be tested for alcohol or drugs;
- the date the driver was last tested for alcohol or drugs;
- the results of any tests taken within the previous six months and any other violation of the regulations.

For applicants that have had a positive drug or alcohol test, based on information from a prior employer, the pre-employment test can serve as a return-to-duty test.

2. Prior to allowing a driver to perform a safety-sensitive function, and not later than 14 days after performing a safety-sensitive function, the following information must be obtained about the driver during the preceding two years from the date of the application:
 - A. Any alcohol test results of 0.04 or greater breath alcohol concentration;

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

- B. Positive drug test results; and
- C. Refusals to be tested.

The school district may obtain any information related to the driver from previous employers as long as the driver consents and the written consent regarding the requested information is presented to the previous employers. If this information is not obtained prior to the performance of a safety-sensitive function, the school district will document why the information was not obtained prior to the performance of the safety-sensitive function. The information may be obtained by the school district by personal interviews, telephone interviews, letter, or other method that ensures confidentiality. The school district will document the information received and will note that the information addresses only whether the driver can perform a safety-sensitive function and does not address the Americans with Disabilities Act considerations of alcohol or drug addiction.

Random Testing

1. Annually, 25% of the average number of drivers is selected for random alcohol tests and 50% of the average number of drivers is selected for random drug tests.
2. The drivers' identification numbers are selected by a scientific method giving each driver an equal chance to be selected.
3. Random tests are unannounced and spread throughout the year.
4. Drivers selected for random alcohol testing are notified just before, during, or just after performing a safety-sensitive function. The school district will document why some, if any, drivers were selected but not notified (i.e., illness, vacation, etc.).
5. Drivers selected for random drug testing are notified at any time. The school district will document why some, if any, drivers were selected but not notified (i.e., illness, vacation, etc.).
6. Once a driver is notified of being selected for a random test, the driver must proceed immediately to the collection site. However, drivers performing a safety-sensitive function must safely stop and proceed to the collection site as soon as possible.

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, these supporting administrative regulations, or the law.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

- A. A reasonable suspicion alcohol test is performed within two hours and not 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 24 hours or prior to the release of the test results. If more than one employee trained to determine reasonable suspicion observed the driver, those employees must also document their reasons.

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. The driver received a citation and
 1. Bodily injury occurred to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident; or
 2. One or more motor vehicles incurred disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle; or
 - B. A fatality occurred.

If a citation is not issued against the driver within eight hours of the accident, no alcohol testing can be done. If the citation is issued prior to 32 hours, a drug test must be given. If the citation is issued too late for either the alcohol or drug test, the circumstances must be documented.
2. Drivers must remain readily available for post-accident testing.
 - A. Drivers who leave the scene or who do not remain readily available are deemed to have refused to test.
 - B. Necessary medical 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 not later than eight hours after the accident.
 - B. The reasons for administering the test later than two hours after the accident must be documented.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

- C. The reasons for not administering the test within eight hours of the accident must be documented.
- D. Drivers are prohibited from consuming alcohol for eight hours after the accident or until the alcohol test is completed.
- 4. Drug testing requirements
 - A. The drug test is administered as soon as possible and not later than 32 hours after the accident.
 - B. The reasons for not administering the test must be documented.
- 5. Results of drug or alcohol testing conducted by law enforcement officers or 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 must receive a copy of the results to use them.

Return-to-duty/Follow-up Testing

- 1. Prior to returning to duty after a positive drug test, a positive alcohol test of 0.04 or greater breath alcohol concentration, or other violation of the drug and alcohol testing program policy, these regulations or the law:
 - A. The driver must be reevaluated by a substance abuse professional to determine that the driver has properly followed any treatment program prescribed.
 - B. The driver must 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. The return-to-duty test must have a negative drug test result and/or an alcohol test result of less than 0.02 breath 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 12 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 60 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.

School District Responsibilities

- 1. Drivers will be provided with information on the drug and alcohol testing requirements of the drug and alcohol testing program policy, these administrative regulations, and the law, including the driver's obligations. This information may be included in an employee handbook.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

2. Supervisors of drivers or employees designated to determine reasonable suspicion must receive 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training must address the physical, behavioral, speech and performance indicators of probable alcohol misuse and drug use.
3. Drivers will be provided with instructions prior to the driver operating a school vehicle to enable the driver to comply with the drug and alcohol testing requirements.
4. Drivers will not be allowed 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.
5. Drivers will not be allowed to report to work or perform a safety-sensitive function when the school district has actual knowledge of a driver with 0.02 or greater breath alcohol concentration, whether or not an alcohol test was conducted.
6. Through the school district's drug and alcohol testing program service provider, the school district will ensure that the quality assurance plan, developed by the manufacturer and approved by the National Highway Traffic Safety Administration for the evidentiary breath testing device used for alcohol testing of its drivers, describes the inspection, maintenance, and calibration requirements and intervals for the device.
7. Through the school district's drug and alcohol testing program service provider, the district will ensure that the collection site person using an evidentiary breath testing device is a certified breath alcohol technician.

