



Robbinsdale Area Schools School Board Meeting Agenda

Monday, April 8, 2013 at 6:15 PM

Work Session

Education Service Center Boardroom, 4148 Winnetka Avenue North,
New Hope, Minnesota

1. **Overview of Integration and Equity and American Indian Education** 2
Presenter: Marcellus Davis/Anthony Taylor/Brenda Jo Peterson
Time: 30 minutes
2. **Overview of Special Education Programs** 32
Presenter: Ellen Voit/Marti Voight/Michelle Bethke-Kaliher
Time: 45 minutes
3. **Break**
Presenter: Chair Tyrrell
Time: 10 minutes
4. **Transportation Routing Efficiencies for 2013-2014** 65
Presenter: Jeff Priess/Chuck Corliss
Time: 30 minutes
5. **Policy 416 - Drug and Alcohol Testing** 68
Presenter: Stephanie Crosby
Time: 30 minutes
6. **April 29, 2013, 6:30 p.m. School Board Work Session with New Hope City Council Regarding City Redevelopment Plans**
Presenter: Superintendent Sicoli
Time: 20 minutes
7. **Community Connect Committee Update** 95
Presenter: Helen Basett/Mark Bomchill/Patsy Green
Time: 10 minutes



MEMO

Date: April 4, 2013

To: Members of the School Board
Aldo Sicoli, Superintendent of Schools

From: Marcellus Davis, Program Director of Integration and Equity & American Indian Education

RE: A Presentation about the Department of Integration and Equity & American Indian Education

The board will hear a brief presentation about the evolution of the Robbinsdale Area Schools (RAS) Department of Integration and Equity & American Indian Education. The presenters will include Anthony Taylor (Cultural Liaison), Brenda Jo Peterson (American Indian Cultural Liaison), and Marcellus Davis (Program Director of Integration and Equity & American Indian Education).

Robbinsdale Area Schools Department of Integration and Equity American Indian Education

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Moving Towards Equity at the Core of All Decisions

Presented by:
Anthony Taylor
Brenda Jo Peterson
Marcellus Davis

Today's Agenda

- Historical Review of the Fight for Integration (Brown Vs. Board of Education)
- Historical Review of the Fight for Integration in Minnesota
- How the desegregation lawsuit impacted Robbinsdale Area Schools (RAS)
- The Evolution of the Department of Integration and Equity and American Indian Education
- 2012-2014 Integration Plan and Budget
- Initiatives
- Questions

This is who we serve



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Our Mission

- The mission of Robbinsdale Area Schools is to inspire and educate all learners to discover their potential and positively contribute to their community.

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Our Vision

1. Children of diverse race, culture and income succeed in school and achieve at high levels.
2. School and classroom climate is improved for all students and staff.

This is who we serve



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Historical Overview of Integration

Brown v. Board of Education:

- 347 [U.S. 483](#) (1954), was a [landmark United States Supreme Court](#) case in which the Court declared state laws establishing separate [public schools](#) for black and white students unconstitutional.
- The decision overturned the [Plessy v. Ferguson](#) decision of 1896 which allowed state-sponsored segregation. Handed down on May 17, 1954, the [Warren Court's](#) unanimous (9–0) decision stated that "separate educational facilities are inherently unequal." As a result, [de jure racial segregation](#) was ruled a violation of the [Equal Protection Clause](#) of the [Fourteenth Amendment](#) of the [United States Constitution](#).
- This ruling paved the way for [integration](#) and was a major victory of the [civil rights movement](#) (wikipedia).

Minnesota's History w/ Integration

As stated in Minnesota Rule 3535.0100, the purposes of the Desegregation Rule include the following:

- Recognize that the primary goal of public education is to enable all students to have opportunities to achieve academic success.
- Reaffirm the state of Minnesota's commitment to the importance of integration in public schools.
- Recognize that while there are societal benefits from schools that are racially balanced, there are many factors which can impact the ability of school districts to provide racially balanced schools, including housing, jobs, and transportation.
- Recognize that providing parents a choice regarding where their child should attend school is an important component of Minnesota's education policy.
- Recognize that there are parents for whom having their children attend integrated schools is an essential component of their children's education.
- Prevent segregation in public schools.
- Encourage districts to provide opportunities for students to attend schools that are racially balanced when compared to other schools within the district.
- Provide a system that identifies the presence of racially isolated districts and encourage adjoining districts to work cooperatively to improve cross-district integration, while giving parents and students meaningful choices.
- Work with rules that address academic achievement, including graduation

American Indian Education Program

Land for education:

- Congress authorized studies and reports about whether or not this obligation was being met.
- In both the Merriam Report and the Kennedy report, Congress documented the absolute failure on the part of the government to live up to its educational commitments.
- Lowest graduation rates, college entrance rates & test scores of any other ethnic group in the country.

The Indian Education Act of 1972

- This evidence prompted Congress to pass special legislation namely the Indian Education Act of 1972.
- This Act provided funding for, among other things, local school districts to offer supplementary educational services to Indian children.
- According to the Act, districts with 10 or more Indian students must have an American Indian Parent Committee.
- The Committee and the district could then apply for formula grants that would support supplementary services.

Indian Education Act of 1988

- Mirroring what the Federal Government was doing, the State of Minnesota also passed legislation to support Indian Education in the public schools.
- State funding is now referred to as the Indian Education Act of 1988. Through this act of the state legislature, local districts can apply for grants to support Indian Education.
- These grants, unlike the federal grants, are not formula grants but are based on competitive proposal writing.

The Origins of the District Integration Department

- The West Metro Education Partnership (WMEP) is established, and we become members of collaborative.
- In lieu of the decision, the district was required to create a desegregation plan. The first plan was created August 7th, of 2000.
- This is also the beginning of the Choice is Yours Program.
- The District Community Collaboration Council was formed as a result lawsuit by the NAACP vs. the State of Minnesota.

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RDALE Origins Continued.

- The district home school liaison program started in the early 2001 with two liaisons.
- It has now grown to thirteen liaisons, now called *cultural liaisons*.
- Stephanie Crosby (Tyrize Cox, Kenneth Turner, and Marcellus Davis) was the first of four directors of the department.
- Mary Cebula has been the sole administrative support of the department since it's conception.
- Under Superintendent Sicoli's leadership the American Indian Education Program became part of the Department of Integration and Equity.
- The department is now known as the Department of Integration and Equity & American Indian Education.

What is Educational Equity Defined as?

- Education equity: the educational policies, practices, and programs necessary to (a) eliminate educational barriers based on gender, race/ethnicity, national origin, color, disability, age, or other protected group status;
- and (b) provide equal educational opportunities and ensure that historically underserved or underrepresented populations meet the same rigorous standards for academic performance expected of all children and youth.

Definition of Equity Cont.

- Educational equity knowledge and practices in public schools have evolved over time and require a comprehensive approach.
- Equity strategies are planned, systemic, and focus on the core of the teaching and learning process (curriculum, instruction, and school environment/ culture).
- Educational equity activities promote the real possibility of equality of educational results for each student and between diverse groups of students.

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Our Commitment to Equity

- Robbinsdale Area Schools District Equity Transformation Framework is designed to address issues of race and equity throughout the district in order to build an institution free of institutional racism and inequities.
- Evidence that the plan is working, will be based on four key variables that directly relate to the board of education goals:

Our District Equity Transformation Framework

1. Academic success, as measured by data related to current achievement gap and other data elements.
2. A sense of belonging, as measured by the district student opinion survey and other data elements.
3. Access to and participation in rigorous course/ programs and co-and extra-curricular programs, as measured by demographic participation data and other elements.
4. Institutional practices free of disparate impact on specific groups of people as measured by needs assessment and evaluation data collected by equity teams and the research, evaluation and assessment department.

2012-2014 Integration Plan and Budget

- http://office-of-integration-and-equity.rdale.org/modules/locker/files/get_group_file.php?fid=17429943&gid=1533518&sessionid=735d876ad749b5b8801403cbcf3d135f

Integration Plan District Equity Goals

1. Increase Cultural Understanding
2. Culturally Competent Teachers & Multicultural Curriculum
3. Equity in Access & Opportunity
4. Increased Staff Diversity, Modeling & Mentoring
5. Increased Parental Involvement & Empowerment
6. Community Understanding & Support

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Initiatives

- Cultural Liaisons
- Boy's 2 Men
- Young Ladies groups
- Civil Rights Research Tour
- Staff Trainings
- Integration Mini-grants
- Education Community Forums
- Choice is Yours
- Equity Training's District-Wide
- AVID
- Extended Learning Time (After-School Tutoring)
- District-wide Culture Night
- Summer Cultural Arts Camp/ Freedom School
- WMEP Cultural Collaborative Trainings

This is who we Serve



American Indian Education

- The Indian Education Program is a federally funded program that serves American Indian students in a variety of ways. Elementary students who are in academic need and are not eligible for other students services can receive assistance in the subject areas of reading, math and oral or written communications.
- The Secondary Program focuses on students in grades 7 -12 and is designed to assist students with educational opportunities beyond high school. The Indian Education Program serves American Indian students by developing their understanding and appreciation of their American Indian history and culture.
 - Nicole Hendrickson All 10 Elementary Schools
 - Brenda Jo Peterson (PMS, AHS)
 - Russell Wilkie (RMS, CPH)

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Cultural Liaisons

- Cultural Liaisons are the building cultural experts.
- They possess an array of different skills (cultural practices/norms, parent and community engagement skills, profound knowledge in the skill of relationship development, learning styles, and racial identity development).
- C.I.Y building contacts.
- E-Team members.
- Building representatives that can communicate the district equity vision.

