

**GENERAL BROWN CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION**
17643 Cemetery Road - P.O. Box 500 - Dexter, New York 13634
REGULAR MEETING
Monday January 8, 2018 5:30 p.m.
Brownville Glen Park Elementary School - Cafeteria

**Preliminary
AGENDA**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA (motion required)

3. PUBLIC COMMENTS

4. CONSENT AGENDA (motion required)

(A) Approval of Minutes as listed:

- December 4, 2017 - Regular Meeting

(B) Approval of Building and Grounds Requests as listed:

- JSHS new and old gymnasiums - December 16, 2017 from 7:00 a.m. to 5:00 p.m. - Victory Athletics Mike Lennox - Basketball Tournament
- JSHS weight room - January 7, 2018 to May 6, 2018 - Sundays from noon to 4:00 p.m.; Mondays and Tuesdays from 7:00 p.m. to 8:30 p.m. - Dexter Pop Warner Cheer Teams

(C) Approval of Conferences and Workshops as listed:

- Lisa K. Smith - JLSBA Mid-Winter Dinner Meeting "*Legislative Advocacy: NYSSBA Advice & Strategies*" - Ramada Inn, Watertown - January 25, 2018
- Natalie Hurley - JLSBA Mid-Winter Dinner Meeting with expenses "*Legislative Advocacy: NYSSBA Advice & Strategies*" - Ramada Inn, Watertown - January 25, 2018
- Barbara J. Case - JLSBA Mid-Winter Dinner Meeting "*Legislative Advocacy: NYSSBA Advice & Strategies*" - Ramada Inn, Watertown - January 25, 2018
- Lisa K. Smith - JLSBA Legislative Breakfast - Case Middle School, Watertown - February 2, 2018
- Barbara J. Case - JLSBA Legislative Breakfast - Case Middle School, Watertown - February 2, 2018
- Lisa K. Smith - State Aid Financial Planning Workshop - JLBOCES - February 6, 2018

(D) Approval of Conferences and Workshops as per *My Learning Plan* Report 1/4/18

(E) Approval of Financial Reports / Warrants for November 2017

5. BOARD MEMBER'S REPORTS / STAFF MEMBER REPORTS / PRESENTATIONS

(A) Board Member Reports:

- _____
- _____

(B) Staff Member Reports / Presentations:

- Joe O'Donnell, Principal BGP - Odyssey of the Mind Team with Coach Soliz
- Gary Grimm, Operations Manager

6. ITEMS FOR BOARD INFORMATION and DISCUSSION

(A) First Quarter Marking Period Data for review

(B) Invitation received from Jefferson-Lewis School Boards Association for Mid-Winter Dinner Meeting: "*Legislative Advocacy: NYSSBA Advice & Strategies*" to be held at the Ramada Inn, Watertown on January 25, 2018.

(C) Invitation received from Jefferson-Lewis School Boards Association for Legislative Breakfast with Senators Griffo & Ritchie, Assemblypersons Blankenbush & Jenne and Congresswoman Elise Stefanik to be held at Case Middle School, Watertown on February 2, 2018.

(D) Policy Updates:

- 1st Reading of Policy #5761 as revised - *Drug and Alcohol Testing*
- 1st Reading of Policy #7330 as revised - *Searches and Interrogations*
- 1st Reading of Policy #7530 as revised - *Child Abuse and Neglect / Maltreatment*

7. ITEMS FOR BOARD DISCUSSION and ACTION

(A) Approval of **Barbara J. Case** (replacing Jamie A. Moesel) as:

- Purchasing Agent (motion required)

(B) Approval of the following **Authorizations for Barbara J. Case** (replacing Jamie A. Moesel) as follows: (motion required)

- Payroll Certification
- Conferences
- Workshops
- Conventions
- District Director of Physical Education
- District Property Control Officer

(C) Approval of **2017-2018 Odyssey of the Mind Volunteer Coaches** as follows, conditional upon a criminal history record check according to Commissioners Regulation §80-1.11 and Part 87: (motion required)

- Eric Soliz, Head Coach - Team Soliz
- Tanya Soliz, Assistant Coach - Team Soliz
- David Dean, Head Coach - Team Dean
- Jennifer Dean, Assistant Coach - Team Dean

(D) Approval of **Committee on Special Education Reports** (motion required)

8. ITEMS FOR BOARD ACTION - PERSONNEL (motion required)

(A) Retirements as listed: (None at this time)

(B) Resignations as listed:

Name	Position	Effective Date
Rebecca Beaudoin	7-Hour Teacher Aide	January 9, 2018

(C) Appointments as listed:

Name	Position	Annual Salary / Rate of Pay	Probationary or Tenure Track Appt. (if applicable)	Effective Date
Georgianna B. Clafin	7-Hour Teacher Aide	\$13,666 annually, Step 3 prorated	n/a	January 9, 2018
Theresa S. Thilges	Substitute Teacher	\$85 per day	n/a	January 9, 2018
Margaret L. Valentine	Substitute Teacher	\$75 per day	n/a	January 9, 2018
Hannah M. Scherer	Sub. Teacher / Sub. Aide	\$85 per day / \$10.40 per hour	n/a	January 9, 2018
Susan M. Heise	Sub. Teacher / Sub. Aide	\$75 per day / \$10.40 per hour	n/a	January 9, 2018
Phillip P. Fargo	Substitute Teacher	\$85 per day	n/a	January 9, 2018
Nolan Pitkin	Substitute Teacher	\$85 per day	n/a	January 9, 2018
Latoya R. Britt	Substitute Teacher	\$85 per day	n/a	January 9, 2018
Kaitlyn K. Miner	Substitute Teacher	\$75 per day	n/a	January 9, 2018
Rebecca Beaudoin	Teacher Assistant	\$15,580 annually, Step 1 prorated	4-Yr. Prob. Tenure Track Appointment	January 10, 2018 pending results of NYSTCE for Teacher Assistant

9. ITEMS FOR BOARD ACTION - FINAL FINGERPRINT CLEARANCE (motion required)

(A) FINAL Fingerprint Clearance - Upon the recommendation of the Superintendent of Schools – WHEREAS, on behalf of the General Brown Central School District, two sets of the following prospective employees’ fingerprints for employment have been submitted to NYSED, along with the signed Consent Form, and a request for conditional clearance. The following employees have received FINAL CLEARANCE from SED:

- **Barbara J. Case** - Superintendent of Schools

- **Georgianna B. Claflin** - Teacher Aide
- **Theresa S. Thilges** - Substitute Teacher
- **Margaret L. Valentine** - Substitute Teacher
- **Hannah M. Scherer** - Substitute Teacher
- **Susan M. Heise** - Substitute Teacher
- **Phillip P. Fargo** - Substitute Teacher
- **Nolan Pitkin** - Substitute Teacher
- **Latoya R. Britt** - Substitute Teacher
- **Kaitlyn K. Miner** - Substitute Teacher
- **Rebecca Beaudoin** - Teacher Assistant
- **Rachael L. Paragon** - Volunteer Chaperone
- **Rebecca F. Hall** - Volunteer Chaperone
- **Jamie E. Montessor** - Student Teacher
- **Mauro A. Orcesi** - Student Teacher
- **Jillissa L. Ferency** - Student Teacher

10. SUPERINTENDENT’S REPORTS

- (A) Business Official - Mrs. Smith
- (B) Superintendent - Mrs. Case

11. CORRESPONDENCE & UPCOMING EVENTS as provided

12. ITEMS FOR NEXT MEETING - February 12, 2018 - General Brown Room / Jr.-Sr. High School

- _____
- _____
- _____

13. PROPOSED EXECUTIVE SESSION is requested for the discussion of (motion / time required)

14. ADJOURNMENT OF EXECUTIVE SESSION (motion / time required)

15. ADJOURNMENT OF REGULAR MEETING (motion / time required)

*Items added after preliminary agenda was sent to the Board of Education

**GENERAL BROWN CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION**
17643 Cemetery Road - P.O. Box 500 - Dexter, New York 13634
REGULAR MEETING
Monday December 4, 2017 5:30 p.m.
General Brown Room - Jr.-Sr. High School

**Unapproved
MINUTES**

MEMBERS PRESENT: Jeffrey West, President; Daniel Dupee II, Vice President; Sandra Young Klindt; Brien Spooner; Jamie Lee; Albert Romano, Jr.; Natalie Hurley

OTHERS PRESENT: Jamie A. Moesel, Superintendent of Schools; Lisa K. Smith, Executive Director of Administrative Services; Babette Valentine, Curriculum Coordinator; Nicole Donaldson, Principal Jr.-Sr. High School; Kylee Monroe, Director of Student Services; Thomas O'Brien, Interim JSBS Assistant Principal; Debra Bennett, District Clerk; Staff Members James Covey and Brian Nortz

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

The meeting was called to order at 5:29 p.m. by President West, followed by the Pledge of Allegiance.

