



BETHEL SCHOOL BOARD MEETING

Hybrid Meeting hosted from the District Office – 4640 Barger Drive

Monday, March 14, 2022 - 6:30 p.m.

Zoom information will be posted on Bethel School District's website by noon on Monday, March 14, 2022

Join Zoom Webinar:

<https://bethel-k12-or-us.zoom.us/j/82953411572?pwd=RkNDRjN1MG5STURpR3EwTW1kN1N3QT09>

Passcode: bethelsd

Or

Phone number to listen: 1-253-215-8782

Webinar ID: 829 5341 1572

Passcode: 92898076

AGENDA

1. Call to Order

Debi Farr, Chair

2. Pledge of Allegiance

3. Approval of Minutes

4. Student Representative Reports, KHS and WHS

5. Delegations and Visitors

Public comment will be taken either in-person, via Zoom Webinar, or in writing and will be limited to thirty minutes. To sign up for public comment via Zoom Webinar, please complete [this form](#) by noon the day of the Board Meeting. Written comments can be submitted to publiccomment@bethel.k12.or.us. Board members will have access to written public comments submitted by noon the day of the Board Meeting.

6. Superintendent's Report

A. Youth Services Officer Introduction: Naivasha Tester

B. Financial Statement: Simon Levear

C. Superintendent's Update

D. Policy Update, 1st Reading

a. GBE – Early Return to Work of Injured Employees – *Updated to reflect new changes*

b. GBEB – Staff – HIV, AIDS and HBV – *Updated to reflect new changes*

c. GBEDA – Drug and Alcohol Testing – Transportation Personnel – *Updated to reflect new changes*

d. GBEDA-AR – Drug and Alcohol Testing – Transportation Personnel – *Updated to reflect new language*

E.

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

March 14, 2022, Page 2 of 2

7. Consent Agenda

Personnel Action

Resolution No. 46

8. Action Items

A.

9. Information and Discussion

A. NSBA Annual Conference, April 2-4, San Diego

B. OSBA's Lane County Spring Listening Session, Thursday, April 7, 6:00 p.m., Lane ESD, RSVP requested

C.

10. Board Activity Update

A.

11. Review of Next Meeting: Monday, April 11, 2022

A. Student Representative Reports, KHS and WHS

B. Superintendent's Update

C. Board Policies Up for Periodic Review

D.

12. Adjournment

MINUTES
BETHEL SCHOOL DISTRICT #52
BOARD OF DIRECTORS
FEBRUARY 14, 2022

The February 14, 2022 meeting of the Board of Directors was held in-person for public comment and was open virtually to the public via Zoom Webinar for the duration of the meeting. Board members and district office staff were in-person.

ATTENDANCE

Board Members: Greg Nelson, Ashley Espinoza, Caleb Clark, Paul Jorgensen, Robin Zygaitis, and Vice Chair, Rich Cunningham

Absent: Debi Farr

Director Espinoza and Student Representative Olivia Harris joined the meeting via Zoom Webinar.

District staff and presenters: Superintendent Sproles, Student Representative Olivia Harris, Remie Calalang, Alisha Dodds, Simon Levear, Carlos Sequeira, and Jill Busby

CALL TO ORDER

Vice Chair Cunningham called the February 14, 2022 meeting of the Board of Directors to order at 6:33 p.m.

PLEDGE OF ALLEGIANCE

Director Jorgensen led the Pledge of Allegiance.

ACTION ON MINUTES

Vice Chair Cunningham presented the Minutes from the January 24, 2022 Board Meeting and asked for additions or corrections. Hearing none, the Board approved the Minutes as submitted.

WHS Student Representative Report, Olivia Harris

Olivia shared Willamette speech and debate students' outstanding results from a recent tournament and summarized preparations for the upcoming Wolverine Pageant which will be held March 5th. Because of the short timeline for the Wolverine Pageant, fundraising for this event will continue throughout the school year. Olivia also commented that rehearsals are underway for Xanadu, the spring musical, and that in-person 8th grade orientations have begun. Willamette's leadership students recently completed a "jars of sunshine" project where notes of appreciation were placed in jars and given to Willamette counselors during National School Counseling Week.

KHS Student Representative Report, Stephen Kinkade

Stephen was not in attendance at the meeting.

DELEGATIONS AND VISITORS

Community Relations and Communications Director Alisha Dodds summarized written public comment submitted by Bethel parent Chelsea Kabakaba expressing gratefulness for her student's school staff and support for ending the mask mandate in schools.

MINUTES
BETHEL SCHOOL DISTRICT #52
BOARD OF DIRECTORS
FEBRUARY 14, 2022

Cheryl Peterson

Bethel community member Cheryl Peterson provided in-person public comment describing the negative impact to student learning caused by masks. Ms. Peterson urged the Board to remove the mask requirement for students.

Catherine Sidhu

Bethel parent Catherine Sidhu provided in-person public comment stating that masks are ineffective at stopping the COVID-19 virus. Ms. Sidhu described that masks do more harm than good and urged the Board to lift the mask mandate to protect our children.

Liz Killam

Bethel parent Liz Killam provided in-person public comment stating that kids are the most negatively impacted group by the continued use of masks and that vaccinated and unvaccinated students should be treated equally. Ms. Killam also commented on Bethel vaccine clinics and reviewed the consent form used at the clinics.

SUPERINTENDENT'S REPORT

2021-23 Lane ESD Local Service Plan Year Two: Tony Scurto

On behalf of Lane ESD Superintendent Tony Scurto and Lane ESD Board members, Lane ESD Assistant Superintendent Carlos Sequeira summarized several services provided by the 2021-23 Lane ESD Local Service Plan - Year Two, including technical support for a new ODE integrated reporting tool. In addition, Mr. Sequeira thanked Vice Chair Cunningham for his many years of service on Lane ESD's Budget Committee.

Financial Statement: Simon Levear

Business Services Director Simon Levear reviewed the revised January 2022 financial statement showing an estimated Ending Fund Balance of \$8,845,911. Mr. Levear and Superintendent Sproles commented on the financial impact related to the District's declining enrollment.

Set July Work Session and Regular Board Meeting Date:

- a. Work Session – Monday, July 11, 2022, at 5:00 p.m.
- b. Regular Board Meeting – Monday, July 11, 2022, immediately following the Work Session at approximately 6:30 p.m.