District Equity Leadership Teams (DELT)

- DELT members participate in significant professional learning focused on deepening their understanding of race and equity, as well as how to develop and then guide the implementation of the districts equity transformation framework.

Building Equity Teams (E-Teams)

- E-teams consist of 8-10 members within the schools headed by the school principal.
- E-teams participate in significant professional learning focused on deepening their understanding of race and equity, and how to develop and then guide the implementation of the school's and districts Equity Transformational Plan.

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Student Equity Teams (SET)

- SET provides the student voice as it pertains to equity.
- SET's are in place at both high schools to ensure that students are involved in creating a safe place for All students by ensuring that they are helping in creating an environment that is inclusive and welcoming to our ever changing student population.

Equity View

DELT

- Examines and initiates equity initiatives that impact the entire school district.

E-Teams-

- Building teams examine equity within their buildings, and they employ the district-wide initiatives.

SET

- Provides students voice about the progress of the equity initiatives.

In Summary

- The Department of Integration and Equity & American Indian Education has been in existence for over a decade.
- At the core of the department is the push to create an educational equitable and integrated school district for **All Students**. Key factors that are being used are:
 - Cultural liaisons are critical to helping create equity throughout the district.
 - Continual equity professional development for all district employees, administrators, and school board members.

Questions?



MEMO

DATE: April 8, 2013

TO: Members of the School Board
Aldo Sicoli, Superintendent of Schools

FROM: Ellen Voit, Special Education Program Director

RE: Status of Special Education in 281

The Board will hear a presentation on the status of Special Education within the District. The presentation, presented by Ellen Voit - Director, Michelle Bethke-Kaliher – Assistant Director for Secondary Programs, and Marti Voight – Assistant Director for ECSE and Elementary Programs, will include demographic data, summary of current services in the District, and an update on issues currently facing the Special Education department.

State of Special Education

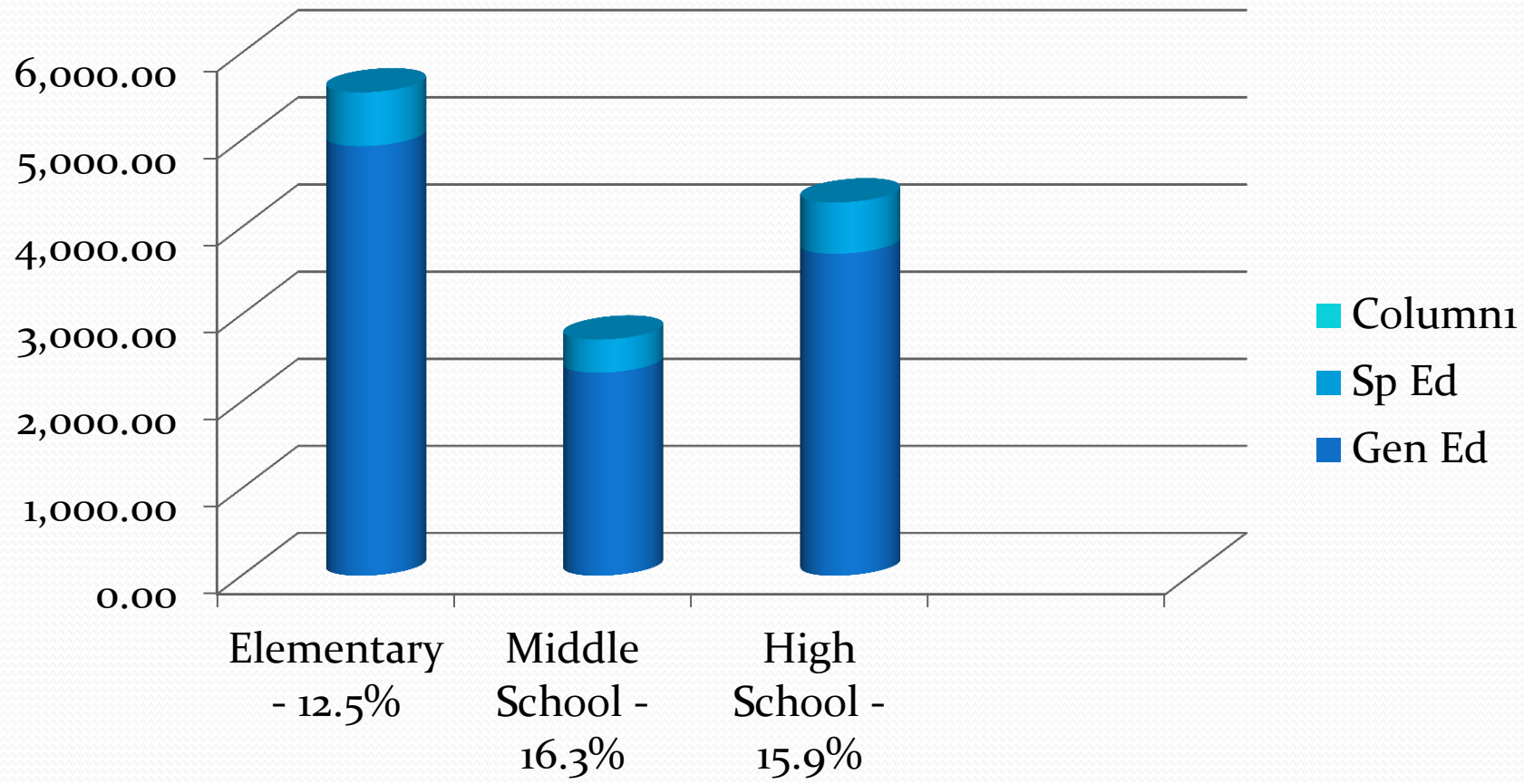
Board Presentation; April 8, 2013

Special Education:

Historical and Current Demographics

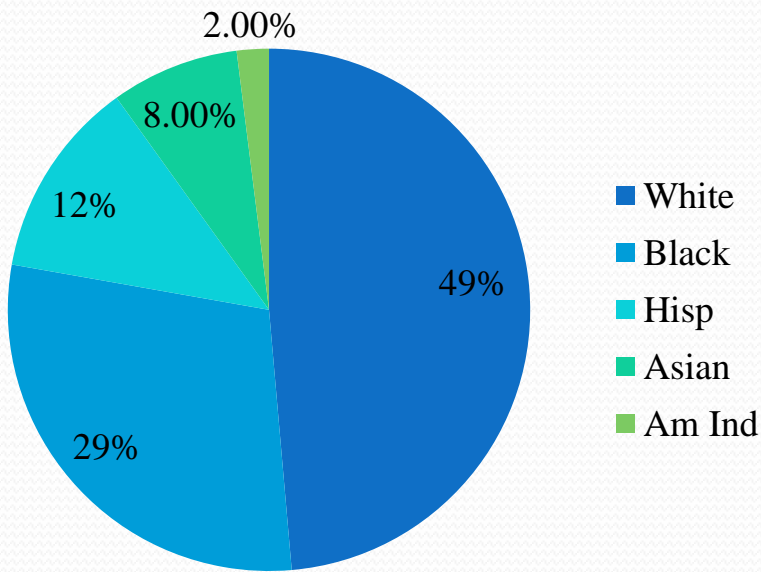
Dec 1 Child Count	2007-08		2008-09		2009-10		2010-11		2011-12		2012-13	
	District	Sp Ed	District	Sp Ed	District	Sp Ed	District	Sp Ed	District	Sp Ed	District	Sp Ed
Σ	13,670	1,656	13,230	1,540	13,125	1,627	13,162	1,644	13,168	1,604	13,069	1,575
Percent sp ed	12.12%		11.44%		12.40%		12.49%		12.18%		12.05%	