2. APPROVAL OF AGENDA

Motion for approval was made by Brien Spooner, and seconded by Sandra Klindt, with motion approved 7-0.

3. PUBLIC COMMENTS (none)

4. CONSENT AGENDA

Motion for approval was made by Albert Romano, and seconded by Brien Spooner, with motion approved 7-0.

(A) Approval of Minutes as listed:

- November 13, 2017 - Regular Meeting

(B) Approval of Building and Grounds Requests as listed:

- JSBS new and old gymnasiums - October 18, 2017 from 8:00 a.m. to 8:00 p.m. - Victory Bulldogs Mike Lennox - Basketball Tournament
- JSBS old gymnasium - Sundays from November 26, 2017 to January 28, 2018 from 9:00 a.m. to 11:00 a.m. - Daniel Dupee - Men's basketball
- JSBS gymnasium - March 2, 2018 from 6:00 p.m. to 10:00 p.m. - Volleyball Tournament - Performing Arts Booster Club

(C) Approval of Conferences and Workshops as listed:

- Albert Romano - JLSBA Workshop "Effective Social Media Communication for Schools" - JLBOCES - November 29, 2017
- Jamie Moesel - JLSBA Workshop "Effective Social Media Communication for Schools" - JLBOCES - November 29, 2017
- Steven M. Flath - CE Refresher - JLBOCES - January 22, 2018

(D) Approval of Conferences and Workshops as per *My Learning Plan* Report as of 12/1/17

(E) Approval of Financial Reports / Warrants for October 2017

5. BOARD OF EDUCATION'S REPORTS / STAFF REPORTS / PRESENTATIONS

(A) Board Member Reports:

- Natalie Hurley, Albert Romano and Sandra Klindt attended a workshop on November 29th at Jefferson-Lewis BOCES entitled *Effective Social Media Communication for Schools*. They shared that since more and more people are utilizing social media to get information, it is more important than ever for local school districts to utilize this new medium to tell their story. The panel presentation focused on how districts can use Facebook, Twitter, Instagram and other platforms to relay messages to students, parents and the community. They learned of the best practices to use when posting and how social media can be used to promote school pride and combat misinformation.

(B) Staff Reports:

- Nicole Donaldson, JSBS Principal, provided a powerpoint to highlight the specific status of the high school in regards to meeting Board of Education Goals and objectives.

- Jim Covey, Social Studies Teacher, demonstrated the use of the Newline Board and its’ positive impact on student learning and instruction.
- Brian Nortz, Athletic Coordinator, provided a synopsis of fall sports and engaged in a discussion of combining sports teams with other districts. Mrs. Moesel provided an adapted sample policy and discussion was held.

6. ITEMS FOR BOARD INFORMATION / DISCUSSION

(A) First Quarter Marking Period Data for review (Jr.-Sr. High School)

7. ITEMS FOR BOARD ACTION - OTHER

(A) Approval of **MULTI-YEAR TELECOMMUNICATIONS UPGRADE PLAN**

Motion for approval was made by Daniel Dupee, and seconded by Sandra Klindt, with motion approved 7-0.

**RESOLUTION OF THE BOARD OF EDUCATION FOR THE
GENERAL BROWN CENTRAL SCHOOL DISTRICT**

WHEREAS, the Board of Education of the General Brown Central School District desires to enter into a 5 year contract with the Madison-Oneida BOCES in order for the Mohawk Regional Information Center to furnish certain services to the District pursuant to Education Law 1950(4)(jj), those services being Broadband Telecommunications as defined on the attached sheet(s).

NOW THEREFORE, it is

RESOLVED, that the Board of Education of the General Brown Central School District agrees to enter into a contract with the Madison-Oneida BOCES through the provision of said services to the District not to exceed \$700 monthly (Dexter Elementary), \$700 monthly (Transportation Building), \$700 monthly Jr.-Sr. High School), \$700 monthly (Brownville Elementary) plus any one time vendor installation costs, subject to the approval of the Commissioner of Education, for a period of 5 years, beginning on or about January 1, 2018, and ending on or about December 31, 2023.

CLERK’S CERTIFICATION

It is hereby certified that the above motion was approved by the General Brown Central School District Board of Education at its meeting, duly noticed, held on December 4, 2017.

Dated: December 4, 2017

Signature / Board Clerk: _____

(B) Approval to change to the **2017-2018 District Calendar** with the addition of a **Half Superintendent’s Conference Day (PM) on January 12, 2018**

Motion for approval was made by Albert Romano, and seconded by Jamie Lee, with motion approved 7-0.

(C) Approval of the following:

BE IT RESOLVED, that upon the recommendation of the Superintendent of Schools, the General Brown Central School District Board of Education takes action to approve the following: **Because six months or more have passed without challenge to the most recent election and budget vote**, held May 16, 2017, that the ballot box be opened and the ballots contained therein, together with any unused ballots be destroyed.

Motion for approval was made by Brien Spooner, and seconded by Sandra Klindt, with motion approved 7-0.

(D) Approval of the **2018-2019 Spending Plan Development Schedule**

Motion for approval was made by Sandra Klindt, and seconded by Daniel Dupee, with motion approved 7-0.

(E) Approval to **Excess the following equipment** as per Board of Education Policy #5250:

Motion for approval was made by Albert Romano, and seconded by Brien Spooner, with motion approved 7-0.

NOMENCLATURE	BRAND	MODEL NUMBER	SERIAL NUMBER	GEN. BROWN #	AMOUNT
FREEZER, 1 DOOR WHITE	GENERAL ELECTRIC	CA21DCC	LM166493	GB 03812	1
FREEZER, 1 DOOR WHITE	GENERAL ELECTRIC	CA21DCC	LM166893	GB00997	1

REFRIGERATOR, GLASS DOOR	TRAUULSON	RHT23NATS3	V990950F95	GB00991	1
DRYER, WHITE	AMANA	ALE331RAW	S0109119044	GB03807	1

(F) Approval of **Committee on Special Education Reports**

Motion for approval was made by Sandra Klindt, and seconded by Albert Romano, with motion approved 7-0.

8. ITEMS FOR BOARD ACTION - PERSONNEL

Motion for approval was made by Daniel Dupee, and seconded by Sandra Klindt, with motion approved 7-0.

