

January 21, 2016

Mark Ackerman

Sent via email to: meackerman@cbs.com

Open Records Request - PR-400

We are in receipt of your request for information pursuant to the Colorado Open Records Act §24-72-201 et seq.

The Colorado Open Records Act ("CORA") generally provides that all types of government are required to produce public records. Therefore, it is the policy of the District, consistent with CORA, that all public records shall be open for inspection by any person within a reasonable time, unless the District is prohibited by law from disclosing the requested records. The District is prohibited from releasing include, but not limited to:

- *Private, personally identifying information about students and their families.*
- *District personnel records that relate to employees except the following may be released:*
 - *Applications of past or current employees*
 - *Employment agreements*
 - *Any compensation including expense allowances and benefits*
 - *Any amount paid or benefit provided incident to termination of employment*
- *Proprietary information.*
- *Specialized details of security arrangements or investigations.*
- *Other records required by federal or state law and/or regulations or judicial decisions to remain confidential and/or not subject to disclosure.*

Sometimes the records requested do not exist. Pursuant to CORA, the District is not obligated, but may choose, to create a document for the requester for an additional required up-front fee.

In the interest of transparency, the District's goals in responding to include:

- Maximizing public transparency while minimizing costs and burdens to the District.
- Responding to requests as thoroughly and quickly as possible.
- Establishing universal guidelines for requesting and responding to records.

The District strives to respond to all requests for records. In doing so, it spends a substantial amount of time locating, reviewing, and disseminating records and information. CORA provides that the District can charge the following fees and require them payable before releasing records to the requesters:

- \$30.00 an hour research and retrieval fee whether the research results in finding the requested document (*first hour of time is not chargeable to the requester*).
- \$.25 per page copying fee.
- Postage.
- A reasonable hourly fee for manipulation of data so as to generate a record in a form not used by the District or to create a privileged log when required.

After reviewing your request and discussing it with our subject matter experts, we are providing you the following response:

Request:

"I write to request the following information about the district's policies regarding drug & alcohol testing of bus drivers:

1. Are bus drivers subject to mandatory random drug and alcohol testing?
2. What specific substances do you test for?
3. What is the punishment for a positive drug or alcohol test?
4. Please provide actual drug/alcohol test results from the past three years. "

Response:

According to our subject matter experts for this request, at this time, Jeffco Public Schools does not have an existing file that is responsive to your request. Your request is denied pursuant to Section 24-72-202 (6) of the Act.

However, our subject matter experts have provided the following responses to your questions:

1. Are bus drivers subject to mandatory random drug and alcohol testing?

The District has adopted the attached policies EEAEAA (Drug and Alcohol Testing) and EEAEAA-R (Drug and Alcohol Testing Procedure) in compliance with the Department of Transportation Federal Highway Administration Rules. All Jefferson County School District employees who are required to hold a Commercial Driver's License (CDL) as defined by Department of Transportation (DOT) are subject to random testing.

2. What specific substances do you test for?

We use independent contractors to administer our random testing. Our contract with this vendor requires testing be completed in accordance with DOT rules. It's our understanding that our CDL holders are tested for (a) Marijuana metabolites, (b) Cocaine metabolites, (c) Amphetamines, (d) Opiate metabolites, and (e) Phencyclidine (PCP) and (f) alcohol when appropriate.

3. What is the punishment for a positive drug or alcohol test?

Please see the attached policy EEAEAA-R "Drug and Alcohol Testing Procedure and DOT Rules".

4. Provide actual drug/alcohol test results from the past three years:

Year	Total Employees Tested for Drugs	Total Employees Tested for Alcohol	How many tested positive?
2013	215	36	0
2014	239	57	1 for drugs, 0 alcohol
2015	234	76	1 for drugs, 0 alcohol

Sincerely,



R. Craig Hess
Chief Legal Counsel

cc: Helen Neal, Chief of Staff – Superintendent
Amy Weber, Chief Human Resources Officer
Heather Facer, HR Analyst, Compensation & Records