Data includes students ages 6-21; also students attending non-public schools

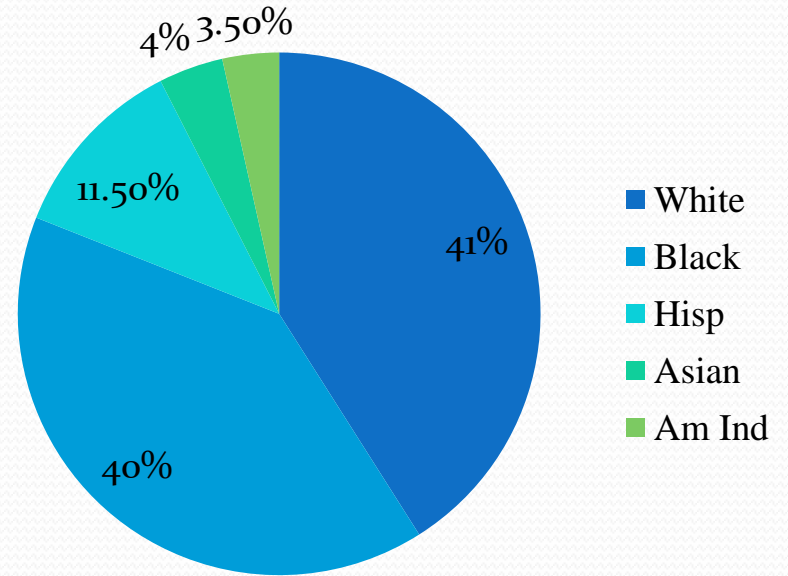


2012 Fall MARSS Data

Kindergarten – High School

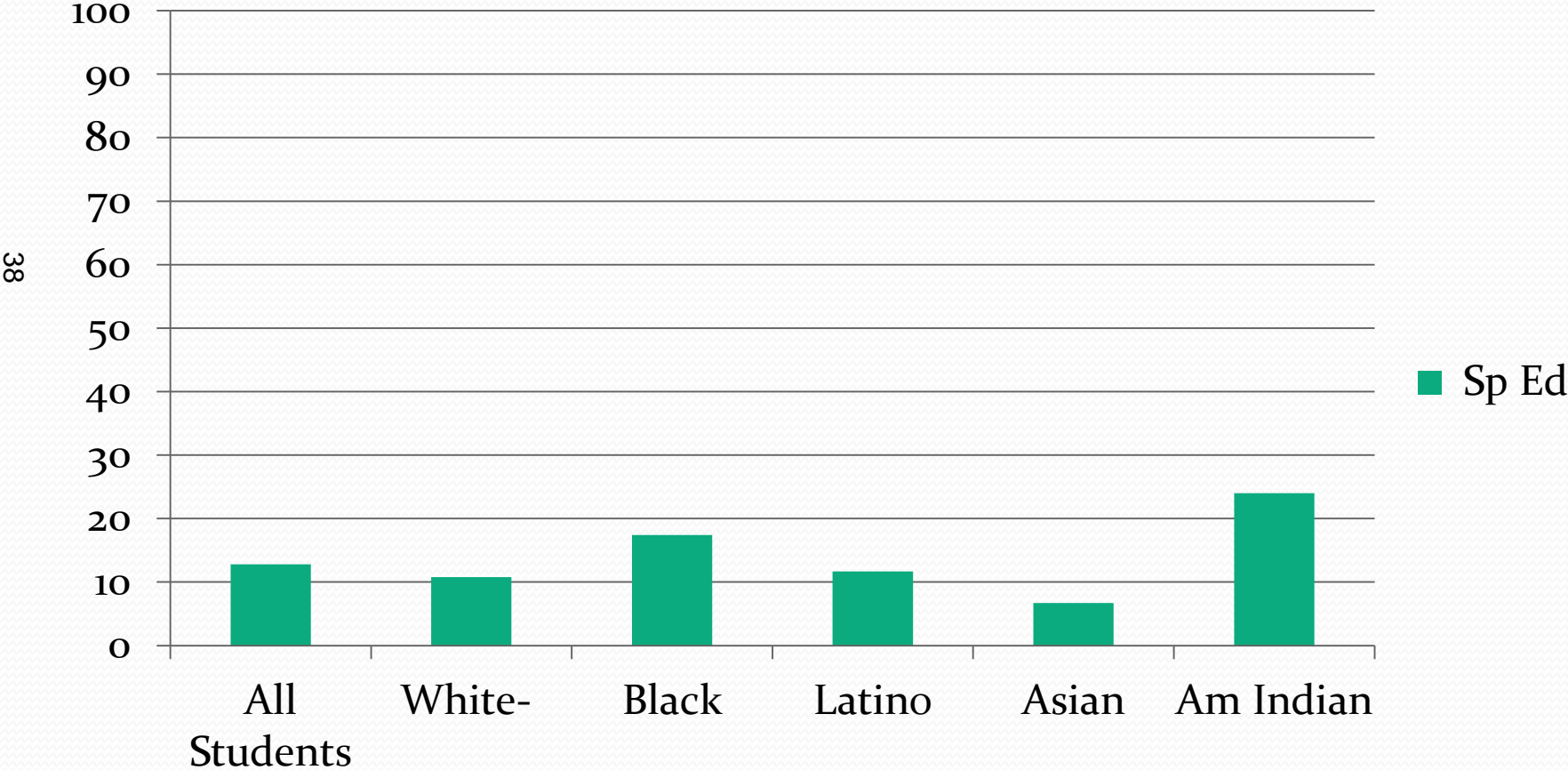


District Enrollment

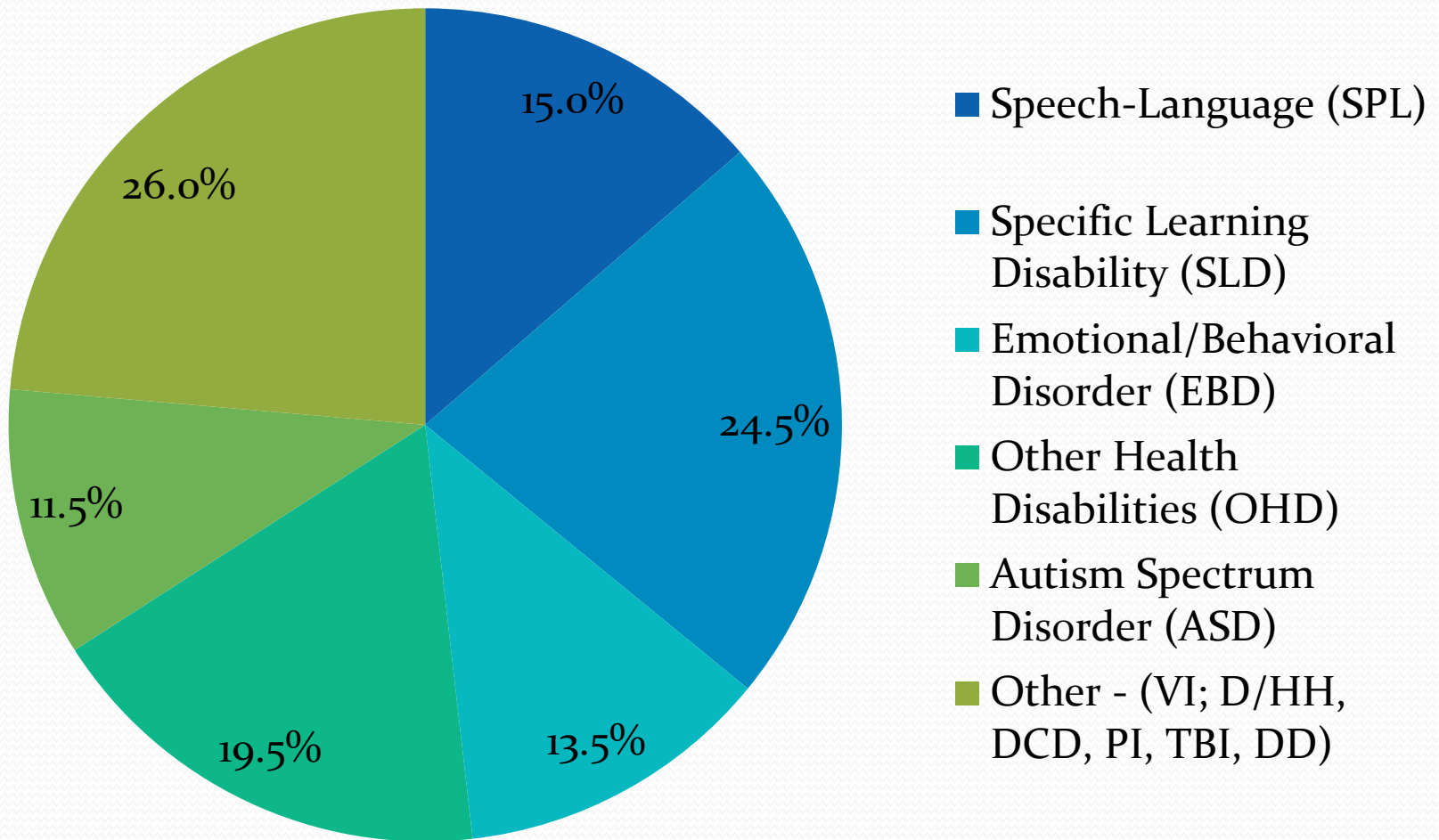


Special Education Participation

Percentage of Population Receiving Special Education Services



Disability Categories: All Students



	Am Indian	Asian/Pacific Islander	Hispanic	Black	White
Total Population	2%	8%	12%	29%	49%
Special Ed Population	3.5%	4%	11.5%	40%	41%
Speech-Lang Impaired	1%	9%	15%	21%	54%
DCD – Mild/Moderate	2%	4%	9%	49%	36%
DCD – Moderate - Severe	3%	3%	14%	30%	50%
Autism Spectrum	2%	5%	7%	25%	61%