(A) Retirements as listed:

Name	Position	Effective Date
Maureen E. Garnsey	Science Teacher	June 30, 2018
Jon D. Murphy	Social Studies Teacher	June 30, 2018
Preston C. Moore	Special Education Teacher	July 1, 2018
Kathy West	Elementary Teacher	July 1, 2018

(B) Resignations as listed:

Name	Position	Effective Date
Staci Martin	Teacher Assistant	December 4, 2017

(C) Appointments as listed:

Name	Position	Annual Salary / Rate of Pay	Probationary or Tenure Track Appt. (if applicable)	Effective Date
Andrew R. Derouin	Substitute Teacher	\$85 per day	n/a	7/5/2017- as continued from Organizational meeting
Lauren L. Labiendo	Substitute Teacher	\$85 per day	n/a	December 5, 2017
Victoria A. Lyons	Substitute Teacher	\$85 per day	n/a	December 5, 2017
Christina R. Faber	Substitute Teacher	\$85 per day	n/a	December 5, 2017
Nathan P. Rose	Substitute Teacher	\$75 per day	n/a	December 5, 2017
Thomas C. Manos	Cleaner	\$21,624 annually, Step 1 prorated	n/a	December 5, 2017
Staci Martin	Elementary Teacher	\$45,290 annually, Step 1 prorated	4-Year Probationary Tenure Track Appointment	December 5, 2017
Ashley E. Lothrop	Special Education Teacher	\$45,290 annually, Step1 prorated	4-Year Probationary Tenure Track Appointment	January 2, 2018

(D) PAID Coaching Appointments as listed:

Name	Winter 2017-2018 Sports	Coaching Certification	Effective Date
James Blunden	Modified Boys Basketball	Teacher-Coach*	December 5, 2017
Jared R. Knowlton	Modified Boys Basketball	Teacher-Coach*	December 5, 2017

Coaches possess the following [as mandated by NYSED]:

Teaching Certificate: Child Abuse / School Violence / DASA / First Aid / CPR / Concussion Workshop / Fingerprint Clearance *
Temporary or Professional Coaching License and/or 2nd - 4th Renewal as required: Child Abuse / School Violence / DASA / First Aid / CPR / Concussion Workshop / Philosophies & Principals / Theories and Techniques [sport specific] / Health Sciences / Fingerprint Clearance ****

9. ITEM FOR BOARD ACTION - FINAL FINGERPRINT CLEARANCE

Motion for approval was made by Albert Romano, and seconded by Brien Spooner, with motion approved 7-0.

(A) FINAL Fingerprint Clearance - Upon the recommendation of the Superintendent of Schools – WHEREAS, on behalf of the General Brown Central School District, two sets of the following prospective employees’ fingerprints for employment have been submitted to NYSED, along with the signed Consent Form, and a request for conditional clearance. The following employees have received FINAL CLEARANCE from SED:

- **Lauren L. Labiendo** - Substitute Teacher
- **Victoria A. Lyons** - Substitute Teacher
- **Christina R. Faber** - Substitute Teacher

- **Nathan P. Rose** - Substitute Teacher
- **Thomas C. Manos** - Cleaner
- **Ashley E. Lothrop** - Teacher

10. SUPERINTENDENT’S REPORTS

(A) Business Official Report

(B) Superintendent Report

- Positive Behavioral Interventions and Supports (PBIS): Staff awareness sessions will be provided on the upcoming Professional Development Day on the afternoon of January 12th as the District begins its’ implementation of PBIS.
- Policy Updates will be under discussion in the months ahead.

11. CORRESPONDENCE & UPCOMING EVENTS

12. ITEMS FOR NEXT MEETING

(A) January 8, 2018 - Brownville Glen Park Elementary Building

— Ms. Donaldson introduced Mr. Thomas O’Brien, Interim JSBS Assistant Principal and commented that he has been doing a wonderful job.

— Mr. West, on behalf of the entire Board, thanked Mrs. Moesel for her tenure as Interim Superintendent of Schools, and presented her with a card and gift.

13. PROPOSED EXECUTIVE SESSION

A motion was requested to enter executive session for the discussion a particular student issue, as well as litigation strategy regarding two specific legal matters.

Motion was made by Natalie Hurley, and seconded by Jamie Lee, with motion approved 7-0. Time entered: 6:36 p.m.

— Mrs. Bennett was excused from the meeting at 6:36 p.m. The following motions were provided by Superintendent Moesel.

14. ADJOURNMENT OF EXECUTIVE SESSION

A motion was requested to adjourn the executive session and reconvene the regular meeting.

Motion was made by Brien Spooner, and seconded by Jamie Lee, with motion approved 7-0. Time adjourned: 7:12 p.m.

15. ADJOURNMENT OF REGULAR MEETING

There being no further business or discussion, a motion was requested to adjourn the regular meeting.

Motion was made by Brian Spooner, and seconded by Natalie Hurley, with motion approved 7-0. Time adjourned: 7:12 p.m.

Respectfully submitted:

Debra L. Bennett, District Clerk

*Supporting documents may be found in supplemental file dated December 4, 2017

**Please let me know if you plan to attend (and your dinner choice), so I can RSVP for you.
Thank you, Debbie**

Jefferson-Lewis School Boards Association Mid-Winter Dinner Meeting

Place: Ramada Inn
Watertown, NY

Date: January 25, 2018

Registration: 5:30 p.m. to 6:00 p.m.

Dinner: 6:00 p.m. to 7:15 p.m.

Presentation: 7:15 p.m.

Topic: Legislative Advocacy: NYSSBA Advice and Strategies

Presenters: Brian Fessler, Deputy Director of Governmental Relations, NYSSBA

Brian Fessler, Deputy Director from NYSSBA's Governmental Relations office will join us to advise us on advocacy topics, points and strategies to prepare us for our upcoming legislative breakfast on February 2, 2018.

	DINNER	\$27 per person
Choice of:	Prime Rib w/au jus Chicken Parmesan w/ Penne Pasta Haddock Skaneateles Vegetable Lasagna	
Includes:	Twice Baked Potatoes. Chef's Choice Vegetable, Vanilla Ice Cream w/Strawberries. Coffee/Tea/Soda	

Please mail attached reservation sheet and check made payable to the Jefferson-Lewis School Boards Association by Tuesday, January 16th to:

Diane Wright
Jefferson- Lewis BOCES
20104 State Route 3
Watertown, NY 13601

NOTE: All reservations must be Pre-Paid and cancellations must be made at least 72 hours prior to event
--

Jefferson-Lewis School Boards Association

Mid-Winter Dinner Meeting
January 25, 2018

District: _____

Choice of:
Prime Rib
Chicken Parmesan
Haddock Skaneateles
Vegetable Lasagna

Dinner Choice - \$27 p/p

1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____

Please Note Any Dietary Restrictions: _____

Please return no later than Tuesday, January 16th, with check made payable to Jefferson Lewis School Boards Association to:

Diane Wright, Jefferson-Lewis BOCES, 20104 State Route 3, Watertown, NY 13601

NOTE: All reservations must be Pre-Paid and cancellations must be made at least 72 hours prior to event

Please let me know if you wish to attend, and I will RSVP for you. - Thank you - Debbie

**Jefferson-Lewis School Boards Association
Legislative Breakfast**

**February 2, 2018
Case Middle School, Washington Street, Watertown**

Invited to participate:

**Senators Griffo & Ritchie
Assemblypersons Blankenbush, Butler & Jenne
Congresswoman Elise Stefanik**

Registration/Breakfast: 7:00 a.m. – 7:45 a.m.

**Includes: Fresh Fruit Medley, Scrambled Eggs, Hearty Breakfast Casserole,
Potatoes O'Brien, Bacon, Sausage, Coffee Cake, Coffee/ Tea / Juice
/ Water**

Legislative Forum: 8:00 a.m. – 11:00 a.m.

Elected representatives will discuss issues impacting school districts and School Board members. Discussion items of interest will include the financial challenges of area school districts, and how legislators can assist districts in securing a more equitable distribution of State Aid.

Ample time will be allotted for questions from Board members in the audience.

Cost: \$8.00 per person

Please return attached registration sheet by January 25th to:

**Diane Wright
Jefferson-Lewis BOCES
20104 State Route 3
Watertown, NY 13601**

**Jefferson-Lewis School Boards Association
Legislative Breakfast
February 2, 2018**

Registration Form

School District: _____

Participants: **\$8.00 per person**

Please return form with payment by January 25th to:

Diane Wright, Jefferson-Lewis BOCES, 20104 NYS Route 3, Watertown, NY 13601

Policy

STUDENTS

7330

SEARCHES AND INTERROGATIONS OF STUDENTS

Students are protected by

I. Purpose

A. The Board of Education acknowledges its responsibility to protect the Constitution from unreasonable educational climate of the District and to promote responsible student behavior and provide a reasonably safe and secure environment, to this end searches and seizures. interrogations of students may be necessary. The purpose of this policy is to define those circumstances when searches and interrogations may take place.

