Reasonable Suspicion Searches

The District reserves the right to conduct searches when the District has reasonable suspicion to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee’s personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. Searches that reveal a violation of the District’s standards of conduct may result in disciplinary action. [See DH]

Note: The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

Federally Required DOT Testing Program

In accordance with DOT rules, the District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

Drug-Related Violations

The following constitute drug-related violations under the DOT rules:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or a substituted specimen on an alcohol or controlled substances test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
7. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
8. Testing positive for controlled substances in a reasonable suspicion test.

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above shall not be eligible for reinstatement as a driver.

In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.

[In the event of a positive test result for alcohol of 0.02 or greater, see the disciplinary consequences at District-Imposed Consequences, below.]

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

An employee violates District policy if he or she tests positive for alcohol at a concentration of 0.02 or greater.

In addition to the consequences established by federal law, a District employee confirmed to have violated the District’s policy pertaining to alcohol or controlled substances shall be subject to District-imposed discipline, as determined by his or her supervisor and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

In cases where a driver is also employed in a nondriving capacity by the District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee’s functions and duties that involve driving. Additionally, upon recommendation of the employee’s supervisor, disciplinary measures up
to and including termination of employment with the District may be considered.

Note: The following provisions address the District’s drug- and alcohol-testing program.

**District Drug- and Alcohol-Testing Program**

**Purpose and Scope**
Under its own authority, the District shall conduct random drug and alcohol testing for employees in safety-sensitive positions. In addition, an employee shall be tested if there is reasonable suspicion.

To ensure a safe and productive work and learning environment at all District schools and facilities, as well as to safeguard District property, the District strictly prohibits the sale, distribution, possession, use, or presence of any employee who may be under the influence of alcohol and/or illegal drugs on District premises, facilities, or worksites, or while conducting District business or attending any school-related function or activity, on or off school property.

District vehicles, whether in use or parked on District premises or worksites, as well as private vehicles parked on District premises or worksites, shall be included within this prohibition.

Employees assigned to positions that have been classified as safety sensitive shall be subject to random drug/alcohol testing. The term “safety sensitive” shall apply to all employees who have been assigned to the following job functions:

1. Police officers who carry weapons or firearms;
2. Motor vehicle mechanics and inspectors;
3. Personnel who maintain and/or operate potentially dangerous equipment;
4. Personnel who handle hazardous materials or substances; and
5. Employees who routinely operate District-owned, -leased, or rented vehicles in conjunction with assigned job responsibilities.

The Superintendent or designee shall compile and disseminate to all District worksite locations an approved list of jobs or positions in which an employee may be required to perform safety-sensitive duties or functions as defined by this policy. The Superintendent or designee shall annually review the list of safety-sensitive positions and shall submit any revisions to the Board for approval. This review shall be conducted in consultation with supervisory personnel from the departments in which employees performing safety-sensitive duties or functions are assigned. Supervisors at the rele-
Voluntary Participation
Any employee to whom the policy may not apply as specified above shall be allowed to participate voluntarily in the random drug-testing program.

Testing Procedures and Protocol
The District shall contract for drug-screening services through an independent laboratory that has met all standards for certification as established by the Substance Abuse and Mental Health Services Administration (SAMHSA), and all testing shall be conducted by qualified laboratory personnel in accordance with accepted practices and procedures as may be established by the contracted laboratory. Testing shall be accomplished by urinalysis using accepted immunological screening procedures, and chain-of-custody documentation shall be maintained throughout the collection and testing processes.

Any specimens that test positive shall be confirmed by gas chromatography/mass spectrometry (CG/MS) testing methodology. All initial screening and any secondary analysis required to confirm a positive test shall be performed at District expense.

The vendor with whom the District contracts for drug testing shall provide the services of a medical review officer (MRO) who is certified by the Medical Review Officer Certification Council or by the American Association of Medical Review Officers as having proven by examination to have had the appropriate medical training to be able to properly interpret and evaluate the results of any drug testing authorized by the District. The MRO shall agree to abide by the procedures established by the District for the evaluation and timely reporting of any positive drug tests.

