

**PARK COUNTY SCHOOL DISTRICT #6
BOARD OF EDUCATION POLICY**

CODE: CKA-R5

**MANDATORY DRUG AND ALCOHOL
TESTING REGULATION FOR CONCEALED CARRY**

Park County School District No. 6 recognizes that the influence and/or use of drugs, controlled substances, and/or alcohol, is capable of threatening the safety, welfare and well-being of both students and other employees and will not be tolerated. The possession, use, transfer and/or sale of alcohol and/or any drug while on duty or on school district property are strictly prohibited. Being under the influence of alcohol and/or any drugs while on duty or otherwise contrary to the policies established herein is also strictly prohibited.

Drug and alcohol tests are required as follows: post-incident testing, for reasonable suspicion, and on a random basis. To maintain the School District's policy of assuring the safety, health and well-being of students, employees and public, the School District retains the right to randomly test for alcohol, and/or drugs all employees who are approved to carry firearms pursuant to Policy CKA.

An employee who applies to conceal carry a firearm pursuant to Policy CKA shall consent to participating in the Park County School District No. 6 random drug and/or alcohol testing program. Notice of the program will be made at time of application. This regulation will be included with application and receipt of regulation will be documented.

Random Employee Testing

An employee approved to conceal carry will be subjected to random drug and alcohol testing as a provision of Policy CKA.

Reasonable Suspicion Testing

Any administrator or supervisor who has reasonable suspicion that an employee approved to concealed carry under his/her supervision is guilty of abuse and/or untimely use of alcohol and/or drugs may require the employee to undergo a drug and/or alcohol test.

Employee Post-Incident Testing

Park County School District No. 6 shall require an employee to undergo drug and alcohol testing after an incident in which the employee uses, his or her firearm. Such testing shall be completed as soon as possible, but within no more than eight (8) hours.

I. REGULATION OVERVIEW

The purpose of this regulation is to establish guidelines for mandatory drug and alcohol testing for all school district employees approved to conceal carry by Policy CKA.

The procedures and circumstances under which alcohol and/or testing are to be conducted by Park County School District No. 6 are more specifically addressed and set forth herein.

Any person who refuses to participate or fails to comply with any step in the testing procedure for use of alcohol, and/ drugs, will be subject to discipline according to District policies, including but not limited to Policy GBEC: Drug Free Workplace. Any refusal to submit to a random test shall be treated as a positive test resulting in the immediate suspension and possible revocation of concealed carry privileges by the Superintendent.

II. ALCOHOL TESTING: AN OVERVIEW

An employee approved to conceal carry will consent to alcohol tests on a random basis. The specific alcohol related conduct which prohibits performance of the subject employee's functions include

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having a blood alcohol concentration of 0.02% or greater, using alcohol while in the performance of the subject employee's duties, performance of the subject employee's duties or function within four (4) hours after using alcohol, and refusing to submit to an alcohol test.

III. DRUG TESTING: AN OVERVIEW

An employee approved to conceal carry will consent to testing for drug use on a random basis. All drug test results are reviewed and interpreted by a medical review officer (MRO), before they are reported to school district officials. Any unauthorized use of the drugs set forth herein are prohibited.

IV. MANDATORY RANDOM TESTING

To maintain the School District's priority of assuring the safety, health and wellbeing of students, employees, the School District retains the right to randomly test for alcohol and/or drugs of all employees approved to conceal carry. Park County School District No. 6 requires that annually the number of random tests equal fifty percent (50%) of the number of employees in the random testing pool for drugs and twenty-five percent (25%) for alcohol. Random testing shall be conducted on at least a quarterly basis, but may, at the option of the Superintendent, be conducted more frequently (i.e., monthly, biweekly or weekly). School District shall select a method of random selection such as computer program or assigning code numbers to employees, etc.

In the event an employee is unavailable for testing on the assigned date, he/she will be tested on the next day that random testing is provided.

