

Brookings-Harbor School District 17C

Code: **GBED-AR**
Adopted: 2/22/99
Readopted: 10/22/03; 1/15/14
Orig. Code(s): GBED-AR

Preemployment Drug Testing

Purpose

These procedures set forth the administrative regulations which define the manner in which the district seeks to ensure that candidates for new employment in the district are not currently using unlawful drugs.

These procedures are part of the district's overall commitment to providing a safe and drug-free workplace environment in all district facilities and for all school operations.

Definitions

1. "Applicant" – A person who has filed an application for employment with the district. This shall include both licensed and classified positions, and both full-time and part-time positions. However, this shall not include those persons who seek to fill positions on a temporary or short-term substitute basis.
2. "Candidate" – An applicant who has been selected for employment on a probationary basis pending satisfactory completion of the district's drug-testing program.
3. "Drugs" – Any drug or substance classified in schedules I through V under the Federal Controlled Substances Act, 21 U.S.C. 811 to 812, including, but not limited to, mind-altering substances or narcotic drugs such as hallucinogenic, amphetamines, barbiturates, marijuana or any other unlawful drug or controlled substance, except those prescribed by a physician and used as directed.

Procedures

1. A statement that drug testing is a part of the district's preemployment process, and that satisfactory completion of such drug screening is a prerequisite of employment for safety-sensitive positions (e.g., bus drivers, heavy machinery operators) and positions in which the person is responsible for students' safety and security¹ in the district will be posted in the district administrative office and will also be included as a part of the overall application packet. Also included in the application packet will be a Consent for Preemployment Drug Testing and a Release of Information form.
2. A candidate will be offered employment on a probationary basis pending satisfactory completion of the district's drug-testing program for unlawful drugs.
3. The administrative office will schedule an appointment for the prospective new employee with the district's designated drug-testing laboratory at the earliest practical time after a candidate is selected for a position.

¹Based on Lanier case - "Safety sensitive" may also include positions that have heavy student contacts and in loco parentis responsibility (e.g. teachers, administrators, paraprofessionals).

4. A candidate shall report to the district-designated laboratory to conduct the preemployment drug screening at the approved time, which will, when practical be within 24 hours following the offer of employment, or the district may withdraw the job offer.
5. The district's designated drug screening laboratory will be required to provide written assurance that the following standards will be maintained:
 - a. It will utilize reliable testing protocols and procedures. It will also establish screening cut-off levels that assure that drugs are present at a sufficiently high level to allow the district to reasonably conclude that the candidate is currently engaging in the unlawful use of drugs, consistent with generally accepted standards, and protect the candidate's right to privacy to the fullest extent possible;
 - b. It will secure the candidate's written consent to perform the preemployment screening tests;
 - c. It will perform drug-screening tests of the presence of unlawful drugs and will use generally accepted drug-testing procedures to verify positive tests, and use accepted follow-up procedures, where appropriate;
 - d. Following immediate verbal communication to the superintendent or his/her designee, it will also provide written confirmation to the district administrative office within five days following the screening.
6. The administrative office will notify the candidate of the results of the drug tests:
 - a. Candidates who wish to challenge the accuracy of a positive result on the drug tests may request that the test be repeated. The original specimen will be utilized for retesting. Requests for retesting must be submitted in writing to the administrative office within two working days of notification of a positive test result;
 - b. The district will pay for the cost of the original drug screening and a second test (if requested) on the original sample in order to confirm the results of the first test;
 - c. If the results of the retesting are positive, the tentative offer of employment shall be null and void, and immediately withdrawn. The candidate shall not be employed by the district.
7. If the candidate passes the drug screening test (negative result), but fails the integrity test (sample too diluted), the candidate will be advised that he/she has failed the integrity portion of the screening, and will be retested at district expense. Candidates will also be advised to limit fluids for four hours prior to the drug-screening procedure. If the candidate fails to pass the integrity test the second time, he/she may be retested a third time, but such retest will be at his/her own expense. If, after three tests, the candidate is unable to pass the integrity test, the district's offer of employment shall be null and void, and immediately withdrawn. The candidate shall not be employed by the district.
8. If the drug testing inadvertently reveals that a candidate is taking medication for the treatment of a disability, this information will not be used by the district to unlawfully discriminate against the candidate on the basis of that disability.
9. Written records of drug-testing results will be maintained in separate files and will be treated as confidential medical records by the district.