

A. Purpose

The purpose of this Regulation is to establish clear guidelines for identifying, documenting, and responding to reasonable suspicion cases in accordance with applicable laws, Board of Education of Frederick County (Board) Policies, and Frederick County Public Schools (FCPS) Regulations. This Regulation ensures that all actions taken are consistent, objective, and legally compliant, safeguarding the rights of individuals while maintaining a safe and professional environment. It provides staff with the necessary procedures to assess and address situations where reasonable suspicion exists, ensuring fairness, accountability, and due process in all investigative and disciplinary actions.

B. Background

[Board Policy 112, Promoting a Drug-Free, Alcohol-Free, and Tobacco/Vaping-Free Environment](#), is designed to ensure that all FCPS employees maintain a safe and productive work environment, free from the adverse effects of drug and alcohol use. This Regulation aligns with State and federal laws governing workplace safety, drug and alcohol testing, and the protection of employee rights. By implementing this procedure, FCPS reaffirms its commitment to a drug-free workplace, while also ensuring that all employees are treated with fairness, dignity, and respect throughout the process.

C. Definitions

1. “Coach” is defined to mean an individual, either paid or volunteer, who teaches, guides, and supports student athletes to help them improve their skills, performance, and teamwork in a sport.
2. “Contractor” is defined to mean a person providing specific goods or services through a formal agreement, or contract, with FCPS.
3. “Employee” is defined to mean certificated and non-certificated personnel whether benefited or non-benefited who are employed by FCPS.
4. “FCPS-Sponsored Activity” is defined to mean any FCPS endorsed activity involving students that is supervised by FCPS staff on school grounds as described in the “School Grounds” definition below.
5. “Reasonable Suspicion” is defined to mean a belief based upon facts and/or observances that an employee is under the influence of drugs or alcohol.
6. “School Property” or “School Grounds” is defined to mean any school or other FCPS facility, including grounds owned or operated by FCPS, FCPS buses and other FCPS vehicles, chartered vehicles, and the facility and/or grounds of any FCPS-sponsored

activity involving students.

7. “Staff” is defined to mean employees, paid and volunteer coaches, contractors, and vendors working with students, all of whom have been fingerprinted by FCPS.
8. “Under the Influence” is defined to mean having a detectable level of drugs or alcohol in the system that impairs the ability to perform work duties safely and effectively.

D. Procedures

1. **Applicability.** This Regulation applies to all FCPS staff who are suspected of being under the influence of drugs or alcohol while performing duties or participating in FCPS-sponsored activities, whether the drug or alcohol use occurred before or during the individual’s work day. It governs incidents occurring during official business hours, second-shift operations, after-hours events, and weekend activities. This includes activities conducted both on school property and off-site, when such activities are related to official duties, represent the school system, or are part of FCPS-sponsored events or business functions.
2. **During Business Hours Process**
 - a. When a supervisor observes behavior, or receives a report of behavior, that suggest an employee may be under the influence of drugs or alcohol, the following steps shall be taken:
 - i. The supervisor should act immediately to discreetly observe the employee and investigate the allegations. This may include, but is not limited to, observing the employee in their work environment or asking to meet with the employee.
 - ii. The supervisor shall note their observation of the employee’s actions and behaviors using the [Reasonable Suspicion Behavior / Incident Documentation Form](#). The completed documentation form will serve as documentation of the behaviors exhibited by the employee that provided reasonable suspicion. Documentation must be specific and include the following details:
 1. Date.
 2. Time.
 3. Location.
 4. Observed behavior(s).
 5. Any other relevant information.
 - iii. The supervisor shall notify the appropriate Senior Manager in the Department of Human Resources.
 - b. If the observation of the employee leads the supervisor to reasonably believe that the employee may be under the influence, the observing supervisor should discreetly and privately approach the employee. It is recommended to have another administrator or supervisor present as a witness.
 - c. The supervisor should ask the employee to explain their behavior. The employee’s response should be noted without making judgments or assumptions. If the supervisor believes the employee is under the influence, the employee should be removed from duty immediately to ensure safety.