V. ALCOHOL TESTING PROCEDURES

A. All alcohol breath tests shall be conducted on an approved Evidential Breath-Testing device (EBT) by a trained Breath Alcohol Technician (BAT). A BAT-qualified supervisor of an employee may conduct the alcohol test for that employee only if another BAT is unavailable to perform the test in a timely manner. EBT's shall be able to distinguish alcohol from acetone at the 0.02% alcohol concentration level and shall be capable of testing an air blank prior to each collection of breath and performing an external calibration check. In order to be used in either screening or confirmation alcohol testing, an EBT shall have a quality assurance plan (QAP) developed by the manufacturer.

Breath alcohol testing will be conducted at a location that affords visual and oral privacy to the employee being tested sufficient to prevent unauthorized persons from seeing or hearing the test results. All necessary equipment, personnel and materials for breath testing shall be provided at the location where testing is conducted.

When the subject employee enters the alcohol testing location, the BAT will require said employee to provide positive identification. The BAT shall explain the testing procedure to the employee. The procedure to be followed by the BAT for a screening test is as follows:

1. The BAT shall complete Step 1 on the breath alcohol testing form. The employee shall then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification shall be regarded as a refusal to take the test.
2. An individually sealed mouthpiece shall be opened in view of the employee and BAT and attached to the EBT in accordance with the manufacturer's instructions.
3. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT indicates that an adequate amount of breath has been obtained. If the EBT provides a printed result, but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath test form in the designated space, using a method that will provide clear evidence of removal.

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4. If the EBT prints the test results directly onto the form, the BAT shall show the employee the result displayed on the EBT.
5. In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02%, then BAT shall date the form and sign the certification in Step 3 of the form. The employee shall sign the certification and fill in the date in Step 4 of the form.
6. If the employee does not sign the certification in Step 4 of the form or does not initial the logbook entry for a test, it shall not be considered a refusal to be tested. In this event, the BAT shall note the employee's failure to sign or initial in the "Remarks" section of the form.
7. No further testing is authorized. BAT shall transmit the result of less than 0.02% to the Superintendent and/or his or her designee in a confidential manner, and the Superintendent and/or his or her designee shall receive and store the information so as to ensure that confidentiality is maintained.
8. If the result of the screening test is an alcohol concentration of 0.02% or greater, a confirmation test shall be performed as provided herein.

B. Procedures for confirmation tests:

1. The confirmation test shall be conducted within twenty (20) minutes of the completion of the screening test. The BAT shall instruct the employee not to eat, drink, put any object or substance in his/her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This time period begins with the completion of the screening test and shall not be less than fifteen (15) minutes. The BAT shall explain to the employee the reason for the requirement (i.e., to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The BAT shall also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. If the BAT becomes aware that the employee has not complied with the instruction, the BAT shall so note in the "Remarks" section of the form.
2. Before the confirmation test is administered for each employee, the BAT shall ensure that the EBT registers 0.00 on an air blank. If the reading is greater than 0.00, they shall not proceed using that instrument. However, testing may proceed on another instrument.
3. In the event that the screening and confirmation test results are not identical, the confirmation test result is deemed to be the final result upon which any action under this policy shall be based.
4. Following the completion of the test, the BAT and employee shall date and sign the certification form as described in the procedures for screening tests.
5. The BAT shall transmit all results to the School District in a confidential manner to the Superintendent and/or his or her designee.

C. Refusal by an employee to complete and sign the breath alcohol testing form (Step 2), to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the BAT in the "Remarks" section of the form. The testing process shall be terminated and the BAT shall immediately notify the Superintendent and/or his or her designee. In the event an employee is unable, or alleges that he/she is unable, to provide an amount of breath sufficient to permit a valid breath test because of a medical condition, the BAT shall again instruct the employee to attempt to provide an adequate amount of breath. If the employee refuses to make the attempt, the BAT shall immediately inform the Superintendent and/or his or her designee. If the employee attempts and fails to provide an adequate amount of breath, the Superintendent and/or his or her designee shall proceed as follows:

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1. The Superintendent and/or his or her designee shall direct the employee to obtain as soon as practical after the attempted test an evaluation from a licensed physician who is acceptable to the Superintendent and/or his or her designee concerning the employee's medical ability or inability to provide an adequate amount of breath. If the physician determines in his/her reasonable medical judgment that a medical condition has, or with a high degree of probability could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. If a licensed physician is unable to make such a determination, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal.
2. In the event the employee's confirmation test registers 0.02% or greater, the employee is subject to disciplinary action and immediate suspension of concealed carry privileges. Suspension will be forwarded to the Board for consideration and possible termination of concealed carry status.