Consequences of Violating the Drug and Alcohol Testing Program Policy, These Administrative Regulations, or the Law

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.
 - D. Drivers may be required to undergo 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.
 - E. 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.
 - F. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to discipline up to and including termination.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

- G. Driver-applicants who refuse to submit to or cooperate with the drug and/or alcohol testing process and requirements shall be disqualified from further consideration.
2. Nothing in the drug and alcohol testing program policy, these administrative regulations, or the law relating to drug and alcohol testing limits, 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, regulations, and procedures.

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 written consent.
- B. Records may be released to appropriate school district employees without written consent.
- C. The school district may, without 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, these regulations, or the law, or from the school district's determination that the driver violated the drug and alcohol testing program, these regulations, or the law. Such proceedings may include, but are not limited to, workers' compensation, unemployment compensation, or other proceeding related to a benefit being sought by the driver and in wrongful discharge or other termination matters.
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. Drug and alcohol testing and related records shall include at least the following:
- drug and alcohol related information obtained from prior employers if the driver was hired after January 1, 1995, for school districts with 50 or more drivers and January 1, 1996, for school districts with less than 50 drivers;
- a "sign off" sheet signed by the driver indicating receipt of the drug and alcohol testing program policy and related information and agreeing to participate in the drug and alcohol testing program;
- the chain of custody form for each of the driver's drug tests;
- the alcohol test form and results for each of the driver's alcohol tests;
- any accident information related to the driver;
- MRO report of drug test results;
- any reasonable suspicion information related to the driver;
- any substance abuse professional evaluation and treatment information related to the driver; and
- any other information related to drug and alcohol testing particular to the driver.

**DRUG AND ALCOHOL TESTING PROGRAM, BUS DRIVERS,
REGULATION (Cont.)**

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 breath alcohol concentration.
2. Records related to the drug and alcohol testing process.
3. Records related to a driver's test results.
4. Records related to other violations of the law.
5. Records related to substance abuse evaluations.
6. Records related to education and training.

B. Two years:

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 and greater breath alcohol concentration.
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.
5. Driver substance abuse evaluations and referrals.
6. Annual calendar year summary.

EMPLOYEE RESIGNATIONS AND REFERENCE REQUESTS

It is the policy of the Shawnee Board of Education that any employee may submit a written resignation from employment with the school district. The resignation must be written, dated, and signed. It must specify the date upon which the resignation is to be effective. The resignation must be mailed to the superintendent by certified mail, return receipt requested, or personally delivered to the superintendent's office and an acknowledgment of receipt inscribed on the face of the resignation. Furthermore, it is the policy of the Board of Education that teacher resignations must be tendered no later than fifteen (15) days after the first Monday in June.

Any individual who is a school employee, contractor, or agent of the school district is prohibited from assisting a school employee, contractor, or agent in obtaining a new job, if the individual has probable cause to believe that such employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law. This prohibition shall not apply if:

1. The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and
2. The information giving rise to probable cause has been properly reported to any other authorities as required by Federal, State, or local law; and
3. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged sexual misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law; and
4. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
5. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within four (4) years of the date on which the information was reported to a law enforcement agency.

The routine transmission of administrative and personnel files is not considered assisting a school employee in obtaining a new job and will be exempt from the requirements of the procedure listed above.

REFERENCE: 70 O.S. §6-101
20 U.S.C. § 7926

NEGOTIATIONS

All negotiations for agreement on salaries and other conditions of employment between the Shawnee Board of Education and recognized employee groups will be conducted under the pertinent provisions of Oklahoma law.

In accordance with applicable law, the district may enter into negotiations with any duly elected employee organization for the purpose of establishing an orderly process of communication between eligible employees and the district. Such negotiations shall be governed by a procedural agreement which shall be agreed upon by the board and the employee organization. Negotiations may include salary as well as other terms and conditions of employment subject to any applicable limitations of law. Both the district and the employee organization shall bargain in good faith.