II. Searches

A. A student may be searched and ~~contraband~~ prohibited items seized on school grounds or in a school building by a ~~School~~ authorized District ~~employee~~ official only when ~~the School District employee~~ he or she has reasonable suspicion to believe the student has engaged in or is engaging in proscribed activity which is in violation of the law and/or the rules of the school rules and/or illegal (i.e., the District Code of Conduct). The reasonableness of any search involves a twofold inquiry:

1. School officials must first determine whether the action was justified at its inception; and
- ~~1.~~2. Determine whether the search, as actually conducted, was reasonably related in scope to the circumstances which justified the interference in the first place.
- ~~2.~~3. Factors to be considered in determining whether reasonable suspicion exists to search a student include:
 - a. The age of the student;
 - b. The student's school record and past history;
 - c. The predominance and seriousness of the problem in the school where the search is directed; ~~and~~
 - d. The probative value and reliability of the information used as a justification for the search;
 - e. The school official's prior knowledge of and experience with the student; and
 - ~~d.~~f. The urgency to conduct the search without delay.

B. If reasonable suspicion exists to believe that a student ~~possesses a weapon~~ has violated or is violating the law and/or school rules, it is permissible for a ~~School District employee~~ authorized school official to search that student's outer clothing, pockets, or property. The search may include, but is not limited to, the student's outer clothing such as a jacket or coat, pockets, backpack, and/or purse. Whenever possible, searches will be conducted by a staff member of the same sex as the student and another staff member will be present as a witness.

"

C. A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer garment such as a coat or jacket. Strip searches are intrusive in nature and are never justified in a school setting. If school officials have highly credible evidence that a student poses an imminent danger, or if school authorities believe there is an emergency situation that

could threaten the safety of others, the student will, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

D. School officials are authorized to conduct searches of students and their belongings if the authorized school official has reasonable suspicion" is based on the official's direct observation of circumstances which would lead a reasonable to believe that the search will produce evidence that the student has violated or is violating the law and/or the Code of Conduct.

E. School officials, whenever possible, will seek the least intrusive means to conduct a search to safeguard the privacy interests of students in their person to believe that the student possesses the items and property.

F. Student desks, lockers, textbooks, computers, and other materials, supplies or storage spaces loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time without prior notice and without their consent.

G. The purpose of these searches, when they occur, is to ensure the safety of students, faculty, and staff, enhance school security and prevent disruptions of the learning environment. Students have no reasonable expectation of privacy with respect to school property; and school officials retain complete control over such property. However, a student's personal belongings contained within a locker, desk, etc. are subject to the reasonable suspicion may-standard for searches by an authorized school official.

H. The student's parent or guardian will be notified if any illegal, prohibited, or dangerous articles or materials are found in the student's locker, vehicle, or other property or possessions, or on the student's person, as a result of a search conducted in accordance with this policy.

I. The designated school official conducting the search will be responsible for the custody, control and disposition of any illegal, prohibited or dangerous items taken from the student. The school official or his or her designee must clearly label each item taken from the student and retain control of the item(s) until the item(s) is turned over to the parents, police or secured by alternate means. This school official will also legally be based on apparently reliable be responsible for promptly documenting information from staff members or other students. A medical determination that a student is under the influence of drugs or alcohol constitutes grounds for about the search including, but not limited to, the reasons for the search, the purpose of the search, the type and scope of the search, and the results of the search.

A student's bag, pocketbook, or vehicle is an extension of his/her person, and may be searched only upon direct observation or reasonable suspicion.

Lockers

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as it relates to the school authorities.

II. Questioning of Students by School Officials

A. School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff,

parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

B. Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private outside the presence of other students, by the appropriate school ~~SEARCHES AND INTERROGATIONS~~ administrator-(s). The student's parent/or guardian may be contacted; the degree, if any, of parental/or guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

C. The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/or responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

D. School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (~~at least until after the questioning of students by school authorities has been conducted~~) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/or her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

~~If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.~~

IV. Law Enforcement Officials

~~It shall be the policy of the General Brown Central School District that~~

A. A cooperative effort ~~shall~~will be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school -sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

B. Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. ~~The School District's administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.~~

Interrogation

C. Where law enforcement is not summoned for assistance to the District by a District employee but rather appears in the District unannounced or uninvited and makes a request for access to a student, absent a warrant or a lawful directive upon threat of arrest to produce the student(s), such student(s) will not be produced until a parent or guardian is notified and verbal permission is obtained in the presence of two District employees.

V. School Resource Officers

A. Districts may utilize School Resource Officers (SROs), law enforcement officers who work within the school building. There are different types of SROs: (1) those employed by the District and (2) those employed by local law enforcement. SROs acting in their capacity as law enforcement officers are held to a different search standard than District staff.

B. Searches by SROs in a capacity as a law enforcement officer must be justified by probable cause, not the District's standard of reasonable suspicion. District staff need to clearly establish who is initiating and conducting a search, the District or law enforcement, and that the appropriate standard for the search has been met.

VI. Non-District Employee Access to Students

A. When a non-district employee wishes to interview a student on school premises, administration will immediately attempt to notify the student's parent or guardian. Such notification will be delayed only when the non-district employee is a governmental employee engaged in the performance of their duties and provide written notification to the District that said interview is highly sensitive, that notifying the parent or guardian would interfere with an open investigation, or that the interview and investigation must remain confidential.

B. Any requests to interview or gain access to students by non-district employees must immediately be reported to the Superintendent.

C. These requirements may be waived where an agreement is made, in writing, between the parent or guardian and the District Superintendent, for a student to meet with a specified non-district employee for a specified purpose (i.e. counselor, case worker, etc.).

VII. Question of Students by Law Enforcement Officials

~~If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students.~~

A. Generally, police authorities may only interview students on school premises without the permission of the parent/ or guardian in situations where a warrant has been issued for the student's arrest (or removal).

B. Police authorities may also question students for general investigations, or general questions regarding suspected crimes committed on school property, ~~at the request of the Superintendent or District employees where notification will be made to the parent or guardian regarding the student's interaction with police authorities at a reasonable time based on the circumstances.~~

C. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant, they should ~~take the matter up directly with~~ contact the student's parent/ or guardian directly.

SEARCHES AND INTERROGATIONS

D. Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/ or guardian.

~~If possible, questioning of a student by police should take place in private and in the presence of the Building Principal/designee.~~

E. District staff will not participate or observe the interview process. Any requests by the law enforcement representative for a District representative presence in an interview shall be referred to the Principal and the Principal will immediately notify the Superintendent.

VIII. Child Protective Services' Investigations

~~From time to time~~

A. Occasionally, Child Protective Services (CPS) may desire to conduct interviews of students on school property. ~~Such~~ These interviews generally pertain to allegations of suspected child abuse ~~and~~ or neglect. The Board encourages cooperation with ~~Child Protective Services~~ CPS with respect to access to records and access to any child named as a victim, any of the victim's siblings, or any other child residing in the same home as the named victim, in accordance with applicable ~~Social Services Law~~ law and consistent with the provisions of this policy and policy 7530.

B. The provisions pertaining to non-district employees apply equally to investigations and interviews conducted by employees of Child Protection Services.

IX. Dissemination of Information

A. Copies of this Policy will be distributed to students when they enroll in school, and will be included in the District Code of Conduct available to students and parents at the beginning of each school year.

