

## **Personnel**

### **DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS**

The Board of Trustees desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program designed to prevent the operation of busses or the performance of other safety-sensitive functions by a driver who is under the influence of drugs or alcohol, including a driver of a school bus, student activity bus, or other school transportation vehicle or any other employee who holds a commercial driver's license which is necessary to perform duties related to district employment.

(cf. 3540 - Transportation)  
(cf. 3542 School Bus Drivers)  
(cf. 3543 - Transportation Safety and Emergencies)  
(cf. 4020 Drug and Alcohol-Free Workplace)  
(cf. 4112.41/4212.41/4312.41 – Employee Drug Testing)

A driver shall not report for duty or remain on duty when he/she has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when he/she has used any drug listed in 21 CFR 1308.12-1308.15, unless he/she is using the drug under the direction of a physician who has advised him/her that the substance will not adversely affect the driver's ability to safely operate a bus. In addition, a driver shall not consume alcohol while on duty or for four hours prior to on-duty time. (49 CFR 382.201-382.209, 382.213)

The district's testing program shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306; 49 CFR 382.301-382.311)

The Superintendent or designee shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulation.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

#### **Consequences Based on Test Results**

Any driver who refuses to take a required drug or alcohol test, tests positive for drugs, or is found to have a blood alcohol concentration level that exceeds the level specified in law shall be removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211.

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver. (49 CFR 40.21, 382.107, 382.119)

BP 4112.42 (b)  
BP 4212.42  
BP 4312.42

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

(cf. 4117.4 - Dismissal)  
(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

*Legal Reference:*

EDUCATION CODE  
35160 Authority of governing boards  
GOVERNMENT CODE  
8355 Drug-free workplace; employee notification  
VEHICLE CODE  
13376 Driver certificates; revocation or suspension  
34500-34520.5 Safety regulations  
CODE OF REGULATIONS, TITLE 13  
1200-1293 Motor carrier safety, especially:  
1213.1 Placing drivers out-of-service  
UNITED STATES CODE, TITLE 41  
8101-8106 Drug-Free Workplace Act  
UNITED STATES CODE, TITLE 49  
31306 Alcohol and controlled substances testing  
CODE OF FEDERAL REGULATIONS, TITLE 21  
1308.11-1308.15 Controlled substances  
CODE OF FEDERAL REGULATIONS, TITLE 49  
40.1-40.413 Part 40, Procedures for transportation workplace drug and alcohol testing programs  
382.101-382.605 Controlled substance and alcohol use and testing; especially:  
382.205 On-duty use  
382.207 Pre-duty use  
382.209 Use following an accident

*Management Resources:*

CALIFORNIA HIGHWAY PATROL PUBLICATIONS  
Controlled Substances and Alcohol Testing Compliance Checklist, 2007  
What is CSAT? Controlled Substances and Alcohol Testing, 2005  
WEB SITES  
California Highway Patrol: <http://www.chp.ca.gov>  
Federal Motor Carrier Safety Administration: <http://www.fmcsa.dot.gov>  
U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance:  
<http://www.dot.gov/ost/dapc>

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ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California