Except as provided by law, the board shall make all final decisions with respect to negotiations pursuant to the applicable procedural agreement. The board shall make all decisions with respect to the management and the administration of the district, the employment and the direction of its employees, and the determination of the district's program of instruction, and such matters shall not be negotiable items.

REFERENCE: 70 O.S. §509.1, et seq.

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SALARIES AND EXPENSES

It is the policy of the Shawnee Board of Education that no teacher shall be paid less than the state schedule. Extra duties shall be compensated for as scheduled. A schedule of salaries and fringe benefits paid to administrators will be filed with the State Department of Education by October 1, each year. Hourly wages for support employees will be established by the Board of Education.

All teachers shall be paid not later than the 30th day of each month. If the 30th falls on a weekend or a holiday, teachers shall be paid on the last preceding school day.

All full-time employees who are exempt from the hourly wage requirements of the Fair Labor Standards Act will be paid on a twelve-month basis.

For the purpose of state salary increments and retirement, no teacher shall be granted credit for more than five (5) years of active-duty in the military service or out-of-state or out-of-country teaching experience as a certified teacher or its equivalent. Nothing in this section shall prohibit boards of education from crediting more years of experience on district salary schedules than those allowed for state purposes.

The board shall also provide for a staff leave program and reimbursement of approved expenses.

REFERENCE: 70 O.S. § 1-110
 70 O.S. § 5-141
 70 O.S. § 6-106
 70 O.S. § 18-114.14
 Atty. Gen. Op. No. 84-87 (July 24, 1984)

DIRECT DEPOSIT

It shall be the policy of the Shawnee Board of Education that any employee beginning employment with the school district after July 1, 2008, *may or shall be required to* have his/her payroll check deposited directly into the bank, savings and loan, or credit union of their choice. The employee shall upon employment with the district, identify a financial institution that will serve as a personal depository agent for the employee.

It shall further be the policy of the Shawnee Board of Education that all existing employees working prior to July 1, 2008, shall have one year to begin participation in the direct deposit system, and identify a financial institution that will serve as a personal depository agent for the employee.

The district will not impose any service charge of any type to be paid by the employee at any time which decreases the net salary of the employee that is deposited in the financial institution selected by the employee.

- The district shall require every employee to participate in direct deposit of his/her monthly salary.
- No fee will be charged to any employee because of the implementation and administration of this direct deposit policy.
- Direct deposits will be made once a month in accordance with the pay schedule identified at the beginning of each year. Any additional pay will be paid by check and distributed in accordance with the identified pay schedule.
- Direct deposit forms will be given to every new employee of the district and will be submitted to the payroll office prior to the employee receiving his/her first check.
- If any changes are needed to be made on the form, the employee is responsible for contacting the payroll office.

LEGAL AUTHORITY: 70 O.S. Section 6-106.2.

PERSONNEL HOLIDAYS

It is the policy of the Shawnee Board of Education that the following paid holidays may be observed by all support personnel except bus drivers. The district shall provide the holidays which are set forth on a school calendar and those which are specified by the superintendent:

- Christmas
- Independence Day
- Labor Day
- Memorial Day
- New Years Day
- Thanksgiving

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PERSONNEL VACATIONS

The Shawnee Board of Education will provide annual vacation with pay to those employees assigned to twelve-month positions and to all hourly and daily rate employees whose period of service is continuous (90% of the working days) throughout the year.

Vacation days are noncumulative. All employees must use earned vacation days each year. When such vacation time is not used within one year from June 30th, entitlement to such vacation will be forfeited. Upon retirement or termination, personnel having unused vacation time earned during their final year of employment are eligible to be reimbursed for such vacation.

Vacation Year

A full year of service is from July 1 through June 30. Employees shall be eligible for the next higher vacation step on June 30 of the year in which they complete the required number of years service. In effect, an individual employed after July 15 may work some months longer than the scheduled years before reaching the next higher vacation step.

Creditable Years of Service

1. Service need not be consecutive. All full years of service as a contract, full-time employee of the Shawnee Public Schools will count toward vacation increments.
2. Nine and ten month contract years that have been successfully completed will count as "good" years when computing vacation due on current twelve-month employees.
3. A portion of a year on a twelve-month employee beginning after July 15 will not count as an increment year, but vacation will be granted for that portion of the year on a prorated basis.

Monthly Rate of Accrual

1. An employee must work one-half of the working days of a month to receive credit toward vacation for that month (starting or terminating).
2. When a person is absent more than one-half of the working days of any given month, a vacation day is not earned for that month.