General Brown Central School District

Legal Cross Reference: N.Y. Education Law Sections, §§1604(9), 1604(30), 1709(2), 1709(33) and 2801 N.Y. Social Services Law §§411-428

N.Y. Family Court Act Section §1024

Social Services Law Sections 411-428

8 New York Code of Rules and Regulations (18 NYCRR) Section §100.2(+1)

Adopted: 5/ May 10/10, 2010

Revised: October , 2017

Policy

STUDENTS

7530

CHILD ABUSE AND NEGLECT/MALTREATMENT

~~Familial Child Abuse~~

~~The School District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations shall be developed, maintained and disseminated by administration regarding the:~~

- ~~a) Mandatory reporting of suspected child abuse or maltreatment;~~
- ~~b) Reporting procedures and obligations of persons required to report;~~
- ~~c) Provisions for taking a child into protective custody;~~
- ~~d) Mandatory reporting of deaths;~~
- ~~e) Immunity from liability and penalties for failure to report;~~
- ~~f) Obligations for provision of services and procedures necessary to safeguard the life of a child; and~~

~~Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new~~

I. Purpose

- ~~g) A. New York State law mandates that school officials (i.e., "mandated reporters"), who, as part of their usual responsibilities, visit children's homes.~~

~~Additionally, an ongoing training program for all current and new school officials shall be established and implemented to enable such staff to carry out their reporting responsibilities.~~

Persons Required to Report

~~Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) include, but are not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate, and full or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.~~

~~All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.~~

~~Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.~~

Prohibition of Retaliatory Personnel Action

~~Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to know or suspect that a child is an abused has been subjected to abuse or maltreated child and that employee makes amaltreatment, must immediately report to~~

CHILD ABUSE AND NEGLECT/MALTREATMENT

~~SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.~~

~~Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.~~

Report Form

~~The "Report of Suspected Child Abuse or Maltreatment" Form LDSS 2221A may be accessed at the website of the New York State Office of Children and Family Services.~~

Child Abuse in an Educational Setting

Central Register for Child Abuse and Maltreatment (Central Register), as required by law. Furthermore, the School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law:

~~"Child abuse"~~

II. Definitions

A. *Abused Child* is defined by N.Y. Family Court Act §1012 and means a child less than eighteen years of age whose parent or other person legally responsible for his care:

1. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
2. Creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
3. Commits, or allows to be committed an sex offense against such child as defined in Article 130 of the N.Y. Penal Law; or
4. Allows, permits or encourages such child to engage in any act of prostitution described in Article 230 of the N.Y. Penal law; or
5. Commits any of the incest acts described in Article 255 of N.Y. Penal Law;

6. Allows such child to engage in acts or conduct which would constitute sexual performance by a child pursuant to Article 263 of the N.Y. Penal Law; or

7. Permits or encourages such child to engage in any act or commits or allows to be committed against such child any offense that would render such child either a victim of trafficking pursuant to 22 U.S.C. §7102.

B. *Child Abuse in an Educational Setting* is defined by Education Law §1125 and shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

1. Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
2. Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or
3. Any child sexual abuse, ~~defined as conduct~~ prohibited by ~~Penal Law Article~~ Article 130 or 263 of the N.Y. Penal Law; or
4. The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to ~~Penal Law Article 235~~ of the N.Y. Penal Law.

"

C. *Educational Setting*" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

D. *Neglected or Maltreated child*, is defined by the Family Court Act, and is a child less than 18 years of age who has been abandoned by his/her parent(s) or other person legally responsible for his/her care or whose physical, mental, or emotional condition or has been impaired or is in danger of becoming impaired as a result of the failure of his or her parents or other person legally responsible for his care to exercise a minimum degree of care:

1. In supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of Part One, Article 65 of the Education Law; or
2. In supplying medical, dental, optometrical or surgical care though financially able to do so or offered financial or other reasonable means to do so; or
3. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or

4. By using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court.

E. *Person Legally Responsible* includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

F. A School Official is defined as:

1. Teacher
2. Guidance counselor
3. Psychologist
4. Nurse
5. Administrator
6. Any school personnel required to hold a teaching or administrative license or certificate.

III. Child Abuse in a Domestic Setting

A. All school officials must, when they have reasonable cause to suspect that a child is abused or maltreated, report it to the New York State Central Register for Child Abuse and Maltreatment (800-342-3720).

B. The school official will also report the matter to the Building Principal and the Building Principal will immediately notify the Superintendent of Schools.

C. School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated. If there are areas of visible trauma to the child, the Building Principal with another staff member may take photographs of the trauma. The trauma must be visible and at no point in time should the student be asked to remove any or all of his or her clothing, other than an outer garment, such as a coat or jacket.

D. A written report shall be made within forty-eight hours to the appropriate local child protective service, and to the statewide Central Register in the format promulgated by the Commissioner of Social Services or their designee. Photographs, if any, shall be submitted with the written report.

E. Reports of suspected child abuse and maltreatment are confidential and may only be made available to those individuals or groups specified by law. A report of suspected child abuse and maltreatment should be kept confidential and in a secure area.

F. In accordance with the law, any school official who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants immunity to persons who, in good faith, report instances of child abuse from any liability.

G. School employees will not be subject to retaliatory action, as defined by N.Y. Labor Law §740, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

H. Knowingly reporting a false claim of child abuse is a violation of state law and this policy. The District will make every reasonable effort to ensure the integrity of the District's child abuse reporting process and procedure and will provide continuing education to staff members on recognizing and reporting instances of suspected child abuse or maltreatment.

IV. Child Abuse in an Educational Setting

A. In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (~~defined in the law as a person under the age of twenty one (21) years enrolled in a school district in this state~~) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

a) — Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of CHILD ABUSE AND NEGLECT/MALTREATMENT

1. the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education;

2. ~~b)~~ — Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly personally deliver a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph); and

~~2.3.~~ In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

B. Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

C. Upon receipt of a written report alleging child abuse in an educational setting, the school administrator ~~or will notify the~~ Superintendent who must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. ~~Where there has been a determination as to the existence of such reasonable suspicion, the school administrator~~

~~or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.~~

D. Where there has been a determination as to the existence of such reasonable suspicion, the Superintendent must:

1. Where the subject child has made the allegation:

- a. Promptly notify the parent of such child that an allegation of child abuse in an educational setting has been made regarding such child and promptly provide the parent with a written statement prepared pursuant to regulations of the commissioner setting forth parental rights, responsibilities and procedures under this article;
- b. Where a school administrator receives a written report, promptly provide a copy of such report to the superintendent; and
- c. Promptly forward such report to appropriate law enforcement authorities. In no event shall reporting to law enforcement be delayed by reason of an inability to contact the superintendent.

2. Where a parent of the child has made the allegation:

- a. Promptly provide the parent of such child with a written statement prepared pursuant to regulations of the commissioner setting forth parental rights, responsibilities and procedures under this article;
- b. Where a school administrator receives a written report, promptly provide a copy of such report to the superintendent; and
- c. Promptly forward such report to appropriate law enforcement authorities. In no event shall reporting to law enforcement be delayed by reason of an inability to contact the superintendent.

3. Where a person other than the subject child or the parent of a subject child has made the allegation:

- a. Promptly notify the parent of the subject child that an allegation of child abuse in an educational setting has been made regarding his or her child and promptly provide the parent with a written statement prepared pursuant to regulations of the commissioner setting forth parental rights, responsibilities and procedures under this article;
- b. Ascertain from the person making such report the source and basis for such allegation;
- c. Where a school administrator receives a written report, promptly provide a copy of such report to the superintendent; and

d. Promptly forward such report to appropriate law enforcement authorities. In no event shall reporting to law enforcement be delayed by reason of an inability to contact the superintendent.

E. Where the Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

F. Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

G. Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, shall be confidential and shall not be ~~rediscovered~~disclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting ~~or as expressly authorized by law or pursuant to a~~ court-ordered subpoena, or District legal counsel. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

H. Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

CHILD ABUSE AND NEGLECT/MALTREATMENT

implement District/staff responsibilities under the law.

V. Prohibition of "Silent" (Unreported) Resignations

A. The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

B. Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

VI. Child Protective Services' Investigations

A. New York State Social Services Law and Regulations and Education Law require the District to allow any duly authorized agency providing services under the local child protective services assistance and data that will enable the local child protective service agency to fulfill its responsibilities in their investigation of suspected abuse or maltreatment.

B. Should a child protective service representative contact the school that it wishes to have access to a child or their records the representative of the child protective service and other members of a multi-disciplinary team accompanying a representative of the child protective service will be asked to provide their photographic employment identification or, if they lack photographic employment identification, an alternate form of government issued photographic identification, and to identify the child or children to be interviewed. The representative(s) will be required to sign in and out of the guest log, making no indication on the log the child(ren) to be interviewed.

C. The Principal will be immediately notified of the representatives presence and the child(ren) to be interviewed. The Principal will regularly keep the Superintendent informed of any requests for access to students or student records from a social service representative.