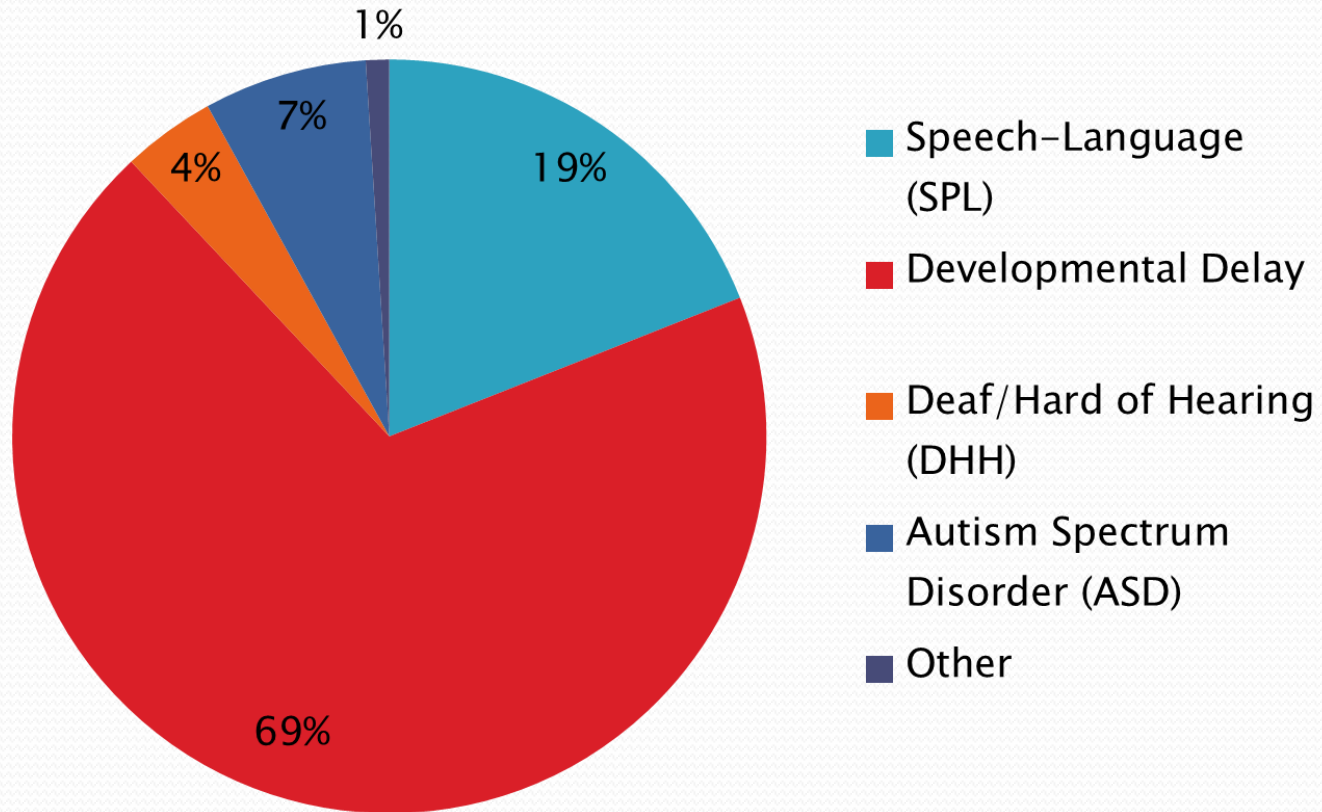
	Am Indian	Asian/Pacific Islander	Hispanic	Black	White
Specific Learning Disabilities	4%	5%	18%	47%	26%
Emotional or Behavioral Disorders	4.5%	.5%	3%	63%	28%
Other Health Disability	5%	1%	6%	40%	48%
Physically Impaired	8%	6%	15%	33%	38%
Traumatic Brain Injury (fewer than 20)	-	-	-	-	-

	Am Indian	Asian/Pacific Islander	Hispanic	Black	White
Deaf/Hard of Hearing	-	5%	20%	20%	55%
Visually Impaired (fewer than 20 students)	-	-	-	-	-
Severely Multiply Impaired	-	4%	16%	52%	28%

Early Childhood Special Education ECSE

ECSE Population: Total 265

Birth-Two: 87; Three-Five: 178



Early Childhood Special Education Programming: Birth-Two: Early Intervention

- Transdisciplinary service delivery model
- Primary service model is through home visits
- Family Guided Routine Based Interview
- Site-based programming as component for
2 ½ year old students needing more intense
programming (ASD)

Early Childhood Special Education Programming: Three-Five Years

- Services provided as site-based; 1-4 times per week
- ECSE classroom; Cooperative Creative Play; Phonological classes; Articulation classes
- Services provided to students in K-Prep; Creative Play classes at sites other than New Hope
- Expand to 4-year old programs at Forest, Noble, Meadow Lake, and Neill in 2013-14

Early Childhood Special Education Programming: Three-Five Years

- Related Services
 - Speech-Language and Augmentative Communication
 - Developmental Adaptive Phy Ed (DAPE)
 - Occupational Therapy (OT); Physical Therapy (PT)
 - Social Worker
 - Psychologist

Special Education

K-12 Service Delivery

Special Education Services: Elementary

- Setting I and II Resource (60% or less outside of classroom)
- Pullout, Push-in, individual, small group
- Address academics (reading, writing, math); social skill/behavior, organization; functional academics
- Related services – OT, PT, Speech-language, Augmentative Communication, DAPE, Social Worker, Psychologist

Special Education Services: Elementary

- Center-based programs (Federal setting III; more than 60% outside of mainstream)
 - 3 EBD classrooms; located at Sonnesyn Elementary
 - 5 CID classrooms; 2 at Noble, 3 at Neill
 - 7 DCD Center-based classrooms; 2 at Neill, 2 at Meadow Lake, 3 at Sonnesyn

Special Education Services: Secondary

- Setting I, II and III Resource - Primarily in class; up to 15 students
- Address academics: Math, Reading/Language Arts, Writing, Skills - Organization; Social Skills
- Transition skills/work experience (High School)
- Related services - OT, PT, Speech-language, Augmentative Communication, DAPE, Social Worker, Psychologist

Special Education Services: Secondary

- Center-based Programs (Fed Setting III):

EBD Center-based: 3 classrooms at PMS

2 classrooms at AHS

3 classrooms at CHS

DCD Center-based: 4 classrooms at RMS

3 classrooms (MMMMI) at AHS

2 classrooms (MSMI) at CHS

CID Center-based: 2 at RMS

1 at CHS

Robbinsdale Transition Program

- Currently serves total of 42 students 18-21 years old
 - **Discover**
 - Assists students with mild-moderate disabilities achieve goals through specialized instruction, training, and support
 - Emphasis on job training and experience.
 - **Connections**
 - 18-21 year olds with moderate to severe disabilities
 - Continued support and transition services needed to meet goal of becoming more independent adult
 - Emphasis on functional skills, job training and community access

New Programming Options: PAES Employment Skills Lab

- PAES – Practical Assessment Exploration System
- An assessment of skills, interest, placement options, and special accommodations
- Explore a wide range of ‘hands-on’ skills essential for participation in vocational, technical training, and community-based employment settings
- Develop a better understanding of real working world





287 Services:

Site-based Programs

Itinerant Services

287 Site-based Program Use (reported in ADMs)

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Total May ADM	118.84	103.84	95.31	83.86	79.98	72.99
EBD Programs	47.53	38.35	32.61	31.69	29.14	27.19
DCD Programs	11.43	6.16	6.16	4.54	5.33	5.57
SUN	11.4	9.55	11.8	10.94	12.37	11.0
CIP	11.62	8.66	11.55	11.61	13.72	11.52
SAFE	1.06	1.58	2.75	2.74	1.36	0.93
Transition - all	35.55	39.32	29.31	22.3	18.06	16.73

287 Itinerant Services

- Current Use:
 - Deaf/Hard of Hearing;
 - Audiology;
 - Interpreters
 - Blind/Vision Impaired
 - Orientation & Mobility
 - Braille Services; technology

Special Education:

Continuous Monitoring and Improvement Plan
(CIMP)

Continuous Improvement and Monitoring Process

CIMP

- Align annual CIMP plan with District Improvement Plan
- Goals in areas of :
 - Academics (growth rate on MAP in reading and math)
 - Discipline (effective use of Behavior Processing rooms)
 - ECSE delivery model (increase inclusive or natural environments)
- Provides additional funds for implementation of activities to meet goals; used for Professional Development activities.

MDE 5-Year Monitoring Cycle

2012-13 Year One:

- Self Review - File Reviews
- Stakeholder Surveys

2013-14 Year Two Corrective Action

2014-15 Year Three On-site MDE Review

2015-16 Year Four Corrective Action Follow-up

2016-17 Year Five Free Year

Year One Activities:

- Completed self-review of XX files
- 10 Part C (Birth-Two) files reviewed by MDE
- Will develop any necessary Corrective Action plans based on MDE findings
- Administered stakeholder surveys - Parents, Special Education licensed staff, general Education licensed staff; Special Education paraprofessionals; will analyze results when received

Disproportionality in Special Education

- 2011-12: Third Year found to demonstrate disproportionality in area of Discipline - Suspensions >10 days/Expulsion for Blacks on IEPs
- Required to utilize 15% of Special Education Federal funds for Coordinated Early Intervening Services (CEIS) in 2012-13
- District-developed plan utilized CEIS funds for:
 - 1.0 district-wide PBIS Coordinator
 - 4.0 PBIS Tier II Interventionists (Program Assistant) - one at each secondary building.
- Continue for 2013-14 to use Sp Ed Federal funds



TO: Members of the School Board
Dr. Aldo Sicoli, Superintendent

FROM: Jeff Priess, Executive Director of Business Services

DATE: April 8, 2013

RE: Transportation Efficiencies

DISCUSSION:

School Board will be provided an update on the work that has been done to create additional efficiencies within our transportation operation for the 2013-14 school year. We are currently estimating a reduction of 7 Regular Education routes for a savings of \$243,000. See attached letter from Center for Efficient School Operations.

QUESTIONS:

For questions please contact Jeff Priess at 763-504-8037 or jeff_priess.rdale.org

STRATEGIC PLAN:

Maximize Resources and Demonstrate Financial Accountability



The Center for Efficient School Operations

“Partnering with School Districts to help keep educational dollars in the classroom.”