The Board discussed the process of renewing policies with no changes.

Superintendent's Update

Superintendent Sproles reported that OHA/ODE will remove the mask requirement for Oregon schools on March 31st and reviewed the current OHSU COVID Forecast Model. While universal masking in schools will be strongly advised, districts will decide locally in collaboration with local public health agencies and community stakeholders whether to continue with universal masking after March 31st. Superintendent Sproles reviewed several considerations with regard to optional masking including the potential impact on the Test to Stay Protocol, increased quarantine periods for unvaccinated students, and increased workload related to contact tracing. Before deciding whether to continue with universal masking or implement optional masking, the District will seek input from parents, staff, EEA and BACE, review community COVID-19 vaccination and case

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

FEBRUARY 14, 2022

rates, convene a health panel, and seek guidance from legal counsel regarding legal liability if optional masking is implemented. Superintendent Sproles shared a summary of information that will be presented at the February 28th Board meeting and stated that a plan for masking in Bethel schools will be presented during the March 14th Board meeting. Community Relations and Communications Director Alisha Dodds provided details about the mask survey that will be sent to parents and staff, and the Board discussed masking in schools.

Policy Update, 1st Reading

Assistant Superintendent Calalang reported on the following policies:

- EBA – Hazard Communication Program – *No changes*
- EBAC – Safety Committee – *No changes*
- EBB - Integrated Pest Management – *No changes*
- EBBB - Injury/Illness Reports – *Updated to reflect new language*
- EBCD - Emergency Closures – *No changes*
- ECAA – Use of School Facilities – *No changes*
- GBL – Personnel Records – *Updated to reflect new language*
- IGBAF-AR – Special Education – Individualized Education Plan (IEP) – *Updated to reflect new language*
- IGBAG-AR – Special Education – Procedural Safeguards – *Updated to reflect new language*
- IGBB – Programs for Talented and Gifted – *Updated to reflect new language*

CONSENT AGENDA

Resolution No. 29 – Personnel Action

Motion: Greg Nelson moved, Paul Jorgensen seconded, to approve the Revised Consent Agenda as specified below.

#	Name	Type	Description
1.	Anderson, Jamie	Additional Temporary Hours	Offer Temporary Contract for additional .17 FTE from 2/7/2022 through 6/17/2022.
2.	Aucoin, Cody	Hire for 2021-22	Offer Extra Duty Contract for Assistant Track and Field Coach @Willamette.
3.	Daniels, Joshua	Temporary Hire for 2021-22	Offer Temporary Contract for .67 FTE Language Arts Teacher @Willamette; Start date: 2/4/2022.
4.	Dodds, Benjamin	Temporary Hire for 2021-22	Offer Temporary Contract for 1.0 FTE Social Studies Teacher @Willamette; Replaces: Steve Miller (BOA); Start date: 2/4/2022.
5.	Guldager, Christine	Additional Temporary Hours	Offer Temporary Contract for additional .17 FTE from 2/7/2022 through 6/17/2022.

MINUTES
BETHEL SCHOOL DISTRICT #52
BOARD OF DIRECTORS
FEBRUARY 14, 2022

6.	Jackson, Amber	Hire for 2021-22	Offer Extra Duty Contract for Learning Coach @Cascade.
7.	Johnson, Wyatt	Hire for 2021-22	Offer Extra Duty Contract for Assistant Baseball Coach @Willamette.
8.	Kenna, Sean	Additional Temporary Hours	Offer Temporary Contract for additional .17 FTE from 2/7/2022 through 6/17/2022.
9.	Lake, Spencer	Additional Temporary Hours	Offer Temporary Contract for additional .17 FTE from 2/7/2022 through 6/17/2022.
10.	Lindskog, Tom	Additional Temporary Hours	Offer Temporary Contract for additional .17 FTE from 2/7/2022 through 6/17/2022.
11.	McCabe, Rob	Hire for 2021-22	Offer Extra Duty Contract for Jazz Band Director @Meadow View.
12.	Petersen, Nan	Additional Temporary Hours	Offer Temporary Contract for additional .17 FTE from 9/8/2021 through 6/17/2022.
13.	Pfost, Bodie	Hire for 2021-22	Offer Extra Duty Contract for Marching Band Director @Willamette.
14.	Russo, David	Temporary Hire for 2021-22	Offer Temporary Contract for 1.0 FTE Health/PE Teacher @Willamette; Replaces: Nick Shanks; Start date: 2/3/2022.
15.	Siedler, Deder	Additional Temporary Hours	Offer Temporary Contract for additional .17 FTE from 2/7/2022 through 6/17/2022.
16.	Wasinger, Greg	Additional Temporary Hours	Offer Temporary Contract for additional .17 FTE from 2/7/2022 through 6/17/2022.
17.	Weyand, Angie	Additional Temporary Hours	Offer Temporary Contract for additional .17 FTE from 2/7/2022 through 6/17/2022.
18.	Wolfram, Josh	Additional Temporary Hours	Offer Temporary Contract for additional .17 FTE from 2/7/2022 through 6/17/2022.
19.	Thompson, Michael	Temporary Hire for 2021-22	Offer Temporary Contract for 1.0 FTE Life Skills Teacher @Shasta; Replaces: Trampus Thomason; Start date: 9/13/2021.

MINUTES

BETHEL SCHOOL DISTRICT #52

BOARD OF DIRECTORS

FERUARY 14, 2022

20.	Schwartz, Chelsea	Additional Temporary Hours for 2021-22	Offer Temporary Contract for additional .5 FTE Art Teacher @Meadow View; Total: 1.0 FTE.
-----	-------------------	--	--

Motion Passed, 6-0

Absent: Debi Farr

ACTION ITEMS

Resolution No. 30 – Adopt Policies EBA, EBAC, EBB, EBCD, and ECAA

Motion: Robin Zygaitis moved, Caleb Clark seconded, to adopt the following Board Policies:

EBA – Hazard Communication Program

EBAC – Safety Committee

EBB – Integrated Pest Management

EBCD – Emergency Closures

ECAA – Use of School Facilities

Motion Passed, 6-0

Absent: Debi Farr

Resolution No. 31 – Approve 2021-23 Lane ESD Local Service Plan Year Two

Motion: Greg Nelson moved, Robin Zygaitis seconded, to approve the Lane ESD 2021-2023 Local Service Plan - Year Two.