VI. DRUG TESTING PROCEDURES

To ensure that the appropriate chain of custody and specimen control are maintained, the collection of urine specimens will proceed as follows:

- A. Upon the employee's arrival at the designated collection site, the collector will request the employee to provide positive identification. The employee will be required to complete a pretest information form, which serves as an identification document for the specimen collected. This form will request information regarding the employee's use of prescription and non-prescription drugs, which may affect the outcome of the test.
- B. The collector will be of the same sex as the employee when direct observation is required. The employee will be required to remove any unnecessary outer garments and to leave outside the collection area any purses, briefcases, or similar items. The employee will be required to wash and dry his hands before the test is administered. The employee will then remain in the presence of the collector and not have access to water fountains, faucets, soap dispensers, cleaning agents, or any other material, which could be used to falsify or adulterate the specimen. Any transfer of the specimen from the collection container to another specimen bottle will be observed by the donor.
- C. The donor shall urinate into a collection container or a specimen bottle capable of holding at least 60 ml. If a collection container is used, the collection site person, in the presence of the donor, shall pour the urine into two specimen bottles. Thirty (30) ml shall be poured into one bottle, to be used as the primary specimen, and at least fifteen (15) ml shall be poured into the other bottle, to be used as the split specimen. Both bottles shall be shipped in a single shipping container together with copies one, two, and the split specimen copy of the chain of custody form, to the laboratory.
- D. If the test result of the primary specimen is positive, the employee, at their own expense, may request that the Medical Review Officer (MRO) direct that the split specimen be tested in a different Department of Health and Human Services (DHHS)-certified laboratory before presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The MRO shall honor such a request ~~of~~ if it is made within seventy-two (72) hours of the employee having been notified of a verified positive test result. When the MRO informs the laboratory in writing that the employee has requested a test of the split specimen, the laboratory shall forward to a different DHHS-approved laboratory, the split specimen bottle, with seal intact, a copy of the MRO request, and the split specimen copy of the chain of custody form with appropriate chain of custody entries. The result of the test of the split specimen shall then be transmitted by the second laboratory to the MRO.

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E. If the result of the test of the split specimen fails to re-confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the results, and report the cancellation and the reasons for it to the Superintendent and/or his or her designee, and the employee.

F. Any employee required to submit a specimen pursuant to random employee testing will be required to submit a urine sample. Employees who do not produce an adequate specimen, within 3 hours, will be in violation of this policy and he/she will be subject to discipline and immediate suspension of concealed carry privileges.

G. The identification label(s) on the specimen bottle shall contain the date of collection, the name of the collection official, and required identifying information. The employee providing the specimen shall initial the label on the specimen bottle, using initials corresponding with the name on the chain of custody form. The employee providing the specimen will be asked to read and sign a certification statement certifying that the urine in the specimen bottles came from his/her body at the time of collection. Refusal to sign this statement will be noted on the certification statement form by the collector. Refusal to sign will be marked as a positive test.

H. Upon notification by the drug program facilitator that an employee has failed to appear for his/her scheduled collection, the supervisor will discuss with the employee the reason(s) for failing to appear. If the employee provides a legitimate reason for failing to report, no disciplinary action will be taken. If the employee does not provide a legitimate reason for failing to report, he/she will be subject to discipline and immediate suspension of concealed carry privileges.

I. In the event an employee refuses to provide a specimen, the drug program facilitator and/or the employee's shall advise the employee that refusal to provide a specimen, he/she will be subject to discipline and immediate suspension of concealed carry privileges.

J. In the event an employee fails to provide a sufficient quantity of urine (i.e., at least sixty (60) ml), the drug program facilitator and/or the employee's supervisor will meet with the employee to see if he/she has a legitimate reason for not providing a sufficient specimen. If the employee has a legitimate reason, he/she will be required to take the drug test within twenty-four (24) hours. If the employee does not have a legitimate reason, he/she will be subject to discipline and immediate suspension of concealed carry privileges.

Adopted:4/17/2018