2697 East County Road E #110
White Bear Lake, Minnesota 55110
Phone: (651) 605-5107
Fax: (651) 429-8869
Email: info@ceso.us

March 1, 2013

Jeff Priess
Robbinsdale Area Schools
4148 Winnetka Avenue North
New Hope, MN 55427-1288

Dear Jeff,

The following is the results of our work this winter on creating additional efficiencies within the Transportation Department for the Robbinsdale School District.

OBJECTIVES

The objectives of this study were to:

- Provide additional transportation department savings to the General Fund.
- Find a way to efficiently transport the new Middle School SEA program.
- Look for ways for the transportation department to be more flexible with Magnet programs in the future.

FINDINGS

We have identified that in order to become more efficient, the School District must be willing to make changes of 5-minutes at some school locations, and have at least one Elementary School operate on an earlier schedule.

We have also found out that by creating a 10-minute difference in the Middle School Times, we could provide transportation for the new SEA program at no additional cost, and also provide additional flexibility in the future.

We have also found a way to better serve the families of students attending RSI and SEA by changing the way we assign buses to load and unload at the schools.

NEW SCHOOL TIMES

In order to meet the objectives, the following changes would need to be made:

- RMS would need to start and end 5 minutes earlier.
- PMS would need to start and end 5 minutes later.
- Lakeview would need to start and end 30 minutes earlier.
- All other Elementary Schools would need to run 5 minutes later*
- Buses would need to drop and pick up at RSI/SEA based on the geographic location of the bus routes instead of trying to do SEA first followed by RSI.

- We could consider some staying at the current time, or possibly 5 minutes earlier.

OTHER CHANGES

Setting the Middle Schools 10-minutes apart from each other would create the flexibility of this system, and then we would be doing a transfer at one school in the morning and the other school in the afternoon for out of attendance area students.

We still need to meet with the Special Education Department to confirm that these changes would not create additional problems for any current programming and/or staff assignments.

SAVINGS

We are projecting a savings of 7 Regular Education route buses during the first year of running the department with the changes listed above.



MEMO

DATE: April 3, 2013

TO: Members of the School Board
Aldo Sicoli, Superintendent of Schools

FROM: Stephanie Crosby, Executive Director of Human Resources

RE: Drug and Alcohol Testing - Policy 416

The first reading of the proposed adoption of the MSBA/MASA Drug and Alcohol Testing Policy (Model Policy 416) was presented at the March 18, 2013 board meeting. At that time the School Board had several questions and suggestions about revisions to the policy as presented. Those questions and suggestions will be discussed at the Board Work Session.

Drug and Alcohol testing is mandatory under federal law for all drivers of commercial motor vehicles, including school buses. The most significant proposed change is to expand the policy to cover non-drivers. Drug and alcohol testing of other employees (non-commercial-drivers) is not required by state or federal law.

It is not mandatory for the Board to adopt a policy on this subject. However, many school districts adopt such a policy as a means of enforcing their expectation that employees will comply with prohibitions against drug and alcohol use on the job.

Adopted: _____

MSBA/MASA Model Policy 416

Orig. 1995

Revised: _____

Rev. 2009

416 DRUG AND ALCOHOL TESTING

I. PURPOSE

- A. 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 further recognizes the important contribution that the public schools have in shaping the youth of today into the adults of tomorrow.
- B. The school board believes that a work environment free of drug and alcohol use will be not only safer, healthier, and more productive but also 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 to submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in federal law and Minn. Stat. §§ 181.950-181.957.

II. GENERAL STATEMENT OF POLICY

- A. All school district employees and job applicants whose positions require 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 school district also may request or require that drivers submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.
- B. The school district may request or require that any school district employee or job applicant, other than an employee or applicant whose position requires a commercial driver's license, submit to drug and alcohol testing in accordance with the provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957.
- C. 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.

- D. 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.
- E. 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.

III. FEDERALLY MANDATED DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

A. General Statement of Policy

All persons subject to commercial driver's license requirements shall be tested for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP), pursuant to federal law. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action, which may include termination of employment.

B. Definitions

1. "Actual Knowledge" means actual knowledge by the school district that a driver has used alcohol or controlled substances based on: (a) direct observation of the employee's use (not observation of behavior sufficient to warrant reasonable suspicion testing); (b) information provided by a previous employer; (c) a traffic citation; or (d) an employee's admission, except when made in connection with a qualified employee self-admission program.
2. "Alcohol Screening Device" (ASD) means a breath or saliva device, other than an Evidential Breath Testing Device (EBT), that is approved by the National Highway Traffic Safety Administration and placed on its Conforming Products List for such devices.
3. "Breath Alcohol Technician" (BAT) means an individual who instructs and assists individuals in the alcohol testing process and who operates the EBT.

4. “Commercial Motor Vehicle” (CMV) includes a vehicle which is designed to transport 16 or more passengers, including the driver.
5. “Designated Employer Representative” (DER) means a designated school district representative authorized to take immediate action to remove employees from safety-sensitive duties, to make required decisions in the testing and evaluation process, and to receive test results and other communications for the school district.
6. “Department of Transportation” (DOT) means United States Department of Transportation.
7. “Driver” is any person who operates a CMV, including full-time, regularly employed drivers, casual, intermittent or occasional drivers, leased drivers, and independent owner-operator contractors.
8. “Evidential Breath Testing Device” (EBT) means a device approved by the National Highway Traffic Safety Administration for the evidentiary testing of breath for alcohol concentration and placed on its Conforming Products List for such devices.
9. “Medical Review Officer” (MRO) means a licensed physician responsible for receiving and reviewing laboratory results generated by the school district’s drug testing program and for evaluating medical explanations for certain drug tests.
10. “Refusal to Submit” (to an alcohol or controlled substances test) means that a driver: (a) fails to appear for any test within a reasonable time, as determined by the school district, consistent with applicable DOT regulations, after being directed to do so; (b) fails to remain at the testing site until the testing process is complete; (c) fails to provide a urine specimen or an adequate amount of saliva or breath for any DOT drug or alcohol test; (d) fails to permit the observation or monitoring of the driver’s provision of a specimen in the case of a directly observed or monitored collection in a drug test; (e) fails to provide a sufficient breath specimen or sufficient amount of urine when directed and it has been determined that there was no adequate medical explanation for the failure; (f) fails or declines to take an additional test as directed; (g) fails to undergo a medical examination or evaluation, as directed by the MRO or the DER; (h) fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a

confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector, fails to sign the certification on the forms); (i) fails to follow the observer's instructions, in an observed collection, to raise the driver's clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if the driver has any type of prosthetic or other device that could be used to interfere with the collection process; (j) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; (k) admits to the collector or MRO that the driver adulterated or substituted the specimen; or (l) is reported by the MRO as having a verified adulterated or substituted test result. An applicant who fails to appear for a pre-employment test, who leaves the testing site before the pre-employment testing process commences, or who does not provide a urine specimen because he or she has left before it commences is not deemed to have refused to submit to testing.

11. "Safety-sensitive functions" are on-duty functions from the time the driver begins work or is required to be in readiness to work until relieved from work, and include such functions as driving, loading and unloading vehicles, or supervising or assisting in the loading or unloading of vehicles, servicing, repairing, obtaining assistance to repair, or remaining in attendance during the repair of a disabled vehicle.
12. "Screening Test Technician" (STT) means anyone who instructs and assists individuals in the alcohol testing process and operates an ASD.
13. "Stand Down" means to temporarily remove an employee from performing safety-sensitive functions after a laboratory reports a confirmed positive, an adulterated, or a substituted test result but before the MRO completes the verification process.
14. "Substance Abuse Professional" (SAP) means a qualified person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

C. Policy and Educational Materials

1. The school district shall provide a copy of this policy and procedures to each driver prior to the start of its alcohol and drug

testing program and to each driver subsequently hired or transferred into a position requiring driving of a CMV.

2. The school district shall provide to each driver information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.
3. The school district shall provide written notice to representatives of employee organizations that the information described above is available.
4. The school district shall require each driver to sign a statement certifying that he or she has received a copy of the policy and materials. This statement should be in the form of Attachment A to this policy. The school district will maintain the original signed certificate and will provide a copy to the driver if the driver so requests.

D. Alcohol and Controlled Substances Testing Program Manager

1. The program manager will coordinate the implementation, direction, and administration of the alcohol and controlled substances testing policy for bus drivers. The program manager is the principal contact for the collection site, the testing laboratory, the MRO, the BAT, the SAP, and the person submitting to the test. Employee questions concerning this policy shall be directed to the program manager.
2. The school district shall designate a program manager and provide written notice of the designation to each driver along with this policy.

E. Specific Prohibitions for Drivers

1. Alcohol Concentration. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers who test greater than 0.04 will be taken out of service and will be

subject to evaluation by a professional and retesting at the driver's expense.

2. Alcohol Possession. No driver shall be on duty or operate a CMV while the driver possesses alcohol.
3. On-Duty Use. No driver shall use alcohol while performing safety-sensitive functions.
4. Pre-Duty Use. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.
6. Refusal to Submit to a Required Test. No driver shall refuse to submit to an alcohol or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements. A verified adulterated or substituted drug test shall be considered a refusal to test.
7. Use of Controlled Substances. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to instructions (which have been presented to the school district) from a licensed physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV.
8. Positive, Adulterated, or Substituted Test for Controlled Substance. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances or has adulterated or substituted a test specimen for controlled substances.
9. General Prohibition. Drivers are also subject to the general policies and procedures of the school district which prohibit the possession, transfer, sale, exchange, reporting to work under the influence of drugs or alcohol, and consumption of drugs or alcohol while at work or while on school district premises or operating any school district vehicle, machinery, or equipment.