Motion Passed, 6-0

Absent: Debi Farr

Resolution No. 32 – Approve Revised Committee Appointments

Motion: Robin Zygaitis moved, Greg Nelson seconded, to approve the revised appointments to the 2021-2022 Committee Opportunities, as presented. Superintendent Sproles explained the revised appointments. Director Zygaitis will replace Vice Chair Cunningham as the alternate Negotiations committee member; Chair Farr will replace Director Clark on the Long Term Budget Committee; and Director Clark will replace Chair Farr on the 2020 Bond Oversight Committee.

Motion Passed, 6-0

Absent: Debi Farr

INFORMATION AND DISCUSSION

- A. NSBA Annual Conference, April 2-4, San Diego
- B. Assistant Superintendent Calalang reminded the Board of the new banner in the boardroom recognizing Willamette’s 90% graduation rate for the 2020-21 school year.
- C. Vice Chair Cunningham thanked the Board for their good wishes after his recent accident.

BOARD ACTIVITY UPDATE

None

REVIEW OF NEXT MEETING: MONDAY, FEBRUARY 28, 2022

- A. Student Representative Reports, KHS and WHS
- B. Transfer Update: Alisha Dodds

MINUTES
BETHEL SCHOOL DISTRICT #52
BOARD OF DIRECTORS
FEBRUARY 14, 2022

- C. Employee Contracts for 2022-23
- D. Superintendent's Update
- E. Board Policies Up for Periodic Review

ADJOURNMENT

There being no further business to bring before the Board, Vice Chair Cunningham adjourned the meeting at 7:58 p.m.

Clerk – Kraig Sproles
jcb

Chair – Debi Farr

Bethel School District GENERAL FUND
 Revenue and Expenditure Summary/Projection (unaudited)
 Fiscal Year 2021/2022

	better than forecast
	within 2% of forecast
	Within 2% - 4% of forecast
	Over 4% of forecast

REVISED

	Prior Months	Current Month	Future Months	Preliminary		
	Actuals	Priliminary	Projected	2021-2022	2021-2022	Budget
		Feb 2022		Totals	ADOPTED BUDGE	Variance
REVENUES						
LOCAL SOURCES:						
Current year's levy* R1111	16,572,309	89,817	856,573	17,518,699	17,050,198	468,501
Prior years' taxes* R1112 & 1190 & 1200	155,589	5,277	23,631	184,497	56,000	128,497
Tuition from other Districts	0	0	0	0	0	0
Investment earnings R1510	65,044	11,054	56,591	132,689	200,000	(67,311)
Misc. local sources R1910 & R1940 & R19	168,028	34,058	15,214	217,300	146,000	71,300
Subtotal	16,960,969	140,206	952,010	18,053,184	17,452,198	600,986
INTERMEDIATE SOURCES:						
County School Fund* R2101	0	0	200,000	200,000	200,000	0
Heavy Equipment Tax	10,262	0	0	10,262	0	10,262
Subtotal	10,262	0	200,000	210,262	200,000	10,262
STATE SOURCES:						
SSF- Current Year R3101	27,331,736	3,473,659	10,308,406	41,113,801	42,001,869	(888,068)
Common School Fund* R3103	338,343	0	338,343	676,686	622,716	53,970
High Cost Disability	0	0	100,000	100,000	100,000	0
Other State Funds	0	3,653	0	3,653	0	3,653
Subtotal	27,670,080	3,477,312	10,746,749	41,894,141	42,724,585	(830,445)
FEDERAL SOURCES:						
Federal Grants 4500	0	0	0	0	0	0
Other Federal Grants 4700	0	0	0	0	0	0
Federal Forest Fees* R4801	0	0	215,000	215,000	215,000	0
Subtotal	0	0	215,000	215,000	215,000	0
OTHER RESOURCES:						
Interfund Transfers In R5200	50,000	0	0	50,000	0	50,000
Sale of or Comp for loss of asset	31,509	0	0	31,509	0	31,509
Beginning fund balance R5400	12,025,527	0	0	12,025,527	10,842,951	1,182,576
Subtotal	12,107,036	0	0	12,107,036	10,842,951	1,264,085
Total, monthly revenues				72,479,623	71,434,734	1,044,889
EXPENDITURES						
Salaries- 100	14,617,210	2,789,491	15,320,045	32,726,746	32,846,753	(120,006)
Employee benefits- 200	9,615,319	1,817,945	10,421,442	21,854,706	22,331,351	(476,645)
Purchased services- 300	2,275,188	335,373	2,525,871	5,136,432	5,987,792	(851,361)
Supplies- 400	771,692	116,161	471,110	1,358,963	1,321,185	37,778
Capital outlay- 500	0	0	20,000	20,000	20,000	0
Insurance/Dues/Other- 600	856,491	3,649	12,091	872,230	902,296	(30,066)
Interfund Transfers	174,696	0	1,454,596	1,629,292	1,831,688	(202,396)
Contingency	0	0	0	0	5,193,668	
Total, monthly expend.	28,310,596	5,062,618	30,225,155	63,598,369	70,434,733	(1,642,696)
Month-end Fund Balance				8,881,254	1,000,001	

This page intentionally left blank.

**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

Subject: Early Return to Work of Injured Employees

Policy Number: GBE GCBDB/GDBDB Effective Date: 4/2022

Date of Original Policy and Revisions: 4/22

Cancels Policy No.: NA GBE Dated: NA 11/93, 1/95, 1/00, 4/06, 1/09, 1/11, 2/15

Date of Next Review: 4/2025

POLICY

In order to return injured workers to productive status as soon as possible after an on the job injury, an early return to work program promotes the health of the worker by reducing the time of mental and physical inactivity following an injury; and, assists the district by reducing worker comp insurance costs which result from extended time loss injuries.

The district's return to work program will consist of a team effort by all those involved: the injured worker, the worker's supervisor, the worker's attending physician, district administration, and the Workers Compensation insurance carrier.

A "light duty" position will be developed consistent with the limited physical abilities of the worker, after consulting with the attending physician. The district defines "light duty" as a temporary work assignment within the injured worker's physical abilities, knowledge, and skills. Light duty positions will be developed taking into account the worker's needs as well as the needs of the district and the district's ability to offer alternate light duty work. The physical requirements of light duty work will be reviewed by the worker's physician to ensure that the proposed light duty job is within the physical capacity of the worker. Light duty assignments will generally be limited to 90 days or less.