Approval of Vacation Dates

The dates for all vacations must be approved by the immediate supervisor, and will be limited to 10 working days in a row, unless otherwise approved by the superintendent.

Substitutes for Employees on Vacation

It is the responsibility of the immediate supervisor to arrange vacations at a time when a substitute will not be required.

PERSONNEL VACATIONS (Cont.)

Vacation Accrual While on Sick Leave

1. With regard to computation of earned vacation time, absences of an employee on sick leave or vacation are considered as time served.
2. Vacation days will not be accrued after the expiration of sick leave or for absences not covered by sick leave or vacation time.

Eligibility

Employees shall be eligible for vacation days according to the following:

Years of Service	Days Per Year
0 to 4 consecutive years	10 days
5 consecutive years	11 days
6 consecutive years	12 days
7 consecutive years	13 days
8 consecutive years	14 days
9 or more consecutive years	15 days

The superintendent shall interpret the monthly accumulated earned vacation.

PERSONNEL LEAVE PROGRAM

The Shawnee Board of Education recognizes that district employees must occasionally be absent from work. Therefore, leave time in different categories as required by law will be provided for employees to be absent when necessary. Leave categories will include sick leave, personal business leave, emergency leave, jury duty leave, and military leave.

It is also important for district employees to understand that the continuity of education services is best served when the regularly assigned employee is at work. Therefore, employees should use the leaves provided in a prudent and judicious manner. The abuse of leave by employees will not be tolerated and any employee abusing leave policies will be subject to disciplinary action up to and including termination of employment.

Deductions for Unpaid Authorized Absences

If a district employee believes there is a need to be absent from work for any reason not covered in the approved leave policies, the employee may request, in writing, unpaid leave for that purpose from the immediate supervisor.

If unpaid leave is granted by the immediate supervisor, an amount equal to one day's pay will be deducted from the employee's salary for each day of such approved absence.

If an employee is absent without securing approval for an unpaid absence, the employee shall be denied the salary for such absence and will be considered to be engaging in willful neglect of duty and, therefore, subject to disciplinary action up to and including termination of employment.

Notification of Leave Accumulation

During the first two weeks of the school year, the board will advise each employee, in writing, as to the number of leave days accumulated as of July 1 of that year. After July 1, an employee may get updated information on leave accumulation from the superintendent's office at a time mutually agreed upon by the employee and the superintendent or the superintendent's designee.

**SICK LEAVE
CERTIFIED PERSONNEL
(REGULATIONS)**

The Board of Education shall provide sick leave benefits to all certificated personnel in order to promote a sense of security and permit an ease of mind that is essential to the satisfactory performance of professional services. The board sets forth the following provisions for administering this policy:

1. The superintendent or designee shall administer this plan.
2. Teachers may be absent from duty because of personal accidental injury, illness or pregnancy, or injury, illness or death in the immediate family without loss of salary not to exceed ten days during each school year. The right to such sick leave shall be vested at the beginning of the school year. Certificated employees who have an eleven-month contract shall receive eleven sick leave days per year and those who have a twelve-month contract shall receive twelve days. If an employee is injured as a result of an assault or battery upon the person of the employee while the employee is in the performance of any duties as an education employee, the employee shall be entitled to a leave of absence from employment with the school without a loss of leave benefits.
3. If sick leave is taken for bereavement purposes, the leave for that period may extend to the date of the funeral and a reasonable time thereafter to allow for travel as long as the employee has leave available to use.
4. Unused sick leave shall be cumulative to a total of sixty days and is transferable to any other school district in Oklahoma. Up to a maximum of sixty days of sick leave earned in another Oklahoma district may be transferred to this district. Sick leave so transferred must be certified by the sending district.
5. Any employee who attempts to take unfair advantage of sick leave benefits shall be subject to dismissal or other disciplinary action as provided by contract and/or state law. Any employee may be required to submit appropriate evidence concerning the cause of his absence in order to qualify for sick leave benefits. Appropriate evidence may include the following:
 - A. Physician's statement endorsed by the employee
 - B. Employee statement endorsed by the principal or immediate supervisor
 - C. Copies of claim submitted for insurance benefits
 - D. Other information as may be indicated by the circumstances
6. Appropriate evidence will be submitted when requested by the principal, immediate supervisor, or the superintendent in the following situations:
 - A. Sick leave claim on days of unusual or inclement weather
 - B. Sick leave claim during the last four weeks of employment
 - C. Sick leave claim on days immediately preceding or immediately following holidays or non-work days other than weekends
 - D. Reasonable cause exists to believe that sick leave benefits are being abused
7. When a teacher's accrued sick leave and maternity leave are is exhausted and the teacher is absent due to personal accidental injury, illness, or pregnancy, the teacher shall receive full salary less the amount that would be paid a substitute teacher for a maximum of 20 days.

