

DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS

The Board of Education believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with District vehicles must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' health and well-being.

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply.

- A. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.
- B. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
- C. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- D. The term *safety-sensitive functions* includes all tasks associated with the operation and maintenance of District vehicles.
- E. The term *CDL license holder* means all regular and substitute bus drivers, other staff members who may drive students in District vehicles or inspect, repair, and maintain District vehicles.
- F. The term *while on duty* means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

- G. The term *reasonable suspicion* means a suspicion based on specific articulable observations about a bus driver's appearance, behavior, speech, or body odor.

The Board expects all CDL license holders to comply with Board Policy 4122.01 on Drug Free Schools which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times. Further, the Board concurs with the Federal requirement that all CDL license holders should be free of any influence of alcohol or controlled substance while on duty.

The Board directs the Superintendent to establish a drug and alcohol testing program whereby each regular and substitute bus driver, as well as any other staff member who holds a CDL license, is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances:

- A. Marijuana (**Hemp product consumption is not an acceptable alternative medical explanation for a positive marijuana screen test.**)
- B. Cocaine (**Consumption of coca teas is not an acceptable explanation for a positive cocaine test result.**)
- C. Opiates
- D. Amphetamines
- E. Phencyclidine (PCP)

The drug tests are to be conducted in accordance with Federal and State regulations a.) prior to employment (**Controlled Substances Only**), b.) based on reasonable suspicion, c.) upon return to duty after any alcohol or drug rehabilitation, d.) after any accident if the accident involved loss of human life or if the license holder receives a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident if the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident; or one (1) or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle, e.) on a random basis, and f.) on a follow-up basis.

Any staff member who tests positive shall be subject to discipline, up to and including discharge.

Prior to the beginning of the testing program, the District shall **provide a drug-free awareness program which** will inform each CDL license holder about:

- A. the dangers and effects of illegal drug use and controlled substance and alcohol abuse;
- B. Board Policy 4122.01 - Drug-Free Workplace **and Policy 4170.01 - Employee Assistance Program; (Note: Remove any policies the District does not have from this list.)**
- C. testing procedures;
- D. the sanctions that may be imposed for violations of Policy 4122.01;
- E. the requirement that a driver submit to alcohol and controlled substances tests as described in this policy;
- F. the consequences for refusing to consent to alcohol or controlled substances testing.

The Superintendent shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse.

The District shall contract with a certified laboratory to provide the following services:

- A. testing of all first and second test urine samples
- B. clear and consistent communication with the District's Director of Transportation
- C. methodology and procedures for conducting random tests for controlled substances and alcohol

- D. preparation and submission of all required reports to the District, the Director of Transportation, and to Federal and State governments

The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law. The Director of Transportation is designated by the Superintendent as the individual who is available to answer questions regarding this policy.

49 C.F.R. 382.101 et. seq.

Adopted 6/26/06
Amend to Policy Committee 2/25/2013