Efforts will be made, on a case-by-case basis, to reinstate ill or injured employees to work. The reinstatement will be within the requirements of the injury, the limitations of the law and the limitations of the District.

In the event an employee is not able to perform essential job functions completely after an illness or injury, the District will determine whether reasonable accommodations are appropriate that would provide a temporary light-duty assignment, restructuring of a position to include modified workdays, shift or part-time work, hours of work or modifications in facilities, equipment, special aids and services. Reasonable accommodations must not result in an undue hardship on the District.

If an employee cannot be reasonably accommodated in his/her current position, the District will review alternative assignments. The employee, if qualified, will be offered an available vacant position with or without reasonable accommodations. If recovery is ongoing, sick leave is exhausted and no other assignment is possible, the District will provide temporary unpaid leave as an accommodation in accordance with state and federal law.

The District will maintain current job descriptions for each position. Physical requirements for appropriate job categories will be established.

The Superintendent or designee will develop procedures as necessary to implement this policy.

**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

None.

[Bethel Policy EBA: Staff Health and Safety](#)

Legal Reference(s):

[ORS 659A.043](#)

[ORS 659A.046](#)

[OAR 436-110-0001 to -0900](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Americans with Disabilities Act Amendments Act of 2008.

**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

Subject: Staff – HIV, AIDS, and HBV

Policy Number: GBEBA Effective Date: 4/2022

Date of Original Policy and Revisions: 4/88, 9/94, 1/00, 4/06, 1/09, 11/13, 4/18

Cancels Policy No.: _____ Dated: _____

Date of Next Review: 4/2025

POLICY

The District will strictly adhere in its policies and procedures, to the Oregon Revised Statutes law and Oregon Administrative Rules as they relate to staff infected with HIV, AIDS, or HBV¹.

The District recognizes a staff member has no obligation under any circumstance to report his/her a condition to the District and the staff member has a right to continue working.

If the staff member reports his/her a condition to the District, strict adherence to written guidelines outlined by the staff member shall be followed. These guidelines shall identify who may have the information, who will give the information, how the information will be given, and where and when the information will be given. All such information will be held in confidence in accordance with Oregon Revised Statutes law.

~~When informed of the infection, and with written, signed permission from the staff member, the District will develop procedures for formulating an evaluation team. The team shall address the nature, duration and severity of risk as well as any modification of activities. The team shall continue to monitor the staff member's condition.~~

Accommodations for a staff member infected with HIV, AIDS, or HBV shall be the same as with any other illness.

~~The District shall also develop policies and/or procedures for rumor control, infection control and public relations/media.~~

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

None.

Legal Reference(s):

[ORS 433.008](#)

[ORS 243.650](#)

[ORS 342.850\(78\)](#)

[ORS 433.045](#)

¹HIV - Human Immunodeficiency Virus; AIDS - Acquired Immune Deficiency Syndrome; HBV - Hepatitis B Virus

**BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT**

[ORS 433.260](#)

[OAR 333-017-0000](#)

[OAR 333-018-0000](#)

[OAR 333-018-0005](#)

[OAR 581-022-0705-2220](#)

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Drug and Alcohol Testing and Record Query – (Transportation Personnel)

Policy Number: GBEDA Effective Date: 4/2022

Date of Original Policy and Revisions: 1/96, 1/00, 4/06, 12/08, 10/11, 12/16, 1/18

Cancels Policy No.: N/A Dated: N/A

Date of Next Review: 4/2025

POLICY

The District is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The District or its transportation provider shall have an in-house drug and alcohol testing program or be a member of a consortium that provides testing that meets the federal regulations, and shall annually certify this information to the Oregon Department of Education (ODE). The District or its transportation provider shall comply with the reporting and pre-employment and annual query requirements of the Federal Motor Carrier Safety Administration (FMCSA).

Accordingly, all employees subject to commercial driver's license (CDL) requirements shall be prohibited from:

1. The use of drugs, unless a written prescription from a licensed doctor or osteopath is provided, including a statement advising that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle;
2. The use of alcohol including:
 - a. While on duty;
 - b. Eight (8) hours before driving, in accordance with Oregon Administrative Rules;
 - c. Eight (8) hours following an accident;
 - d. Consumption resulting in prohibited levels of alcohol in the system.

"Drugs" as used in this policy refers to controlled substances covered by the OTETA, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered individuals offered employment with the District and District employees transferring to positions subject to the OTETA shall be required to submit to pre-employment drug testing and a pre-employment query with FMCSA. Additionally, covered employees will be subject to reasonable suspicion, random and post-accident alcohol and drug testing. Return to duty and follow-up testing may also be required.

Pre-employment drug testing costs will be paid for by the District. All drug and alcohol testing of District employees, including reasonable suspicion, random, post-accident, return-to-duty and follow-up testing costs, as applicable, will be paid for by the District. A fee associated with a pre-employment query requested by the District from FMCSA will be paid by the District. The District will comply with collective bargaining agreement provisions.

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

All offers of employment or transfer to covered positions with the District will be made contingent upon testing results and information obtained from a query with FMCSA. An individual who tests positive for drugs will not be hired or transferred.¹ The offer of employment or transfer will be immediately withdrawn.

An offer of employment or transfer will also be immediately withdrawn from any individual who refuses drug testing and/or refuses to give consent for a query with FMCSA.

Covered employees who, under the District's reasonable suspicion, random, post-accident, return-to-duty or follow-up testing program, test positive for drugs or test with a breath alcohol content level of 0.02 or higher, will be subject to immediate disciplinary action up to and including a recommendation for dismissal in accordance with Board policy. Employees who refuse to comply with testing requirements will also be regarded as testing positive for drugs or testing with a breath alcohol content level of 0.02 or higher. Notification of available resources for evaluation and treatment will be made as required by law. Additionally, employees may be subject to CDL prohibitions and penalties under the OTETA and applicable Federal Motor Carrier Safety Administration (FMCSA) Regulations. Covered employees who refuse consent for a query with FMCSA when required will be removed from safety-sensitive functions.

