

## **~~4036 DRUG AND ALCOHOL TESTING~~**

~~The school board recognizes the significant problems created by drug and alcohol use in society in general, and the public schools in particular. The school board also recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow. The school board recognizes that effective January 1, 1996, federal law requires employers of less than 50 bus drivers must have implemented a drug and alcohol testing policy. (49 CFR 382.11.5)~~

~~It is the belief of the school board that a work environment free of drug and alcohol use will not only be safer, healthier, and more productive, but will also be more conducive to effective learning. Therefore, to provide such an environment, the purpose of this policy is to provide authority so that the school board may require all employees and/or job applicants whose position requires a commercial driver's license to submit to drug and alcohol testing in accordance with the provision of this policy and as provided in Minn. Stat. 181.950 through 181.957.~~

~~All school district employees and job applicants whose position requires a commercial driver's license will be required to undergo drug and alcohol testing in accordance with federal law and the applicable provisions of this policy.~~

~~The use, possession, sale, purchase, transfer, or dispensing of any drugs not medically prescribed is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school sponsored program or event. Use of drugs which are not medically prescribed is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of drugs which are not medically prescribed are prohibited from entering or remaining on school district property.~~

~~Any employee who violates this section shall be subject to discipline which includes but is not limited to, immediate suspension without pay and immediate discharge.~~

~~The use, possession, sale, purchase, transfer, or dispensing of alcohol is prohibited on school district property (which includes school district vehicles), while operating school district vehicles or equipment, and at any school sponsored program or event. Use of alcohol is also prohibited throughout the school or work day, including lunch or other breaks, whether or not the employee is on or off school district property. Employees under the influence of alcohol are prohibited from entering or remaining on school district property.~~

~~Any employee who violates this section shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge.~~

### **Definitions**

~~**"Drug"** means a controlled substance as defined in Minnesota Statutes. "Drug and alcohol~~

~~testing," "drug or alcohol testing," and "drug or alcohol test" mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. 181.953, Subd. 1, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.~~

~~**"Employee"** means any person, independent contractor, or person working for an independent contractor who performs services for compensation, either full-time or part-time, in whatever form, for the school district, and includes both professional and nonprofessional personnel.~~

~~**"Job applicant"** means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district, and includes a person who has received a job offer made contingent on the person passing drug or alcohol testing.~~

~~**"Positive test result"** means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above a threshold detection levels contained in the standards of one of the programs listed in Minn. Stat. 181.953, Subd. 1.~~

~~**"Random selection basis"** means a mechanism for selection of employees that:~~

- ~~1. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and~~
- ~~2. does not give the school district discretion to waive the selection of employee selected under the mechanism.~~

~~**"Reasonable suspicion"** means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.~~

~~**"Safety sensitive position"** means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.~~

~~Adopted: 01-23-1996 ISD 709~~