D. Parental notification regarding access to a student by child protective services or by any other non-district employee will be in accordance with the District's policies on searches and interrogations of students.

E. Assistance to the child protective service representative shall include:

1. Access to records relevant to the investigation of suspected abuse or maltreatment; and
2. Access to any child or any sibling or other child residing in the same home as the named victim. Such access to such child(ren) does not require consent of the parent or guardian, nor does it require court order; and
3. A private room where the interview can take place.

E. District staff will not participate or observe the interview process. Any requests by the social services representative for a District representative presence in an interview shall be referred to the Principal and the Principal will immediately notify the Superintendent.

General Brown Central School District

Legal Cross Reference: N.Y. Education Law ~~Article, Ch. 16, Art. 23-B and Sections 902(b) 3028 b, 3209 a~~

N.Y. Social Services Law, Ch. 55, Art. 6

N.Y. Family Court Act ~~Section §1012~~

18 NYCRR Part 432, §432.3

~~Penal Law Articles 130, 235 and 263~~
~~Social Services Law Sections 411-428~~
~~8 NYCRR Part 83~~
Labor Law ~~Section §~~740(1)(e)
Adopted: ~~5/~~ May 10/40, 2010
Revised: January 12, 2015, October _____, 2017

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

~~In accordance with federal regulations, employees in safety sensitive positions as defined in regulations who are required to have and use a commercial drivers license (CDL), are subject to random testing for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phenylcyclidine (PCP). The District shall adhere to federal law and regulations requiring the implementation of a drug and alcohol testing program for such employees in safety sensitive positions.~~

~~The District shall either establish and manage its own program, by contract, or through a consortium for the provision of alcohol and drug testing of employees in safety sensitive positions. Safety sensitive employees (SSE), including school bus drivers and other employees, who drive a vehicle which is designed to transport sixteen (16) or more passengers (including the driver), shall be subject to this requirement.~~

~~Federal regulations require that the District test school bus drivers and other SSEs for alcohol and drugs at the following times:~~

- ~~a) Drug testing will be conducted after an offer to hire, but before actually performing safety sensitive functions for the first time. Such pre-employment testing will also be required when employees transfer to a safety sensitive position.~~
- ~~b) Safety sensitive employees are also subject to a random drug and/or alcohol test on an unannounced basis just before, during or just after performance of safety sensitive functions.~~
- ~~c) In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that an employee has engaged in prohibited use of drugs and/or alcohol.~~
- ~~d) There will also be post-accident testing conducted after accidents on employees whose performance could have contributed to the accidents.~~
- ~~e) Finally, return to duty and follow-up testing will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty.~~

~~All employee drug and alcohol testing will be kept confidential and shall only be revealed without the driver's consent to the employer, a substance abuse professional, drug testing laboratory, medical review officer and any other individual designated by law.~~

~~The following alcohol and controlled substance related activities are prohibited by the Federal Highway Administration's drug use and alcohol misuse rules for drivers of commercial motor vehicles and other SSEs:~~

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

- a) ~~Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.~~
- b) ~~Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over the counter), unless the packaging seal is unbroken.~~
- e) ~~Using alcohol while performing safety-sensitive functions.~~
- d) ~~Using alcohol four (4) hours or less before duty.~~
- e) ~~When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.~~
- f) ~~Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.~~
- g) ~~Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the SSE uses any controlled substance. This prohibition does not apply when instructed by a physician who has advised the SSE that the substance does not adversely affect the SSE's ability to safely operate a CMV.~~
- h) ~~Reporting for duty, remaining on duty or performing a safety-sensitive function, if the SSE tests positive for controlled substances.~~

Drivers and other SSEs who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action and penalties pursuant to District policy and collective bargaining agreements, as well as the sanctions provided for in federal law. SSEs who have engaged in such prohibited behavior shall not be allowed to perform safety-sensitive functions until they are:

- a) ~~Evaluated by a substance abuse professional (SAP).~~
- b) ~~Complete any requirements for rehabilitation as set by the District and the SAP.~~
- e) ~~Pass a return-to-duty test with the result below 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.~~
- d) ~~The SSE shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least six (6) tests in the first twelve (12) months.~~

~~The Superintendent of Schools shall ensure that each SSE receives a copy of District policy, educational materials that explain the requirements of the alcohol and drug testing regulations, and any regulations and/or procedures developed by the District with respect to~~

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

~~meeting those requirements. The Superintendent or his/her designee shall ensure that a copy of these materials is distributed to each SSE, who shall sign for receipt of all of the above documents, as well as other appropriate personnel, prior to the start of alcohol and controlled substance testing as well as at the beginning of each school year or at the time of hire for any safety-sensitive employees. Representatives of applicable collective bargaining units shall be notified of the availability of this information.~~

~~—The Superintendent or his/her designee shall arrange for training of all supervisors who may be utilized to determine whether "reasonable suspicion" exists to test a driver for prohibited conduct involving alcohol or controlled substance use/abuse.~~

~~—Any violation of this policy and/or District procedures, and applicable federal and state laws by a covered employee shall be grounds for disciplinary action including, but not limited to, fines, suspension, and/or discharge in a manner consistent with District policy, collective bargaining agreements and applicable law.~~

ALL NEW

I. Purpose

To establish a District-based alcohol and drug testing program to help prevent accidents and injuries resulting from the misuse of alcohol and drugs by covered drivers of commercial motor vehicles in compliance with the Department of Transportation regulations and pursuant to the Omnibus Transportation Employee Testing Act of 1991 (the Act) and 49 CFR Part 40.

II Applicability

This policy applies to all District employees or applicants who have been extended a conditional offer of employment who operate commercial motor vehicles and are subject to the commercial drivers license (CDL) requirements established by the DOT.

III. Objectives

To establish rules and procedures to deter all illegal drug use, and deter on-duty, pre-duty and post-accident alcohol use, as well as on-duty alcohol impairment stemming from pre-duty use, for all covered drivers who perform safety sensitive functions;

To detect and eliminate the possibility that District covered drivers will perform safety-sensitive functions after testing positive for alcohol or drugs;

To comply with applicable federal and state laws, including the Omnibus Transportation Employee Testing Act of 1991;

To provide reasonable measures for the early detection of personnel not fit to perform activities within the scope of this policy;

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

To maintain a workplace free of drugs and alcohol; and

To inform employees through education, in service training and other appropriate forums, about illegal drugs, and alcohol abuse, their use, possession, distribution, and the effects of such substances.

IV. Testing

There are several occasions when an individual will be subject to drug and alcohol tests pursuant to this policy. Prior to the administration of the following tests, the District or its testing agent will notify the covered driver that the test is required under the Code of Federal Regulations.

The testing occasions shall include:

1. **Pre-duty testing**

- a. Pre-duty testing for drugs will be administered by the District after a conditional offer of employment has been extended and prior to any covered driver's performance of a safety-sensitive function. The District will not allow any covered driver to commence the performance of any safety-sensitive function unless the drug testing reveals a verified negative test result.
- b. The District may, in its sole discretion, forego pre-duty testing where the exceptions promulgated by the regulations relating to drug and alcohol testing of covered drivers by their previous employers, are satisfied.

2. **Reasonable Suspicion testing**

- a. Reasonable suspicion testing is alcohol and drug testing that the District will conduct when it has reasonable suspicion to believe that a covered driver has engaged in conduct prohibited by this policy. Reasonable suspicion must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of a covered driver by the Director of Special Education, Occupational Education, Assistant Directors of such programs or any other supervisor as determined by the District who is specially trained to recognize alcohol misuse or drug use. The observations may include indications of the chronic and withdrawal effects of controlled substances.
- b. A written record shall be made of observations leading to reasonable suspicion, signed by the supervisor or person who made the observations, within twenty-four (24) hours of the observed behavior or before the results of drugs test are released, whichever is earlier.
- c. The District shall not administer a reasonable suspicion alcohol test more than eight (8) hours following a determination that reasonable suspicion exists to believe that the alcohol prohibitions of this policy have been

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

violated. Covered drivers are subject to reasonable suspicion alcohol testing as follows: Immediately prior to performing safety sensitive functions, while performing safety sensitive functions, or immediately following the performance of safety sensitive functions. Reasonable suspicion drug testing may be conducted at any time the covered driver is on duty for the district.