REPORTS

See Policy [GBCBA - Drug and Alcohol Abuse by Employees](#)

ATTACHMENTS

None

END OF POLICY

Legal Reference(s):

[ORS 657.176](#)
[ORS 825.415](#)
[ORS 825.418](#)
[OAR 581-053-0220\(3\)\(h\)](#)
[OAR 581-053-0230\(9\)\(t\)](#)
[OAR 581-053-0420\(4\)\(b\)\(B\)\(ii\)](#)
[OAR 581-053-0430\(13\),\(14\)](#)
[OAR 581-053-0531\(12\),\(13\)](#)
[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)
[OAR 581-053-0620\(1\)\(d\)](#)

Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301-31317 (2012); 49 C.F.R. Parts 40, 382, 391-395 (2017).

¹ The District may elect to allow an individual who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher to reapply for District employment or transfer to a covered position at a later date. At that time, the individual will again be tested for the presence of drugs, if required by the District. A District employee considered for transfer to an OTETA-covered position who tests positive for drugs or tests with a breath alcohol content level of 0.02 or higher will be subject to all District policies and regulations including the District's Drug-Free Workplace policy.

Bethel School District #52
Administrative Rule

GBEDA. DRUG AND ALCOHOL TESTING AND RECORD QUERY – TRANSPORTATION PERSONNEL

Adopted: 1/2018, 4/2022

The following procedures shall govern the District's drug use and alcohol misuse prevention program:

Program Coordinator

The Transportation Supervisor will be designated as the District's drug use and alcohol misuse prevention program coordinator. The Transportation Supervisor will coordinate the District's responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The Transportation Supervisor will:

- A. Ensure that all covered employees receive written materials explaining the District's drug use and alcohol misuse prevention program requirements including:
 1. The District policy and administrative regulations;
 2. A contact person knowledgeable about the materials, policy, administrative regulations and the OTETA;
 3. Categories of employees covered;
 4. Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident, return-to-duty or follow-up testing will also be considered as on-duty time;
 5. Specific information concerning prohibited conduct;
 6. Circumstances under which employees will be tested;
 7. Procedures used in the testing process;
 8. The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382
 9. Explanation of what constitutes a refusal to submit to a drug and alcohol testing;
 10. Consequences of violations (e.g. discipline up to and including dismissal and removal from safety-sensitive functions as required by the OTETA) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of counseling and treatment programs. Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater than 0.04. Minimally, no driver tested and found to have a breath alcohol concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test;
 11. Information on the effects of drug use and alcohol misuse on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem (driver's or coworker's); and available methods of intervening when such problems are suspected, including confrontation, referral to an employee assistance program as available and/or referral to the administration; and
 12. Requirement of the district to collect, maintain and report the following information to the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse¹:
 - (a) A verified positive, adulterated, or substituted drug test result;

¹ <https://clearinghouse.fmcsa.dot.gov/>

Bethel School District #52
Administrative Rule

- (b) An alcohol confirmation test with a concentration of 0.04 or higher;
 - (c) A refusal to submit to any test required by subpart C of 49 C.F.R. Part 382;
 - (d) An employer's report of actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations, including:
 - (i) On duty alcohol use;
 - (ii) Pre-duty alcohol use;
 - (iii) Alcohol use following an accident;
 - (iv) Controlled substance use.
 - (e) A SAP's report of the successful completion of the return-to-duty process;
 - (f) A negative return-to-duty test; and
 - (g) An employer's report of completion of follow-up testing.
- B. Ensure that employees sign statements certifying that they have received the materials;
- C. Ensure that administrators or their designee, designated to determine reasonable suspicion, receive at least sixty (60) minutes of drug abuse training and an additional sixty (60) minutes of alcohol misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug abuse and alcohol misuse;
- D. Ensure District compliance with applicable provisions of the OTETA requirements regarding the District's management information system, retention and confidentiality of records;
- E. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
- F. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
- G. Ensure selection of a laboratory certified by the ~~Department of Health and Human Services (DHHS)~~ Oregon Health Authority, Public Health Division ("OHA") to conduct drug specimen analysis;
- H. Ensure selection of a qualified medical or osteopathic doctor to serve as a Medical Review Officer (MRO) to verify laboratory drug test results;
- I. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the OTETA;
- J. Ensure the District's drug and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the District Office. The District shall maintain the following:
1. Information on the effects and consequences of drug and alcohol use on personal health, safety and the work environment;
 2. Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
 3. Documentation that drug training for all supervisory personnel has consisted of at least sixty (60) minutes;
 4. Documentation that alcohol training for all supervisory personnel has consisted of at least sixty (60) minutes;
 5. Documentation of training given to employees;

Bethel School District #52
Administrative Rule

- K. Ensure the establishment of clearly defined communication procedures to include the method (e.g. mail, facsimile) and frequency (e.g. monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of the OTETA;
- L. Ensure employee organizations receive written notice of the availability of all pertinent drug and alcohol misuse prevention program information.

1. Pre-employment and Annual Queries from, and Required Reporting to FMCSA

The District is required to conduct a pre-employment query with FMCSA on drivers who are subject to controlled substance and alcohol testing regulation, and is required to report information obtained through its controlled substance and alcohol testing program to FMCSA. All offers of employment for positions identified by the District, as required by the OTETA, will be contingent upon the results of a pre-employment query.

a. The District will obtain written or electronic consent from a driver subject to controlled substances and alcohol testing to conduct a pre-employment query with FMCSA. The consent will include consent to obtain the following information:

- (1) If the driver has a verified positive, adulterated, or substituted controlled substances test result;
- (2) If the driver has an alcohol confirmation test with a concentration of 0.04 or higher;
- (3) If the driver has refused to submit to a test (in violation of 49 C.F.R. § 382.211); or
- (4) If the driver has a report submitted by another employer on actual knowledge (as defined at 49 C.F.R. § 382.107) of a violation of regulations that included:
 - (a) On duty alcohol use;
 - (b) Pre-duty alcohol use;
 - (c) Alcohol use following an accident; or
 - (d) Controlled substance use.

The district will conduct annual queries² with the FMCSA on employees subject to such queries as required by law.

b. The District will report³ to FMCSA the following personal information about a driver that is collected and maintained in connection with the District's testing program:

- (1) An alcohol confirmation test with an alcohol concentration of 0.04 or greater;
- (2) A refusal to submit to an alcohol test pursuant to conditions found in 49 C.F.R. § 40.261 or a refusal to drug test determination made in accordance with 49 C.F.R. § 40.191(a)(1)-(4), (a)(8)-(11) or (d)(1), but in the case of a

² Written consent from the driver is required. This may be a limited query when allowed. If the limited query indicates that the FMCSA contains information on the driver, the district will conduct a full query within 24 hours and must not allow driver to perform safety-sensitive functions.