SICK LEAVE, CERTIFIED PERSONNEL, REGULATIONS (Cont.)

- 8. After an employee has exhausted all accumulated sick leave, personal leave, and vacation time, the employee may be eligible for whatever time may be remaining of the up to 12 work weeks of unpaid leave for employees who meet the federal definitions for leave in accordance with the Family Medical Leave Act. The 12 work weeks of leave afforded under the Family Medical Leave Act may include paid and unpaid leave in accordance with federal law.
- 9. Sick leave benefits may be paid in addition to workers' compensation benefits; however, the sum of the payments will not exceed 100% of the employee's net pay as it existed prior to injury.

(Optional)

- 10. Upon termination of employment an employee, or the employee's estate, shall be paid \$____ for any unused sick leave remaining at the date of termination of employment. This compensation shall not be paid to any employee terminated following due process procedures but shall apply only to those employees who have retired, resigned, or whose contracts have been terminated due to the death of the employee.

NOTE: The term "immediate family" has been defined as those close family members such as a spouse or children residing within the same household as the employee. Sick leave may also be taken for the life-threatening illness of non-dependent children, mother, father, sister, brother, grandparents, mother-in-law, or father-in-law.

REFERENCE: 70 O.S. §6-104
70 O.S. §6-147
Atty. Gen. Op. No. 84-12
Atty. Gen. Op. No. 91-632

OSSBA POLICY SERVICES REVIEW NOTES:

Payment for unused sick leave days may be made only upon termination of employment. Please see referenced AG Opinions. In reference to the Putnam City Schools audit, the provision of an incentive bonus appears to be a gift in conflict with Article 10, §15(A) of the Oklahoma Constitution.

**SICK LEAVE
SUPPORT PERSONNEL
(REGULATIONS)**

The Board of Education will provide sick leave benefits to all support employees in order to promote a sense of security and permit the ease of mind essential to the satisfactory performance of services

In compliance with Oklahoma Statutes, Title 70, Section 6-104, the following guidelines are set forth:

1. For the purposes of this policy, support employee is defined as a full-time employee of the school district as determined by the standard period of labor which is customarily understood to constitute full-time employment for the type of services performed by the employee who is employed a minimum of 172 days and who provides those services which are not performed by certified teachers, principals, superintendents or administrators and which are necessary for the efficient and satisfactory functioning of a school district.
2. The superintendent of schools, or designee, shall be responsible for administering this plan.
3. A support employee may be absent from duty due to a personal accidental injury, illness, or pregnancy, or accidental injury, illness, or death in the immediate family without loss of salary. Benefits shall include paid sick leave of one day per month of employment. The one-day sick leave per month equals the number of hours the employee normally works per day. If an employee is injured as a result of an assault or battery upon the person of the employee while the employee is in the performance of any duties as an education employee, the employee shall be entitled to a leave of absence from employment with the school without a loss of leave benefits.
4. Unused sick leave shall be cumulative to a total of 60 days.
5. The sick leave granted to support employees under this policy shall be vested at the time of accrual, that is, upon the completion of the first month's employment, the employee shall have accrued one sick leave day.
6. Accumulated sick leave may be transferred to another school district where a support employee is employed the next succeeding school year in accordance with that district's policies.
7. Support personnel who are employed for the first time in this district and who were employed at another school district during the year immediately preceding their employment with this district may transfer a maximum of 60 sick leave days.
8. Sick leave benefits may be paid in addition to workers' compensation benefits; however, the sum of the payments will not exceed 100% of the employee's net pay as it existed prior to injury.

(Optional)

9. Upon termination of employment an employee, or the employee's estate, shall be paid \$____ for any unused sick leave remaining at the date of termination of employment. This compensation shall not be paid to any employee terminated following due process procedures but shall apply only to those employees who have retired, resigned, or whose contracts have been terminated due to the death of the employee.

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Revision Date(s):

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SICK LEAVE, SUPPORT PERSONNEL, REGULATIONS (Cont.)

REFERENCE: 70 O.S. §6-101.40
70 O.S. §6-104
70 O.S. §6-147
Atty. Gen. Op. No. 84-12
Informal Atty. Gen. Op. No. 91-632

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