3. Random testing

- a. Random testing is unannounced testing for alcohol and drugs administered in a statistically random manner throughout the year to covered drivers employed by the District in ratios as required by the DOT regulations, so that all covered drivers have an equal probability of selection each time a random test is administered.
- b. Covered drivers are subject to random alcohol testing as follows: immediately prior to performing safety sensitive functions, or while performing safety sensitive functions, or immediately following the performance of safety sensitive functions. Random drug testing may be conducted at any time the covered driver is on duty for the district.

4. Post Accident testing

- a. A post-accident test for alcohol and drugs is administered following an accident involving a commercial motor vehicle to each surviving covered driver:
 1. who was performing safety sensitive functions with respect to the vehicle, if the accident involved the loss of human life; OR
 2. who receives a citation under state or local law for a moving violation arising from the accident; AND
 - i. if the accident resulted in one or more motor vehicles incurring substantial structural damages as a result of the accident; OR
 - ii. if the accident resulted in bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.
- b. The District will not administer a post-accident alcohol test more than eight hours following the accident and will not administer a post-accident drug test more than 32 hours following the accident. A covered driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the District to have refused to submit to testing. This shall not be construed to require the delay of necessary medical attention for injured individuals following an accident or to

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

prohibit a covered driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

- c. The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of the policy concerning post-accident testing, provided such tests conform to applicable federal, state, or local requirements and that the results of the test are obtained by the District. If such a test results in an alcohol concentration below 0.02, a 24 hour out-of-service order may be issued by the law enforcement official.

5. Return to duty testing

Return to duty testing for alcohol and/or drugs is conducted after a covered driver has engaged in prohibited conduct under this policy prior to the employee's return to the performance of a safety-sensitive function. The alcohol test result must indicate an alcohol concentration of less than .02 and/or a drug test must indicate a verified negative result for illegal drugs.

6. Follow-up testing

Follow-up tests are given following a determination by the Substance Abuse Professional (SAP) that a driver is in need of assistance in resolving problems associated with misuses of alcohol and/or drugs. This is an unannounced test, given at least six (6) times within twelve (12) months with the actual frequency and number of tests determined by the substance abuse professional (SAP), but in no event may the follow up testing continue for a period beyond 60 months from the covered driver's return to duty. The substance abuse professional may terminate the requirement of follow-up testing at any time after the first six (6) tests have been administered if he or she determines that follow-up testing is no longer necessary.

Covered drivers are subject to follow-up alcohol testing as follows: immediately prior to performing safety sensitive functions, or while performing safety sensitive functions, or immediately following the performance of safety sensitive functions. Follow-up drug testing may be conducted at any time the covered driver is on duty for the district.

V. Testing Procedures

The District shall retain an approved company to perform collection and testing, to ensure chain of custody requirements, and to ensure the correct employee is tested and matched with the correct test results. Such company will be required to be in compliance with federal regulations including calibration of the EBT, laboratory certification, and proper training of the Breath Alcohol Technician (BAT). Testing for alcohol and/or controlled substances will be taken on-site or at the laboratory, in a secure location that affords

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

visual and aural privacy and with the proper safeguards to ensure the integrity of the specimens collected. The Drug and Alcohol Coordinator (see appendix) can be contacted to request the name of the company hired to perform the drug and alcohol testing services.

If the test comes back positive dilute, that shall be considered a positive verified test and the covered driver shall not be allowed to take another test.

If the test comes back negative dilute for pre-employment testing, return to duty testing and follow up testing, then the covered driver shall be required to take another test. If re-tested, there will be a fee for the second test. Employees to be re-tested must be given the minimum possible advance notice that he or she must go to the collection site. The result of the second test becomes the test of record. If an employee is directed to take another test, and the employee declines to do so, the employee has refused the test for the purpose of this policy and the federal drug and alcohol testing regulations. If the test comes back canceled, neither positive nor negative for drugs or alcohol, the employee shall not be allowed to perform safety sensitive functions if a negative result is required by the regulations. The District shall order a recollection in the case of a canceled test for the purpose of re-testing in the case of pre-employment, return to duty or follow up testing.

1. Alcohol

Alcohol testing will be administered by a trained and qualified BAT. The evidential breath testing device (EBT) used for testing shall meet the standards promulgated by the DOT and have a quality assurance plan developed by the manufacturer to insure proper calibration.

If the initial test reveals an alcohol concentration of .02 or greater, a confirmatory test must be performed. The confirmatory test result is the final test result for the purposes of this policy.

2. Drugs

A Department of Health and Human Services certified laboratory will perform drug testing on urine samples provided by covered drivers. The drugs for which tests will be conducted are: Marijuana (THC), Cocaine, Phencyclidine (PCP), Opioids (including the synthetic opioids hydrocodone, oxycodone, hydromorphone and oxymorphone), and Amphetamines. The cutoff levels for these drugs will be those set forth in the DOT regulation.

3. Uncompleted testing

If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT, shall, if practicable begin a new screening or confirmation test, as applicable, e.g., using a new breath alcohol testing form with a new sequential test number.

VI. Requirements Prior to Commencing Safety Sensitive Position

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

1. Pre-duty request for prior employment drug and alcohol testing

In the case of all new safety sensitive employees, the District shall request the following written information, after obtaining the prospective employee's written consent, from DOT regulated employers who have employed the employee at any time during the two years prior to the date of the employee's application or transfer:

- a. Alcohol tests with a result of 0.04 or higher alcohol concentration
- b. Verified positive drug test
- c. Refusal to be tested
- d. Other violations of DOT agency drug and alcohol testing; and
- e. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return to duty requirements.

The above listed information should be obtained and reviewed before the prospective employee commences performing any safety sensitive functions. However, the District has a 30 day grace period from the day the employee starts to perform safety sensitive functions in which to obtain or make and document a good faith effort to obtain this information. The District must not allow any employee to continue performing safety sensitive functions after 30 days if District has not obtained or made and documented a good faith effort to obtain this information.

The District must ask the prospective employee whether he/she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for but did not obtain safety sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years.

If the prospective employee admits that he/she has tested positive or has refused to test, then the District may choose not to hire the prospective employee. However, if the District does choose to hire a prospective employee who has admitted that he/she has tested positive or refused to test, the District must not use the employee to perform safety sensitive functions, until and unless the employee documents successful completion of return to duty process.

VII. Prohibited Conduct

1. No covered driver shall report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.02 or greater.
2. A covered driver shall not be on duty or operate a commercial motor vehicle while the covered driver possesses alcohol.
3. A covered driver shall not use alcohol while performing safety sensitive functions.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

4. No covered driver shall perform safety-sensitive functions within six (6) hours after using alcohol.
5. A covered driver required to take a post accident alcohol test shall not use alcohol for eight (8) hours following the accident, or until he/she undergoes a post accident alcohol test, whichever is first.
6. A covered driver shall not report for duty or remain on duty requiring the performance of safety sensitive functions when the driver is using drugs, except when the use is pursuant to the instructions of a physician who has advised the driver that the drug does not affect the driver's ability to safely operate a commercial motor vehicle.
7. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.
8. Independent of the requirements of the Act and the regulations promulgated thereunder, the covered driver must provide written notice from the physician to the Drug and Alcohol Coordinator that he or she is using controlled substances pursuant to the instructions of the physician and that he or she advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
9. A covered driver shall not refuse to submit to an alcohol or drug test required under this policy.
10. An applicant for employment, who has been given a conditional offer of employment may not refuse to sign a release authorizing the District to request from all former employer's, where the employee was a covered driver, his or her drug and alcohol testing records.