³ The District will complete such reporting to FMCSA by close of the third business day following receipt of the information.

Bethel School District #52
Administrative Rule

refusal to test under (a)(11), the district may report only those admissions made to the specimen collector;

- (3) A SAP's report of the successful completion of the return-to-duty process;
- (4) A negative return-to-duty test; and
- (5) An employer's report of completion of follow-up testing.

The report will include, as applicable:

- (1) Reason for the test;
 - (2) Driver's name, date of birth, and CDL number and State of issuance;
 - (3) Employer name, address, and USDOT number;
 - (4) Date of the test;
 - (5) Date the result was reported; and
 - (6) Test result. The test result must be one of the following:
 - (a) Negative (only required for return-to-duty tests administered in accordance with law);
 - (b) Positive; or
 - (c) Refusal to take a test.
- (7) An employer's report of a driver's refusal to submit⁴ to alcohol or drug testing must include the following information:
- (a) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
 - (b) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable); and
 - (c) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported herein.

- (8) An employer's report of a violation of one of the following will occur by the close of the third business day following the date on which the employer obtains actual knowledge (as defined at 49 C.F.R. § 382.107):

- (a) On duty alcohol use;
- (b) Pre-duty alcohol use;
- (c) Alcohol use following an accident;
- (d) Controlled substance use.

This report will include the following information:

- (a) Driver's name, date of birth, CDL number and State of issuance;
- (b) Employer name, address, and USDOT number, if applicable;
- (c) Date the employer obtained actual knowledge of the violation;
- (d) Witnesses to the violation, if any, including contact information;
- (e) Description of the violation;

⁴ 49 C.F.R. § 40.261(a)(1) or 40.191(a)(1)
1/02, 11/07, 12/08, 10/11, 1/18, 4/22

Bethel School District #52
Administrative Rule

- (f) Evidence supporting each fact alleged in the description of the violation required under paragraph above in this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to §382.121), correspondence, or other documentation; and
- (g) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph above in this section.

If the District's program coordinator is the subject of the testing, the district will ensure compliance with applicable consent, testing, and reporting requirements pursuant to law.

Pre-Employment Testing

The District shall conduct pre-employment testing as follows:

- A. All offers of employment for positions as identified by Board policy and as required by the OTETA will be contingent upon drug test results;
- B. Individuals offered employment with the District and employees transferring to positions subject to the OTETA contingent drug testing, must provide written consent for the release of any prior employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations, and with respect to any employee who violated drug and alcohol regulations, documentation of the employee's successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two (2) years;
- C. The District shall obtain and review such drug and alcohol information from previous employers of the past two (2) years no later than fourteen (14) calendar days after the employee drives for the first time. The District will provide the driver's written permission of the driver for release of information, to the previous employers;
- D. The District will maintain a written, confidential record of information obtained from another employer or the good faith efforts to obtain such information, and will maintain the same for three years from the date the driver's service began.
- E. ⁵Requests received by the District for release of such information may be by telephone, letters or any other method to another employer must include written consent from the subject driver. Records will be released immediately in any written form (e.g. fax, email, letter) that ensures confidentiality. The District will maintain a written, confidential record of each past employer contacted record and summary of information released, the date, and to whom the information was released;
- F. The District will not use must ask a driver with a, and will not use such driver, if they have a positive drug tests or a failed alcohol test while employed with a previous employer in the past two years or who refused to test while under employment with a previous employer unless the driver is in compliance with the SAP's treatment program and the OTETA's return-to-duty requirements;
- G. Prior to being directed by the District to a collection site for drug testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs;

⁵ Pertains to requests received by the district from other employers.
1/02, 11/07, 12/08, 10/11, 1/18, 4/22

Bethel School District #52
Administrative Rule

- H. Failure to report to the collection site for testing within the time frame specified by the District shall constitute a refusal to report for testing and result in immediate withdrawal of the employment or transfer offer;
- I. Pre-employment drug testing will be paid for by the District;
- J. Tests must indicate negative drug test results. Individuals who fail to meet such drug requirements will not be hired or transferred voluntarily or involuntarily to covered positions;
- K. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug testing will not be necessary following a layoff;
- L. The District will notify applicants of the results of the drug testing upon written request within sixty (60) days of being notified of the disposition of the employment application;
- M. Refusal to submit to drug testing and/or to provide signed permission for the release of past testing information as required by the District shall result in immediate termination from employment or transfer consideration;

Post-Accident Testing

The District shall conduct post-accident testing as follows:

- A. It is the responsibility of the employee to report for post-accident drug and alcohol testing as soon as practicable following a motor vehicle accident which occurs while the employee is performing District safety-sensitive functions in which any person involved has been fatally injured, the employee receives a citation for a moving traffic violation in connection with an injury, or tow-away accident;
 - 1. The employee will report to the designated collection site for post-accident drug and alcohol testing as soon as practicable following the occurrence of the accident;
 - 2. If alcohol testing has not been administered within two (2) hours, the District ~~will~~ shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered;
 - 3. If alcohol testing is not administered within eight (8) hours, the District ~~will~~ shall cease attempts to administer an alcohol test and ~~will prepare~~ shall state and maintain on file a record specifying why the test was not administered;
 - 4. If drug testing has not been administered within thirty-two (32) hours following the accident, the District will cease attempts to administer such tests and will document why the test was not administered;
 - 5. The employee will inform the Transportation Supervisor, district administrator or designee as soon as practicable following the accident giving as much detailed information about the accident as possible (e.g., fatalities, injuries, tow-aways, traffic citation issued, etc.).
- B. The District will provide employees with necessary post-accident testing information, procedures and instructions as a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in District vehicles as appropriate. Instructions will include locations of drug specimen collection and alcohol testing sites and telephone numbers of District drug and alcohol misuse prevention program coordinator or other District officials to contact;
- C. The employee shall remain readily available for testing or may be deemed by the District to have refused to submit to testing. Such refusal is treated as if the District received an alcohol test result of 0.04 or greater or received a positive drug test. Nothing in this requirement shall be construed to

Bethel School District #52
Administrative Rule

require the delay of necessary medical attention for injured people following an accident or to prohibit an employee 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;

- D. Results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state and/or local law enforcement officials having independent authority for the test shall be considered to meet necessary requirements provided results of the test are obtained by the District and the test conform to all applicable federal, state and/or local requirements;
- E. An employee who is involved in an accident involving a fatality, injury and/or tow-away as described by the OTETA is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.
- F. An employee who has actual knowledge of an accident in which his/her performance has not been discounted as a contributing factor is prohibited from using alcohol for eight (8) hours after the accident or until the employee undergoes a post-accident alcohol test, which ever occurs first.