- d. The supervisor should inform the employee that based on the observed behavior, the employee will be required to undergo reasonable suspicion drug and/or alcohol testing. An employee's refusal to undergo testing will be interpreted as a positive test result. The supervisor will transport the employee to the primary or secondary facility. It is recommended that another administrator or supervisor accompany the observing supervisor and the employee.
- e. The employee will be placed on a paid administrative leave status pending the results of the testing. The supervisor should provide the employee with the appropriate 24-hour paid administrative leave letter using the following templates:
 - i. [24 Hour Leave Letter: Certificated Staff](#).
 - ii. [24 Hour Leave Letter: Support Staff](#).
- f. Upon completion of the testing, arrangements should be made for the employee to return home safely. It is recommended that the employee's emergency contact be called to pick up the employee.

3. **After-Hours Process**

- a. Incidents of reasonable suspicion that involve FCPS employees, coaches, or contractors and occur on FCPS property during second-shift, after-hours events, or weekend activities should be reported to the Lead Facilities Service Worker, Assistant Lead Facilities Service Worker, immediate supervisor, activity organizer, Athletic Director, or building administrator.
- b. Lead Facilities Service Workers, Assistant Lead Facilities Service Workers, and activity organizers who are notified or observe an employee under the influence should notify their building administrator immediately.
- c. The supervisor, Athletic Director, or building administrator should complete the observation process as outlined in section D(2)(a) above.
- d. If the observation leads the supervisor to reasonably believe that the employee is under the influence, the supervisor should discreetly and privately approach the employee as outlined in section D(2)(a) above.
- e. The supervisor should call the testing facility's answering service and be prepared to provide the following details:
 - i. Who: Name of the employee.
 - ii. What: Reasonable suspicion of an employee under the influence.
 - iii. When: Current time.
 - iv. Where: Current location (testing will come to you).
 - v. Why: Based upon observed behaviors.
- f. The primary or secondary testing facility will have up to two (2) hours to arrive at your location. However, most arrivals occur within an hour. The reasonable suspicion testing will be completed on-site, at your location.
- g. Upon completion of the testing, arrangements should be made for the employee to return home safely. It is recommended that the employee's emergency contact be called to pick up the employee, coach, or contractor.

4. **Test Results**

- a. Test results shall be shared with the employee, the Department of Human Resources, and others on a need-to-know basis.

- b. The Department of Human Resources will contact the employee to notify them that paid administrative leave will continue until the test results are provided to FCPS.
- c. The cost of the testing will be paid for by FCPS.
- d. If the test results are negative, the employee will be released from paid administrative leave and returned to duty. The administrator or supervisor will meet with the employee to discuss the findings and any underlying issues that may have been a contributing factor in the observed behaviors.
- e. If the test results are positive, the Department of Human Resources will begin the fact-finding process, following the standard operating procedures for disciplinary action.
- f. All documentation, including test results, related to the incident and investigation will be maintained in a confidential file.

E. Related Information

1. Board Policy

- a. [Policy 112, Promoting a Drug-Free, Alcohol-Free, and Tobacco/Vaping-Free Environment](https://apps.fcps.org/legal/documents/112)
(https://apps.fcps.org/legal/documents/112)

2. External Resources

- a. [Health@Work Contact Information](https://fcps-md.info/Health_At_Work)
(https://fcps-md.info/Health_At_Work)

3. FCPS Regulations

- a. [Regulation 300-40, Drug and Alcohol Testing Drivers of CDL and FCPS Vehicles](https://apps.fcps.org/legal/documents/300-40)
(https://apps.fcps.org/legal/documents/300-40)

4. FCPS Resources

- a. [24 Hour Leave Letter: Certificated Staff](https://fcps-md.info/24hr_Leave_Certificated)
(https://fcps-md.info/24hr_Leave_Certificated)
- b. [24 Hour Leave Letter: Support Staff](https://fcps-md.info/24hr_Leave_Support)
(https://fcps-md.info/24hr_Leave_Support)
- c. [Reasonable Suspicion Behavior / Incident Documentation Form](https://apps.fcps.org/forms/staff-human-resources/271)
(https://apps.fcps.org/forms/staff-human-resources/271)

F. Regulation History (Maintained by Legal Services)

<i>Responsible Office</i>	Human Resources
Adoption Dates	11/14/25
Review Dates	
Revision Dates	