F. Other Alcohol-Related Conduct

No driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform safety-sensitive functions for at least twenty-four (24) hours following administration of the test. The school district will not take any action under this policy other than removal from safety-sensitive functions based solely on test results showing an alcohol concentration of less than 0.04 but may take action otherwise consistent with law and policy of the school district.

G. Prescription Drugs

A driver shall inform his or her supervisor if at any time the driver is using a controlled substance pursuant to a physician's prescription. The physician's instructions shall be presented to the school district upon request. Use of a prescription drug shall be allowed if the physician has advised the driver that the prescribed drug will not adversely affect the driver's ability to safely operate a CMV.

H. Testing Requirements

1. Pre-Employment Testing

- a. A driver applicant shall undergo testing for alcohol and controlled substances before the first time the driver performs safety-sensitive functions for the school district.
- b. Tests shall be conducted only after the applicant has received a conditional offer of employment.
- c. In order to be hired, the applicant must test negative and must sign an agreement in the form of Attachment B to this policy, authorizing former employers to release to the school district all information on the applicant's alcohol tests with results of blood alcohol concentration of 0.04 or higher, or verified positive results for controlled substances, or refusals to be tested (including verified adulterated or substituted drug test results), or any other violations of DOT agency drug and alcohol testing regulations, or, if the applicant violated the testing regulations, documentation of the applicant's successful completion of DOT return-to-duty requirements (including follow-up tests), within the preceding two (2) years.
- d. The applicant also must be asked whether he or she has tested positive, or refused to test, on any pre-employment

drug or alcohol test administered by an employer to which the employee, during the last two (2) years, applied for, but did not obtain, safety-sensitive transportation work covered by DOT testing rules.

2. Post-Accident Testing

- a. As soon as practicable following an accident involving a CMV, the school district shall test the driver for alcohol and controlled substances if the accident involved the loss of human life or if the driver receives a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.
- b. Drivers should be tested for alcohol use within two (2) hours and no later than eight (8) hours after the accident.
- c. Drivers should be tested for controlled substances no later than thirty-two (32) hours after the accident.
- d. A driver subject to post-accident testing must remain available for testing, or shall be considered to have refused to submit to the test.
- e. If a post-accident alcohol test is not administered within two (2) hours following the accident, the school district shall prepare and maintain on file a record stating the reasons the test was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours.
- f. If a post-accident alcohol test is not administered within eight (8) hours following the accident or a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, the school district shall cease attempts to administer the test, and prepare and maintain on file a record stating the reasons for not administering the test.

3. Random Testing

- a. The school district shall conduct tests on a random basis at unannounced times throughout the year, as required by the federal regulations.

- b. The school district shall test for alcohol at a minimum annual percentage rate of 10% of the average number of driver positions, and for controlled substances, at a minimum annual percentage of 50%.
- c. The school district shall adopt a scientifically valid method for selecting drivers for testing, such as random number table or a computer-based random number generator that is matched with identifying numbers of the drivers. Each driver shall have an equal chance of being tested each time selections are made.
- d. Random tests shall be unannounced. Dates for administering random tests shall be spread reasonably throughout the calendar year.
- e. Drivers shall proceed immediately to the collection site upon notification of selection; provided, however, that if the driver is performing a safety-sensitive function, other than driving, at the time of notification, the driver shall cease to perform the function and proceed to the collection site as soon as possible.

4. Reasonable Suspicion Testing

- a. The school district shall require a driver to submit to an alcohol test and/or controlled substances test when a supervisor or school district official, who has been trained in accordance with the regulations, has reasonable suspicion to believe that the driver has used alcohol and/or controlled substances on duty or within four (4) hours before coming on duty. The test shall be done as soon as practicable following the observation of the behavior indicative of the use of controlled substances or alcohol.
- b. The reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The required observations for reasonable suspicion of a controlled substances violation may include indications of the chronic and withdrawal effects of controlled substances.
- c. Alcohol testing shall be administered within two (2) hours following a determination of reasonable suspicion. If it is not done within two (2) hours, the school district shall

prepare and maintain a record explaining why it was not promptly administered and continue to attempt to administer the alcohol test within eight (8) hours. If an alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the school district shall cease attempts to administer the test and state in the record the reasons for not administering the test.

- d. The supervisor or school district official who makes observations leading to a controlled substances reasonable suspicion test shall make and sign a written record of the observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.
5. Return-To-Duty Testing. A driver found to have violated this policy shall not return to work until an SAP has determined the employee has successfully complied with prescribed education and/or treatment and until undergoing return-to-duty tests indicating an alcohol concentration of less than 0.02 and a confirmed negative result for the use of controlled substances.
 6. Follow-Up Testing. When an SAP has determined that a driver is in need of assistance in resolving problems with alcohol and/or controlled substances, the driver shall be subject to unannounced follow-up testing as directed by the SAP for up to sixty (60) months after completing a treatment program.
 7. Refusal to Submit and Attendant Consequences
 - a. A driver or driver applicant may refuse to submit to drug and alcohol testing.
 - b. Refusal to submit to a required drug or alcohol test subjects the driver or driver applicant to the consequences specified in federal regulations as well as the civil and/or criminal penalty provisions of 49 U.S.C. § 521(b). In addition, a refusal to submit to testing establishes a presumption that the driver or driver applicant would test positive if a test were conducted and makes the driver or driver applicant subject to discipline or disqualification under this policy.
 - c. A driver applicant who refuses to submit to testing shall be disqualified from further consideration for the conditionally offered position.

- d. An employee who refuses to submit to testing shall not be permitted to perform safety-sensitive functions and will be considered insubordinate and subject to disciplinary action, up to and including dismissal. If an employee is offered an opportunity to return to a DOT safety-sensitive duty, the employee will be evaluated by an SAP and must submit to a return-to-duty test prior to being considered for reassignment to safety-sensitive functions.
- e. Drivers or driver applicants who refuse to submit to required testing will be required to sign Attachment C to this policy.

I. Testing Procedures

1. Drug Testing

- a. Drug testing is conducted by analyzing a donor's urine specimen. Split urine samples will be collected in accordance with federal regulations. The donor will provide a urine sample at a designated collection site. The collection site personnel will then pour the sample into two sample bottles, labeled "primary" and "split," seal the specimen bottles, complete the chain of custody form, and prepare the specimen bottles for shipment to the testing laboratory for analysis. The specimen preparation shall be conducted in sight of the donor.
- b. If the donor is unable to provide the appropriate quantity of urine, the collection site person shall instruct the individual to drink up to forty (40) ounces of fluid distributed reasonably through a period of up to three (3) hours to attempt to provide a sample. If the individual is still unable to provide a complete sample, the test shall be discontinued and the school district notified. The DER shall refer the donor for a medical evaluation to determine if the donor's inability to provide a specimen is genuine or constitutes a refusal to test. For pre-employment testing, the school district may elect to not have a referral made, and revoke the employment offer.
- c. Drug test results are reported directly to the MRO by the testing laboratory. The MRO reports the results to the DER. If the results are negative, the school district is informed and no further action is necessary. If the test

result is confirmed positive, adulterated, substituted, or invalid, the MRO shall give the donor an opportunity to discuss the test result. The MRO will contact the donor directly, on a confidential basis, to determine whether the donor wishes to discuss the test result. The MRO shall notify each donor that the donor has seventy-two (72) hours from the time of notification in which to request a test of the split specimen at the donor's expense. No split specimen testing is done for an invalid result.

- d. If the donor requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a confirmed positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another Department of Health and Human Services – SAMHSA certified laboratory for analysis. If the donor has not contacted the MRO within seventy-two (72) hours, the donor may present the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the confirmed positive test, or other circumstances unavoidably prevented the donor from timely making contact. If the MRO concludes that there is a legitimate explanation for the donor's failure to contact him/her within seventy-two (72) hours, the MRO shall direct the analysis of the split specimen. The MRO will review the confirmed positive test result to determine whether there is an acceptable medical reason for the positive result. The MRO shall confirm and report a positive test result to the DER and the employee when there is no legitimate medical reason for a positive test result as received from the testing laboratory.
- e. If, after making reasonable efforts and documenting those efforts, the MRO is unable to reach the donor directly, the MRO must contact the DER who will direct the donor to contact the MRO. If the DER is unable to contact the donor, the donor will be suspended from performing safety-sensitive functions.
- f. The MRO may confirm the test as a positive without having communicated directly with the donor about the test results under the following circumstances:
 - (1) The donor expressly declines the opportunity to discuss the test results;

- (2) The donor has not contacted the MRO within seventy-two (72) hours of being instructed to do so by the DER; or
- (3) The MRO and the DER, after making and documenting all reasonable efforts, have not been able to contact the donor within ten (10) days of the date the confirmed test result was received from the laboratory.

2. Alcohol Testing

- a. The federal alcohol testing regulations require testing to be administered by a BAT using an EBT or an STT using an ASD. EBTs and ASDs can be used for screening tests but only EBTs can be used for confirmation tests.
- b. Any test result less than 0.02 alcohol concentration is considered a “negative” test.
- c. If the donor is unable to provide sufficient saliva for an ASD, the DER will immediately arrange to use an EBT. If the donor attempts and fails to provide an adequate amount of breath, the school district will direct the donor to obtain a written evaluation from a licensed physician to determine if the donor’s inability to provide a breath sample is genuine or constitutes a refusal to test.
- d. If the screening test results show alcohol concentration of 0.02 or higher, a confirmatory test conducted on an EBT will be required to be performed between fifteen (15) and thirty (30) minutes after the completion of the screening test.
- e. Alcohol tests are reported directly to the DER.