Random Testing

The District shall conduct random drug and alcohol testing annually as follows:

- A. Not less than 50% of the average number of driver positions shall be tested for drugs and not less than 10 % shall be tested for alcohol in accordance with current minimum random testing requirements of the OTETA. Any unfilled covered positions will be included as part of the total number of positions counted by the District for testing rate purposes.
 - 1. The District will meet or exceed minimum testing rates.
 - 2. In exceeding minimum testing rates, the District requires that 75% of covered employees shall be randomly tested annually for drugs and 50% shall be randomly tested annually for alcohol.
- B. The testing rate may be adjusted by the Federal Motor Carrier Safety Administration based on industry-wide data;
- C. The testing process shall, in fact, be random. Unless advised otherwise by their consortium, all employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses whether or not they have been chosen for testing in the past;
- D. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the District will ensure that all employees shall have an equal chance of being tested each time selections are made. The District will use the following system:
 - 1. Individual, identically sized slips of paper or cards with the names or identification numbers of the covered drivers will be used
 - 2. Cards will be placed into a container from which the required number will be drawn;
 - 3. The individual selected by the District to do the drawing will be unbiased;
 - 4. All names in the pool will be checked prior to the drawing to assure any necessary additions or deletions are made.
- E. All such testing shall be unannounced and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is “done for the year.” The date selected will be kept confidential to ensure that testing is unannounced as required by law;

Bethel School District #52
Administrative Rule

- F. Following notification of testing, selected employees shall proceed to the District selected collection site immediately or as soon as practicable;
- G. **Each employee selected for testing shall be tested during the selection period;**
- H. Employees shall only be tested for alcohol just before the driver is scheduled to perform ~~their~~ safety-sensitive functions, during or just after performing such functions;
- I. Employees off work due to leaves, vacation and layoffs will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as practicable upon return to duty, but no later than the next selection cycle (e.g. monthly, quarterly, etc.).

Reasonable Suspicion Testing

The District shall conduct reasonable suspicion drug and alcohol testing as follows:

- A. The District will test covered employees whenever there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;
- B. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the District, concerning appearance, behavior, speech, or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;
- C. Hearsay or second hand information is not sufficient to require an employee to submit to testing;
- D. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the workday that the employee is required to be in compliance with this policy, administrative regulations and applicable OTETA.
- E. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the administrator or designee authorized to make such observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier;
- F. The District will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

Referrals, Evaluation and Treatment

The District shall provide information related to referrals, evaluation and treatment as follows:

- A. The District shall advise covered employees who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of counseling and treatment programs;
- B. An employee who engages in such prohibited conduct shall be evaluated by SAP.
- C. The SAP will determine what assistance if any the employee needs in resolving the problems associated with drug use and alcohol misuse.

Bethel School District #52
Administrative Rule

- D. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs;
- E. This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;
- F. SAPs, as referred to in these administrative regulations, means:
 - (1) Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
 - (2) Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and
 - (3) Alcohol and drug abuse counselors certified by the ~~National Association of Alcoholism and Drug Abuse Counselors (NAADAC)~~ Association for Addiction Professionals. This does not include state-certified counselors.

Follow-up Testing

Employees, if they continue employment, shall comply with the following:

- a. Follow-up testing will be conducted whenever a SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;
- b. Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;
- c. Follow-up drug and alcohol testing will be unannounced⁶;
- d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:
 - (4) At least 6 unannounced tests in the first 12 months following the driver's return to duty;
 - (5) Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if ~~he/she~~ the SAP determines the testing is no longer needed.

Drug and Alcohol Testing Procedures

The District, in cooperation with contracted collection and testing facilities shall maintain drug and alcohol testing procedures as follows:

- A. Drugs
 - 1. The applicant or employee reports to the District designated collection site and provides positive identification;
 - 2. A urine sample for drug testing is provided. A "split sample" (second urine specimen bottle) is collected;
 - 3. Following completion of a chain of custody form, both specimen bottles are forwarded to the ~~Department of Health and Human Services (DHHS) OHA~~-certified laboratory for analysis. The split specimen is stored at the laboratory for later testing later testing as may be necessary. Initial testing is performed only on one specimen bottle;
 - 4. Testing results are reported to the District-selected MRO by mail or electronic transmission. Results may not be given over the phone;
 - 5. The MRO will verify ~~both~~ negative and positive testing results;

⁶A follow-up test shall not also serve as a random test, and vice versa.
1/02, 11/07, 12/08, 10/11, 1/18, 4/22

Bethel School District #52
Administrative Rule

6. The MRO will report the verified negative testing results to the District;
7. The MRO will report the verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
8. A verified valid medical reason for a positive testing result will be reported as a negative testing result to the District;
9. If no legitimate medical reason exists for positive testing, the MRO will report verified positive testing and identity of the substance(s) to the District.
10. The employee or applicant may request within seventy-two (72) hours of a positive test notice that the second specimen sample be tested. Such re-testing costs will be paid for by the employee;
11. Unlike the original specimen analyzed for specific levels of controlled substances, the second or split sample is analyzed only for the presence of drugs;
12. The MRO will report results of the re-testing to the employee and the District;
13. The MRO will meet all the OTETA requirements including review of chain-of-custody control form, administrative processing of negative testing results, verification of positive testing results, report to the FMCSA, and maintenance of confidentiality requirements as may be applicable;
14. Detailed drug testing procedures may be obtained by contacting the District's transportation supervisor.