VIII. Consequences for covered drivers

Pursuant to the Act and the regulations:

1. A covered driver who has an alcohol concentration of at least 0.02 shall be removed immediately from his/her performing safety sensitive position for at least 24 hours and shall not return until he/she is evaluated by a substance abuse professional, completes any other steps required by the SAP and takes a return to duty test.
2. A covered driver who has a verified positive result on a drug test shall be prohibited from performing safety sensitive functions until the employee is evaluated by a substance abuse professional, completes any other steps required by the SAP and takes a return to duty test.
3. A covered driver who refuses to submit to a test shall be prohibited from performing safety sensitive functions until the employee is evaluated by substance abuse professional, completes any other steps required by the SAP and takes a return to duty test.
4. A covered driver may not perform safety-sensitive functions, if there exists a reasonable suspicion that the driver is under the influence of, or impaired by, alcohol as shown by the behavioral, speech, and performance indicators of alcohol misuse, until an alcohol test is administered and the driver's alcohol

POLICY

Draft 11/30/17

5761

NON-INSTRUCTIONAL BUSINESS

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

concentration measures less than .02 or 24 hours have elapsed following a determination that reasonable suspicion exists to believe that the alcohol prohibitions of this policy have been violated.

5. A covered driver may not perform safety-sensitive functions even if his or her alcohol concentration is less than 0.02, or the alcohol concentration is unknown, if the employer detects the presence of alcohol in the driver by other means.

Independent of the requirements of the Act and the regulations promulgated thereunder, a covered driver may not perform safety-sensitive functions, if there exists a reasonable suspicion that the driver is under the influence of, or impaired by, drugs as shown by the behavioral, speech, and performance indicators of drug abuse, until a drug test is administered and there is a verified negative result.

Independent of the requirements of the Act and the regulations promulgated thereunder, covered drivers who have been found to have engaged in the prohibited conduct under this policy will be immediately suspended from their safety-sensitive function without pay pending a complete review of the test results and what led to the test results, if appropriate. After review, if the covered driver was found to have an alcohol concentration of 0.04 or greater, a positive drug test, or refused to submit to a test, the employee shall be terminated. If the covered driver was found to have an alcohol concentration between 0.02 and 0.04, he or she shall be required to be evaluated by a substance abuse professional, complete any other steps required by the SAP and take a return to duty test before returning to work.

A covered driver who is an applicant for employment who has been extended a conditional offer of employment shall have such conditional offer revoked if:

1. He/she undergoes a drug test which reveals a verified positive test result, or
2. He/she admits, during the pre-duty request for prior employment drug and alcohol testing, they had a positive test or refused to test on any pre-employment drug or alcohol testing administered by the employer to which the employee applied for, but did not obtain safety sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years and the Board chooses not to hire the prospective employee, or
3. He/she previously failed to successfully complete a rehabilitation program (return to duty process) established by a substance abuse professional resulting from a violation of that employer's policy or the Act, or
4. He/she fails to provide a release for the District to request from former employer's where the individual was a covered driver.
5. The above actions shall be taken in accordance with the provisions of the employee's collective bargaining agreement, §75 of the Civil Service Law and/or §3020-a of Education Law, whichever is applicable.

IX. Referral, evaluation, and treatment

POLICY

Draft 11/30/17

5761

NON-INSTRUCTIONAL BUSINESS

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

The requirements of this section do not apply to applicants who refuse to submit to a pre-duty drug test or who have a pre-duty drug test with a verified positive test result.

1. The District shall make available to a covered driver who has violated this policy, information regarding the resources available for evaluating and resolving problems associated with the misuse of alcohol and use of drugs, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. The District shall ensure that the listed substance abuse professionals do not refer the covered driver to the substance abuse professional's private practice, or to a person or organization from which the substance abuse professional receives remuneration, or in which the substance abuse professional has a financial interest.
2. The District requires that each covered driver who engages in conduct prohibited by this policy shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use. The substance abuse professional shall also determine if follow up testing is necessary and if so, the number and frequency of such tests. The costs associated with this evaluation shall be the responsibility of the covered driver.
3. Before a covered driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy, the covered driver shall undergo a return to duty test.
4. The substance abuse professional will determine if the covered driver has properly followed any rehabilitation program prescribed following the evaluation.

X. Employee Notification

The District shall provide a copy of this policy to each covered driver and to his/her collective bargaining agent. Each covered driver is required to sign a statement certifying that (s)he has received this information. The District shall maintain the original signed certification for the duration of the employee's employment or two (2) years, whichever is longer. The District will provide a copy of the certification to the covered driver upon request.

XI. Savings Clause

If any provision of this policy is, or shall at any time be contrary to the law, then such policy provision shall be considered modified or deleted so as to comply with the superseding legal requirements, without any effect on the remaining policy provisions.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

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General Brown Central School District

~~Omnibus Transportation Employee Testing Act of 1991 (Public Law 102-143) 49 United States Code (USC) Sections 31136 and 31306~~

~~49 Code of Federal Regulations (CFR) Parts 40, 172, 382, 383, 391, 392 and 395~~

~~Vehicle and Traffic Law Section 509-L~~

Legal Ref: U.S. Constitution, 4th Amendment; Omnibus Transportation Employee Testing Act of 1991, 49 USC §§31136, 31306; Americans with Disabilities Act, 42 USC §§12111-12117; 49 CFR Parts 40, 382 and §§395.20 and 521(b); Vehicle and Traffic Law, §§509-l; 1192; 1193; Labor Law, §201-d

Adopted: 05/10/10

Revised: _____

Appendix A

Drug and Alcohol Testing Definitions

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol's, including methyl and isopropyl alcohol.

Alcohol use: The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

Breath Alcohol Technician (BAT):
An individual who operates an evidential breath testing device and instructs and assists individuals in the alcohol testing process.

BAC or Alcohol Concentration:
Breath Alcohol Concentration (BAC), or alcohol concentration, is the amount of alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

Commercial Motor Vehicle:
A motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2. has a gross vehicle weight rating of 26,001 or more pounds; or
3. is designed to transport 16 or more passengers, including the driver; or
4. is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

Material Regulations.

Confirmation test :

In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of a screening test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine. In alcohol testing, a second test, following a screening test with a result of .02 or greater, that provides quantitative data of alcohol concentration.

Covered driver:

District employees who operate commercial motor vehicles and applicants for employment with the district who are applying for positions as drivers of commercial motor vehicles (for the purposes of pre-duty testing only).

Drug and Alcohol Coordinator:

The Drug and Alcohol Coordinator shall be the Jefferson - Lewis DISTRICT Health and Safety Coordinator who is located at 20104 NYS Rt. 3, Watertown, NEW YORK 13601, and may be reached at 779-7000.

Evidential breath testing device (EBT):

A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's Conforming Product's List of Evidential Breath Measurement Devices."(CPL)

Medical Review Officer (MRO):

A licensed physician responsible for receiving laboratory results generated by the District's drug test program, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information.

Refuse to submit (to an alcohol or drug test):

Means that a covered driver refuses to take a drug test if they:

- (1) fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer,
- (2) fail to remain at the testing site until the testing process is complete, provided that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test,
- (3) fail to provide a urine specimen for any drug test required by this policy or DOT agency regulations,

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

- (4) in the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of his or her provision of a specimen,
- (5) fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure,
- (6) fail or decline to take a second test the employer or collector has directed the individual to take,
- (7) fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process,
- (8) fail to cooperate with any part of the testing process, or
- (9) if the MRO reports that he/she has a verified adulterated or substituted test result or he/she refuses to take a drug test.

Screening test:

In alcohol testing, means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In drug testing, an immunoassay procedure to eliminate “negative” urine specimens from further consideration.

Safety sensitive function:

Any of those on-duty functions (promulgated at 49 CFR §395.2 On-Duty time) as listed below:

1. All time at a carrier or shipping plant, terminal, facility, or other property, waiting to be dispatched, unless the driver had been relieved from duty by the District.
2. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR’S), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All time spent at the driving controls of a commercial motor vehicle in operation.
4. All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth.)
5. All time spent loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time spent performing the driver’s requirements associated with an accident promulgated at 49 CFR §§392.40 and 392.41.
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Substance Abuse Professional:

A substance abuse professional means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification

POLICY

Draft 11/30/17

5761

NON-INSTRUCTIONAL BUSINESS

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS AND OTHER SAFETY-SENSITIVE EMPLOYEES (TRANSPORTATION)

Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drugs-related disorders.