J. Driver/Driver Applicant Rights

1. All drivers and driver applicants subject to the controlled substances testing provisions of this policy who receive a confirmed positive test result for the use of controlled substances have the right to request, at the driver’s or driver applicant’s expense, a confirming retest of the split urine sample. If the confirming retest is negative, no adverse action will be taken against the driver, and a driver applicant will be considered for employment.

2. The school district will not discharge a driver who, for the first time, receives a confirmed positive drug or alcohol test UNLESS:
 - a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with the SAP; and
 - b. The employee refuses to participate in the recommended program, or fails to successfully complete the program as evidenced by withdrawal before its completion or by a positive test result on a confirmatory test after completion of the program.
 - c. This limitation on employee discharge does not bar discharge of an employee for reasons independent of the first confirmed positive test result.

K. Testing Laboratory

The testing laboratory for controlled substances will be ~~U.S Heathworks, 4080 W. Broadway #200 Robbinsdale, MN 55422~~, which is a laboratory certified by the Department of Health and Human Services – SAMHSA to perform controlled substances testing pursuant to federal regulations.

L. Confidentiality of Test Results

All alcohol and controlled substances test results and required records of the drug and alcohol testing program are considered confidential information under federal law and private data on individuals as that phrase is defined in Minn. Stat. Ch. 13. Any information concerning the individual's test results and records shall not be released without written permission of the individual, except as provided for by regulation or law.

M. Recordkeeping Requirements and Retention of Records

1. The school district shall keep and maintain records in accordance with the federal regulations in a secure location with controlled access.
2. The required records shall be retained for the following minimum periods:

Basic records 5 years

“Basic records” includes records of: (a) alcohol test results with concentration of 0.02 or greater; (b) verified positive drug test results; (c) refusals to submit to required tests (including substituted or adulterated drug test results); (d) SAP reports; (e) all follow-up tests and schedules for follow-up tests; (f) calibration documentation; (g) administration of the testing programs; and (h) each annual calendar year summary.

Information obtained from previous employers	3 years
Collection records	2 years
Negative and cancelled drug tests	1 year
Alcohol tests with less than 0.02 concentration	1 year
Education and training records	
indefinite	

“Education and training records” must be maintained while the individuals perform the functions which require training and for the two (2) years after ceasing to perform those functions.

N. Training

The school district shall ensure all persons designated to supervise drivers receive training. The designated employees shall receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. The training shall include physical, behavioral, speech, and performance indicators of probable misuse of alcohol and use of controlled substances. The training will be used by the supervisors to make determinations of reasonable suspicion.

O. Consequences of Prohibited Conduct and Enforcement

1. Removal. The school district shall remove a driver who has engaged in prohibited conduct from safety-sensitive functions. A driver shall not be permitted to return to safety-sensitive functions until and unless the return-to-duty requirements of federal DOT regulations have been completed.
2. Referral, Evaluation, and Treatment
 - a. A driver or driver applicant who has engaged in prohibited conduct shall be provided a listing of SAPs readily

available to the driver or applicant and acceptable to the school district.

- b. The school district will offer a driver an opportunity to return to a DOT safety-sensitive duty following an employee's first positive test result on a confirmatory test if there are no reasons independent of the first test result for discharge. Otherwise, the school district may choose, but is not required, to provide an SAP evaluation or any subsequent recommended education or treatment.
- c. Drivers are responsible for payment for SAP evaluations and services unless a collective bargaining agreement or employee benefit plan provides otherwise.
- d. Drivers who engage in prohibited conduct also are required to comply with follow-up testing requirements.

3. Disciplinary Action

- a. Any driver who refuses to submit to post-accident, random, reasonable suspicion, or follow-up testing not only shall not perform or continue to perform safety-sensitive functions, but also may be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- b. Drivers who test positive with verification of a confirmatory test or are otherwise found to be in violation of this policy or the federal regulations shall be subject to disciplinary action, which may include immediate suspension without pay and/or immediate discharge.
- c. Nothing in this policy limits or restricts the right of the school district to discipline or discharge a driver for conduct which not only constitutes prohibited conduct under this policy but also violates the school district's other rules or policies.

P. Other Testing

The school district may request or require that drivers submit to drug and alcohol testing other than that required by federal law. For example, drivers may be requested or required to undergo drug and alcohol testing on an annual basis as part of a routine physical examination. Such additional testing of drivers will be conducted only in accordance with the

provisions of this policy and as provided in Minn. Stat. §§ 181.950-181.957. For purposes of such additional, non-mandatory testing, drivers fall within the definition of “other employees” covered by Section IV. of this policy.

IV. DRUG AND ALCOHOL TESTING FOR OTHER EMPLOYEES

The school district may request or require drug and alcohol testing for other school district personnel, i.e., employees who are not school bus drivers, or job applicants for such positions. The school district does not have a legal duty to request or require any employee or job applicant to undergo drug and alcohol testing as authorized in this policy, except for school bus drivers and other drivers of CMVs who are subject to federally mandated testing. (See Section III. of this policy.) If a school bus driver is requested or required to submit to drug or alcohol testing beyond that mandated by federal law, the provisions of Section IV. of this policy will be applicable to such testing.

A. Circumstances Under Which Drug or Alcohol Testing May Be Requested or Required:

1. General Limitations

- a. The school district will not request or require an employee or job applicant whose position does not require a commercial driver’s license to undergo drug or alcohol testing, unless the testing is done pursuant to this drug and alcohol testing policy; and is conducted by a testing laboratory which participates in one of the programs listed in Minn. Stat. § 181.953, Subd. 1.
- b. The school district will not request or require an employee or job applicant whose position does not require a commercial driver’s license to undergo drug and alcohol testing on an arbitrary and capricious basis.

2. Job Applicant Testing

The school district may request or require any job applicant whose position does not require a commercial driver’s license to undergo drug and alcohol testing, provided a job offer has been made to the applicant and the same test is requested or required of all job applicants conditionally offered employment for that position. If a job applicant has received a job offer which is contingent on the applicant’s passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory

test. In the event the job offer is subsequently withdrawn, the school district shall notify the job applicant of the reason for its action.

3. Random Testing

The school district may request or require employees to undergo drug and alcohol testing on a random selection basis only if they are employed in safety-sensitive positions.

4. Reasonable Suspicion Testing

The school district may request or require any employee to undergo drug and alcohol testing if the school district has a reasonable suspicion that the employee:

- a. is under the influence of drugs or alcohol;
- b. has violated the school district's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the school district's premises or operating the school district's vehicles, machinery, or equipment;
- c. has sustained a personal injury, as that term is defined in Minn. Stat. § 176.011, Subd. 16, or has caused another employee to sustain a personal injury; or
- d. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

5. Treatment Program Testing

The school district may request or require any employee to undergo drug and alcohol testing if the employee has been referred by the school district for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee may be requested or required to undergo drug and alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two (2) years following completion of any prescribed chemical dependency treatment program.

6. Routine Physical Examination Testing

The school district may request or require any employee to undergo drug and alcohol testing as part of a routine physical examination provided the drug or alcohol test is requested or required no more than once annually and the employee has been given at least two weeks' written notice that a drug or alcohol test may be requested or required as part of the physical examination.

B. No Legal Duty to Test

The school district does not have a legal duty to request or require any employee or job applicant whose position does not require a commercial driver's license to undergo drug and alcohol testing.

C. Definitions

1. "Drug" means a controlled substance as defined in Minnesota Statutes.
2. "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.
3. "Other Employees" means any persons, independent contractors, or persons working for an independent contractor who perform services for the school district for compensation, either full time or part time, in whatever form, except for persons whose positions require a commercial driver's license, and includes both professional and nonprofessional personnel. Persons whose positions require a commercial driver's license are primarily governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.). To the extent that the drug and alcohol testing of persons whose positions require a commercial driver's license is not mandated by federal law and regulations, such testing shall be governed by Section IV. of this policy and the drivers shall fall within this definition of "other employees."
4. "Job applicant" means a person, independent contractor, or person working for an independent contractor who applies to become an employee of the school district in a position that does not require a commercial driver's license, and includes a person who has received a job offer made contingent on the person's passing drug

or alcohol testing. Job applicants for positions requiring a commercial driver's license are governed by the provisions of the school district's drug and alcohol testing policy relating to school bus drivers (Section III.).

5. "Positive test result" means a finding of the presence of drugs, alcohol, or their metabolites in the sample tested in levels at or above the threshold detection levels contained in the standards of one of the programs listed in Minn. Stat. § 181.953, Subd. 1.
6. "Random selection basis" means a mechanism for selection of employees that:
 - a. results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected; and
 - b. does not give the school district discretion to waive the selection of any employee selected under the mechanism.
7. "Reasonable suspicion" means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.
8. "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.

D. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing and Consequences of Such Refusal

1. Right of Other Employee or Job Applicant to Refuse Drug and Alcohol Testing

Any employee or job applicant whose position does not require a commercial driver's license has the right to refuse drug and alcohol testing subject to the provisions contained in Paragraphs 2. and 3. of this Section D.