B. Alcohol

1. The employee reports to the District designated testing site and provides positive identification;
2. Under the alcohol testing rule, an alcohol test result will be considered positive even if over-the-counter or legally prescribed medication is involved;
3. All alcohol screening tests will be conducted by:
 - a. A certified breath alcohol technician using evidential breath testing devices;
4. Testing may be conducted at an ~~Department of Health and Human Services (DHHS)~~ OHA certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of the OTETA;
5. District supervisors should generally not be used as a breath alcohol or saliva-testing technician for covered employees. Under certain circumstances, a properly trained District supervisor may conduct such testing in the absence of another technician;
6. The applicant or employee submits to breath testing;
7. If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a confirmation breath test is administered after at least fifteen (15) minutes, but no longer than thirty (30) minutes, after the initial testing. All confirmation tests will be conducted using evidential breath testing devices;
8. The breath alcohol technician will report any invalid tests in which the initial positive test and the confirmation test do not match, confirmed positive and negative results to the District;
9. Applicant or employee refusal to sign forms as required shall be considered as refusal to be tested;
10. The breath alcohol or saliva testing technician will meet all the OTETA requirements including such testing procedures, Breath Alcohol Testing form and confidentiality requirements as may be required;
11. Detailed alcohol testing procedures may be obtained by contacting the District's transportation supervisor.

Positive Test Result

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to

Bethel School District #52
Administrative Rule

a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

Record Keeping/Record Reporting

The District shall maintain records of its drug and alcohol misuse prevention program as follows:

- A. Records related to the collection process:
 - 1. Documents relating to the random selection process;
 - 2. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
 - 3. Documents generated in connection with decisions on post-accident testing;
 - 4. Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;
 - 5. An annual calendar year report summarizing results of the District's drug and alcohol misuse prevention program will be prepared and maintained when requested by the Federal highway Administration as part of an inspection, investigation, special study or for statistical purposes.
 - 6. Documentation of breath alcohol or screening test technician training while the individual performs the functions which require the training.

- B. Records related to each query:
 - 1. Documents related to consent of any query;
 - 2. Documents related to information received for a pre-employment or annual query;
 - 3. Documents related to meeting reporting requirements.

- C. Records related to pre-employment verification with a driver's previous employer;

- D. Records related to a driver's test results, including:
 - 1. The District's copy of the alcohol test form, including the test results;
 - 2. The District's copy of the controlled substance test chain-of-custody and control form;
 - 3. Documents sent by the MRO to the District;
 - 4. Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
 - 5. Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the OTETA.

- E. Records related to evaluations as follows:
 - 1. Records pertaining to a determination by a SAP concerning an evaluation of covered employees' need for assistance;
 - 2. Records concerning a driver's compliance with recommendations of the SAP.

- F. Records related to education and training as follows:
 - 1. Materials on drug use awareness and alcohol misuse including a copy of the District's policy and administrative regulations on drug use and alcohol misuse and related information;
 - 2. Driver's signed receipt of education materials;
 - 3. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;
 - 4. Certification that any training conducted in compliance with the OTETA meets all pertinent requirements for such training.

- G. Records related to alcohol and drug testing as follows:
 - 1. Agreements with collection site facilities, laboratories, MRO's and consortia as applicable;

Bethel School District #52
Administrative Rule

2. Names and positions of officials and their role in the District's drug and alcohol testing program(s);
3. ~~Semiannual~~ Laboratory statistical summaries of urinalysis as required by the OTETA and as reported by the laboratory. The District will document laboratory failures to provide statistical summaries and any District follow-up efforts to obtain such reports;

~~GH~~. Records will be retained by the District as follows:

1. Five (5) years:
 - a. Records of employee alcohol testing results with results indicating an alcohol concentration of 0.02 or greater;
 - b. Record of verified positive drug testing results;
 - c. Documentation of refusals to take required drug and/or alcohol tests;
 - d. ~~Drug testing custody and control forms;~~
 - e. Employee evaluation and referrals;
 - f. Testing program records including violations;
 - f. A copy of each annual calendar year report summary.
2. Three (3) Years:
 - a. Records related to each query and all information received in response to each query. Documentation of a consent will be retained for three years from the date of the last query.
 - b. Pre-employment records obtained, or good faith efforts to obtain, from a previous employer about a driver.
2. Two (2) Years:
 - a. Records related to the drug and alcohol collection process and training.
3. One (1) Year
 - a. Records of negative and canceled drug testing results.
4. Indefinite Period
Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers shall be maintained by the district while the individual performs the functions which require training and for two years after ceasing to perform those functions.

~~H I~~. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:

1. Drug and alcohol misuse prevention program records will be maintained at the District office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file.
2. Employees are entitled upon written request to obtain copies;
3. The District may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee of National Transportation Safety Board safety investigations;
4. The District shall disclose such information to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. § 382.413(a)(1))⁷.

⁷Information that must be disclosed to subsequent employers, upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test;
(c) Refusals to test.

**Bethel School District #52
Administrative Rule**

This page intentionally left blank.



March 14, 2022

RESOLUTION NO. 21-22: 46

RESOLUTION: CONSENT AGENDA/PERSONNEL ACTION

The Board of Directors, School District No. 52, Lane County, approves personnel action involving licensed employees and extra duty contracts at each regularly scheduled School Board meeting. If the Board of Directors would like to discuss any of these recommendations in executive session, the employee should be identified by the number preceding the name and it will be withdrawn pending further instruction from the Board. Remie Calalang is available for questions.

RECOMMENDATION:

It is recommended that the School Board approve the Consent Agenda as reflected in this resolution and any addendum presented along with this resolution.

#	Name	Type	Description
1.	Belisle, Connor	Hire for 2021-22	Offer Extra Duty Contract for Tennis Coach @Willamette.
2.	Colclasure, Jill	Hire for 2021-22	Offer Extra Duty Contract for Middle School Track Coach @District Office.
3.	Goncalves, Neto	Temporary Hire for 2021-22	Offer Temporary Contract for .5 FTE Spanish Teacher @Cascade; Replaces: Courtney Thielen; Start date: 3/10/2022.
4.	Witty, Shannon	Hire for 2021-22	Offer Extra Duty Contract for Middle School Track Coach @District Office.

Recommended by: Remie Calalang, Assistant Superintendent

ATTEST _____
 Clerk – Kraig Sproles

 Chair – Debi Farr

MOVED BY _____

SECONDED BY _____

DATE _____

RESOLUTION: *Passed / Failed*

BOARD MEMBERS	AYE	NAY	ABSTAIN	ABSENT
Rich Cunningham				
Debi Farr				
Ashley Espinoza				
Paul Jorgensen				
Caleb Clark				
Greg Nelson				
Robin Zygaitis				