

Liberty Union High School District

Board Policy

Classification: Personnel

Policy No. **BP4112.43/4212.43/4312.43**

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Effective 10/20/21

Subject: Drug and Alcohol Testing for Persons Subject To
School Transportation Vehicle Testing Requirements

Liberty Union High School District has a vital interest in maintaining safe, healthy and efficient working conditions for all of its employees. This Drug and Alcohol Testing Policy is designed to provide the proper procedures used for testing individuals who transport district students using "school transportation vehicles" not requiring a commercial driver's license under Department of Transportation (D.O.T.) regulations.

In accordance with California Vehicle Code [34520.3](#),

...a "school transportation vehicle" is a vehicle that is not a school bus, school pupil activity bus, or youth bus, and is used by a school district for the primary purpose of transporting children.

A school district that employs drivers to drive a school transportation vehicle, and the driver of those vehicles, who are not otherwise required to participate in a testing program of the United States Secretary of Transportation, shall participate in a program that is consistent with the controlled substances and alcohol use and testing requirements of the United States Secretary of Transportation that apply to school bus drivers and are set forth in Part 382 (commencing with Section 382.101) of and Sections 392. 5(a)(1) and (3) of Title 49 of the Code of Federal Regulations.

It is the intent of the Legislature that non-D.O.T. drug and alcohol testing be implemented in a manner that does not require the school district to administer a program for drivers of school transportation vehicles that imposes controlled substance and alcohol use and testing requirements greater than those applicable to school bus drivers under existing law.

The district's testing program shall include random drug and alcohol testing of drivers.

The Superintendent or designee shall ensure that each driver receives a copy of the federal regulations and the district's policy and procedure in accordance with law. In addition, each driver shall sign a statement certifying that he/she has received a copy of the district's materials and Board policies regarding drug and alcohol testing and drug and alcohol-free workplace. (49 CFR [382.601](#))

Legal. Reference:

EDUCATION CODE

[35160](#) Authority of Governing Boards

CALIFORNIA VEHICLE CODE

[34500-34520.5](#) Safety Regulations, especially:

[34520.3](#) Vehicles: school transportation vehicles: driver drug and alcohol testing

CODE OF REGULATIONS TITLE 13

1200-1293 Motor carrier safety, especially:

1213.1 Placing drivers out-of-service

UNITED STATES CODE, TITLE 49

2717 Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991)

BP 4112.43, 4212.43, 4312.43(b)

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

382.205 On-duty use

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382-207 Pre-duty use

382.209 Use following an accident

395 Hours of Service of Drivers

Management Resources:

California Highway Patrol: <http://www.chp.ca.gov>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and

Compliance: <http://www.dot.gov/ost.dapc>