

Blachly School District #90

Code: **GBED**
Adopted: 5/21/03
Readopted: 7/15/09
Orig. Code(s): GBED

Drug Testing

The district shall establish a program for screening potential employees for possible evidence of illegal drug use.

It is the intent of the district to provide a safe work and productive educational environment for both employees and students. All employees have a responsibility to be a positive role model for students.

Offers of employment for certain positions shall be contingent upon successful passage of a district-required drug test. The district will require drug tests for safety-sensitive positions and positions in which the person is responsible for students' safety and security.¹ The district will designate when and where such testing will be conducted. The cost of the drug test shall be paid by the candidate and reimbursed by the district upon receipt of negative drug test results. The district will not reimburse individuals who test positive for drugs. The offer of employment will be withdrawn from candidates who test positive for drugs.

Information the district receives regarding medical examinations and drug testing will be collected and maintained on separate forms and in separate files apart from personnel files. All such records will be kept confidential, maintained for a minimum of one year and released only in accordance with provisions of the Americans with Disabilities Act or other applicable laws.

The superintendent will develop administrative regulations to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)
[ORS 657.176](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317; 49 C.F.R. Parts 40, 382, 391-395 (2006).
Lanier v. City of Woodburn, 518 F3d. 1147 (9th Cir. 2008).

Cross Reference(s):

GCC - Recruitment of Licensed Staff

¹Based on Lanier – “Safety sensitive” may also include positions that have heavy student contact and in loco parentis responsibility (e.g. teachers, administrators, paraprofessionals).