In the case of a confirmed positive test, the MRO or an authorized representative shall attempt to contact the employee within one school day of having received the results. Should the MRO be unsuccessful in initial attempts to contact the employee within the time specified, the District shall provide assistance in locating the employee. In such cases, the parties should only assume that the contact is for the purpose of responding to routine questions associated with the follow-up of any test. Upon verification of a positive test, the MRO or representative shall report the result to the employee within one school day after confirmation.

Confidentiality
The collection and coding of specimen samples shall be executed in a manner that ensures proper identification and total confidentiality.
Test results shall be made known to the Superintendent or designee and the employee. All other parties shall be notified only with respect to the discipline required when a positive test is confirmed.

Test results shall be released only upon written request of the employee.

The vendor, laboratory, and MRO shall be prohibited from releasing any statistical information relating to the nature or rate of any positive tests that may result from the testing program to any person, organization, news publication, or the media without the express written consent of the District. The vendor shall, however, provide the District with a report, at least quarterly, which shall include the number of tests performed during the specified period, the rate of both positive and negative results, and a list of the substances identified from any positive specimens.

For purposes of this policy, the term “drug” shall be defined as any substance considered illegal by either federal or Texas law or that is controlled by the United States Food and Drug Administration including, but not limited to, the following:

- Amphetamines/methamphetamines (speed, uppers, diet pills);
- Barbiturates (downers, sleeping pills);
- Benzodiazepines (Valium, Librium);
- Cannabinoid (marijuana);
- Cocaine metabolite;
- Ethanol (alcohol);
- Hallucinogens (LSD);
- Methadone;
- Opiates (heroin, morphine, codeine);
- Phencyclidine (PCP, angel dust);
- Propoxyphene (Darvon); and
- Steroids (performance-enhancing drugs).

The District shall reserve the right to test for any and all illegal or controlled substances as determined at the discretion of the District.
### Failure or Refusal to Submit to Drug Testing

Any employee who is identified for random testing but who may, because of illness or any other legitimate reason, leave school during the day before the test is performed shall be included in the next random screen. Refusal on the part of any employee to participate in a scheduled or random drug test shall be considered as having tested positive.

### Consequences of Positive Test Results

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances shall be subject to District-imposed discipline, as determined by the supervisor(s) of the assigned department and/or the Superintendent. Such discipline may include suspension without pay for a time specified or any other action deemed appropriate by the supervisor(s) and/or Superintendent up to and including termination of employment. [See DF series]

### Appeals Procedure

Should an employee elect to appeal a positive test result, a third test of the specimen in question may be requested by the employee to be conducted by a laboratory that is mutually agreed upon by both parties. In such cases, the employee shall assume responsibility for payment of all fees related to a third test.

An employee may appeal a disciplinary action under this policy to the Superintendent by filing a written complaint according to the provisions and time lines as set forth in policy DGBA(LOCAL), Employee Complaints/Grievances.

### Reasonable Suspicion Testing for All Employees

The District reserves the right to require testing of any employee for alcohol and/or drugs when the District has reasonable suspicion that a test will uncover evidence of alcohol/drug intoxication or use while on any District premises, facilities, or worksites, or while conducting District business or attending any school-related function or activity, on or off school property.

The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such determination shall be made by a supervisor, law enforcement officer, school nurse, or other individual specifically trained to recognize such symptoms.

Within 24 hours of the observed behavior, the supervisor and/or the individual making the determination shall provide a signed, written record documenting the observations leading to a reasonable suspicion test.
The procedures and protocol for the reasonable suspicion testing shall be conducted in the same manner as those specified for the random testing of safety-sensitive positions.

**Searches by Trained Dogs**  
District employees shall be subject to the same policy as students regarding searches by trained dogs. [See FNF(LOCAL)]