

Policy 4212.42 Drug and Alcohol Testing for School Bus Drivers

Status: ADOPTED

Original Adopted Date: 06/1994

Last Revised Date: 06/26/2024

The Governing Board 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 buses 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.

A driver shall not report for duty or remain on duty when the driver has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when the driver has used any drug listed in 21 CFR 1308.12-1308.15, unless the driver is using the drug under the direction of a physician who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a bus. (49 CFR 382.213)

In addition, a driver shall not consume alcohol while on duty and/or performing safety-sensitive functions, or for four hours prior to on-duty time. (49 CFR 382.205, 382.207)

Drivers shall submit to drug and alcohol testing as required under federal law and specified in the accompanying administrative regulation. The district's testing program for drivers 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 Board shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

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

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test for a drug or drug metabolite before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver from the Federal Motor Carrier Safety Administration. (49 CFR 40.3, 40.21, 382.107, 382.119)

Any driver for whom the district receives a verified positive drug test result or who is found to

have a blood alcohol concentration of 0.04 or higher shall be immediately removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211. An alcohol concentration between 0.02 and 0.04 requires temporary removal of the bus driver for a 24-hour period following the test. Any driver who refuses to take a required drug or alcohol test shall not be permitted to perform or continue to perform safety-sensitive functions. (49 CFR 40.23, 382.211)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

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.

06/94
12/14/94
06/94
02/96
03/06
06/17/09
10/13
06/26/2024

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

13 CCR 1200-1294
13 CCR 1213.1
Ed. Code 35160
Gov. Code 8355
Veh. Code 13376
Veh. Code 34500-34520.5

Description

[Motor carrier safety](#)
Placing drivers out-of-service
[Authority of governing boards](#)
[Certification of drug-free workplace, including notification](#)
[Driver certificates; revocation or suspension](#)
[Safety regulations](#)

Federal

21 CFR 1308.11-1308.15
41 USC 8101-8106
49 CFR 382.101-382.727
49 CFR 382.205
49 CFR 382.207
49 CFR 382.209
49 CFR 40.1-40.413

Description

Controlled substances
Drug-Free Workplace Act
Controlled substance and alcohol use and testing
On-duty use
Pre-duty use
Use following an accident
Procedures for transportation workplace drug and alcohol testing programs
Alcohol and drug testing

49 USC 31306

Management Resources

California Highway Patrol Publication

Description

Controlled Substances and Alcohol Testing Compliance Checklist, 2007

California Highway Patrol Publication

Website
Website

Website
Website
Website
Website

What is CSAT? Controlled Substances and Alcohol Testing,
2005

[CSBA District and County Office of Education Legal Services
Commercial Driver's License Drug and Alcohol
Clearinghouse](#)
[California Department of Motor Vehicles](#)
[California Highway Patrol](#)
[Federal Motor Carrier Safety Administration](#)
[U.S. Department of Transportation, Office of Drug and
Alcohol Policy and Compliance](#)

Cross References

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