2. Consequences of an Employee's Refusal to Undergo Drug and Alcohol Testing

Any employee in a position that does not require a commercial driver's license who refuses to undergo drug and alcohol testing in the circumstances set out in the Random Testing, Reasonable Suspicion Testing, and Treatment Program Testing provisions of

this policy may be subject to disciplinary action, up to and including immediate discharge.

3. Consequences of a Job Applicant's Refusal to Undergo Drug and Alcohol Testing

Any job applicant for a position which does not require a commercial driver's license who refuses to undergo drug and alcohol testing pursuant to the Job Applicant Testing provision of this policy shall not be employed.

E. Reliability and Fairness Safeguards

1. Pretest Notice

Before requesting an employee or job applicant whose position does not require a commercial driver's license to undergo drug or alcohol testing, the school district shall provide the employee or job applicant with a Pretest Notice in the form of Attachment D to this policy on which to acknowledge that the employee or job applicant has received the school district's drug and alcohol testing policy.

2. Notice of Test Results

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing an employee or job applicant who has undergone drug or alcohol testing of a negative test result on an initial screening test or of a negative or positive test result on a confirmatory test.

3. Notice of and Right to Test Result Report

Within three (3) working days after receipt of a test result report from the testing laboratory, the school district shall inform in writing, an employee or job applicant who has undergone drug or alcohol testing of the employee or job applicant's right to request and receive from the school district a copy of the test result report on any drug or alcohol test.

4. Notice of and Right to Explain Positive Test Result

a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide him or her with notice of the test results and, at the same time,

written notice of the right to explain the results and to submit additional information.

- b. The school district may request that the employee or job applicant indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.
- c. Within three (3) working days after notice of a positive test result on a confirmatory test, an employee or job applicant may submit information (in addition to any information already submitted) to the school district to explain that result.

5. Notice of and Right to Request Confirmatory Retests

- a. If an employee or job applicant has a positive test result on a confirmatory test, the school district shall provide him or her with notice of the test results and, at the same time, written notice of the right to request a confirmatory retest of the original sample at his or her expense.
- b. An employee or job applicant may request a confirmatory retest of the original sample at his or her own expense after notice of a positive test result on a confirmatory test. Within five (5) working days after notice of the confirmatory test result, the employee or job applicant shall notify the school district in writing of his or her intention to obtain a confirmatory retest. Within three (3) working days after receipt of the notice, the school district shall notify the original testing laboratory that the employee or job applicant has requested the laboratory to conduct the confirmatory retest or to transfer the sample to another laboratory licensed under Minn. Stat. § 181.953, Subd. 1 to conduct the confirmatory retest. The original testing laboratory shall ensure that appropriate chain-of-custody procedures are followed during transfer of the sample to the other laboratory. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the employee or job applicant.

6. If an employee or job applicant has a positive test result on a confirmatory test, the school district, at the time of providing notice of the test results, shall also provide written notice to inform him or her of other rights provided under Sections F. or G., below, whichever is applicable.

Attachments E and F to this policy provide the Notices described in Paragraphs 2. through 6. of this Section E.

F. Discharge and Discipline of Employees Whose Positions Do Not Require a Commercial Driver's License

1. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test.

2. In the case of a positive test result on a confirmatory test, the employee shall be subject to discipline which includes, but is not limited to, immediate suspension without pay and immediate discharge, pursuant to the provisions of this policy.

3. The school district may not discharge an employee for whom a positive test result on a confirmatory test was the first such result for the employee on a drug or alcohol test requested by the school district, unless the following conditions have been met:

a. The school district has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under an employee benefit plan, either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the school district after consultation with a certified chemical abuse counselor or a physician trained in the diagnosis and treatment of chemical dependency; and

b. The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a positive test result on a confirmatory test after completion of the program.

4. Notwithstanding Paragraph 1., the school district may temporarily suspend the tested employee or transfer that employee to another position at the same rate of pay pending the outcome of the

confirmatory test and, if requested, the confirmatory retest, provided the school district believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. An employee who has been suspended without pay must be reinstated with back pay if the outcome of the confirmatory test or requested confirmatory retest is negative.

5. The school district may not discharge, discipline, discriminate against, request, or require rehabilitation of an employee on the basis of medical history information revealed to the school district, unless the employee was under an affirmative duty to provide the information before, upon or after hire.

6. An employee must be given access to information in his or her personnel file relating to positive test result reports and other information acquired in the drug and alcohol testing process and conclusions drawn from and actions taken based on the reports or other acquired information.

G. Withdrawal of Job Offer for an Applicant for a Position That Does Not Require a Commercial Driver's License

If a job applicant has received a job offer made contingent on the applicant's passing drug and alcohol testing, the school district may not withdraw the offer based on a positive test result from an initial screening test that has not been verified by a confirmatory test. In the case of a positive test result on a confirmatory test, the school district may withdraw the job offer.

H. Chain-of-Custody Procedures

The school district has established its own reliable chain-of-custody procedures to ensure proper record keeping, handling, labeling, and identification of the samples to be tested. The procedures require the following:

1. Possession of a sample must be traceable to the employee from whom the sample is collected, from the time the sample is collected through the time the sample is delivered to the laboratory;

2. The sample must always be in the possession of, must always be in view of, or must be placed in a secure area by a person authorized to handle the sample;

3. A sample must be accompanied by a written chain-of-custody record; and
4. Individuals relinquishing or accepting possession of the sample must record the time the possession of the sample was transferred and must sign and date the chain-of-custody record at the time of transfer.

I. Privacy, Confidentiality and Privilege Safeguards

1. Privacy Limitations

A laboratory may only disclose to the school district test result data regarding the presence or absence of drugs, alcohol or their metabolites in a sample tested.

2. Confidentiality Limitations

With respect to employees and job applicants, test result reports and other information acquired in the drug or alcohol testing process are private data on individuals as that phrase is defined in Minn. Stat. Ch. 13, and may not be disclosed by the school district or laboratory to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the employee or job applicant tested.

3. Exceptions to Privacy and Confidentiality Disclosure Limitations

Notwithstanding Paragraphs 1. and 2., evidence of a positive test result on a confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minn. Stat. Ch. 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

4. Privilege

Positive test results from the school district drug or alcohol testing program may not be used as evidence in a criminal action against the employee or job applicant tested.

J. Notice of Testing Policy to Affected Employees

The school district shall provide written notice of this drug and alcohol testing policy to all affected employees upon adoption of the policy, to a previously non-affected employee upon transfer to an affected position under the policy, and to a job applicant upon hire and before any testing of the applicant if the job offer is made contingent on the applicant's passing drug and alcohol testing. Affected employees and applicants will acknowledge receipt of this written notice in the form of Attachment G to this policy.

V. POSTING

The school district shall post notice in an appropriate and conspicuous location on its premises that it has adopted a drug and alcohol testing policy and that copies of the policy are available for inspection during regular business hours by its employees or job applicants in its personnel office or other suitable locations.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 43A (State Personnel Management)
Minn. Stat. §§ 181.950-181.957 (Drug and Alcohol Testing in the Workplace)
Minn. Stat. § 221.031 (Motor Carrier Rules)
49 U.S.C. § 31306 (Omnibus Transportation Employee Testing Act of 1991)
49 U.S.C. § 521(b) (Civil and Criminal Penalties for Violations)
49 C.F.R. Parts 40 and 382 (Department of Transportation Rules Implementing Omnibus Transportation Employee Testing Act of 1991)

~~**Cross-References:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)~~



To: Robbinsdale School Board
Superintendent Aldo Sicoli

From: Patsy Green, Helen Bassett, Mark Bomchill
Community Connect Committee

Date: April 8, 2013

The school board and administration will hear an update and ask for feedback on Community Connect events and activities that have taken place and are being planned including ISAIHAH Equity Symposium, Dover Hills Apartments visit, summer activities, GLTB family event and NSBA.

Attached is a draft schedule of various 2013 summer activities.



COMMUNITY CONNECT 2013 ACTIVITY CALENDAR

Dates	Location	Community Events and Details	Event Lead and Participants	Type of Outreach Parent, Community, etc.
January 26	Sandburg LC	Community Ed Open House	School Board	Community
February				
March Tuesday, 5 th , 6-8 pm	Dover Hills Apartments	Parent/District meeting	Lead: Mark Bomchill, Dan Enna, Theresa Zingery	Student Achievement, Parent, Community
Tuesday, 12 th ,	St. Joseph Parish, New Hope	ISAIAH Symposium about Equity in RAS	Marcellus Davis, Helen Bassett, Michael Favor, Alejandra Estrada-Burt, Brenda Jo Peterson	Community
Thursday, 21, 4-7pm	Sandburg Learning Center	Empty Bowls		Community
April				
May Saturday, 18th 9 am 10 am – 3 pm	Brookview Park	Golden Valley Days Parade Arts & Music Festival		Visibility
June Thursday, 27, 5:30pm	63 rd and France Ave., Brooklyn Center	Earle Brown Days Parade		Visibility

July Sunday, 14	Robbinsdale	Whiz Bang Days parade		Visibility
Friday-Sunday, 19-21	New Hope	Duk Duk Daze-no parade		
Thurs.-Sunday, 25-29	Crystal	Crystal Frolics-parade info not available yet		
August				
	New Hope, Golden Valley	Farmers Markets		Connecting w/Community
September Saturday, 28	Plymouth	Plymouth on Parade		Visibility
October TBD	Armstrong and Cooper Homecoming events			
November				
December				