**Drug and Alcohol Prohibition for School Bus Drivers**

In a continuing effort to prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles, the District shall establish drug and alcohol misuse prevention procedures.

“Drugs” in this policy refers to controlled substances covered by the Omnibus Transportation Employee Testing Act of 1991, including marijuana, cocaine, opiates, amphetamines and phenocyclindine (PCP).

All drivers subject to the commercial driver’s license (CDL) requirements and this policy shall be prohibited from:

1. The use of any controlled substance, as defined by the Omnibus Transportation Act, unless:

a. a written prescription from a licensed doctor or osteopath is provided along with a written statement from the doctor or osteopath that the substance, if taken within prescribed limitations, does not adversely affect the employee’s ability to safely operate a commercial motor vehicle or perform other safety-sensitive functions;

b. such controlled substance is taken within prescribed limits;

2. The misuse of alcohol that could affect performance on the job includinguse on the job, use during the four hours before performing a safety-sensitive function, having prohibited concentrations of alcohol in their systems while performing a safety-sensitive function, and use during eight hours following an accident.

The Superintendent shall develop administrative regulations as needed to implement the District’s Drug and Alcohol Testing program including provisions for pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up testing as may be necessary. Refusal to submit to such testing or positive results on any such test will result in immediate termination. The regulations will also include training, education and other assistance to employees to promote a drug and alcohol-free environment**.** Theseregulations shall meet the requirements of the Omnibus Act of 1991 and shall be outlined in the Transportation Handbook.

In the event the District may contract for transportation, such contract shall contain assurance that the contractor will establish a drug and alcohol-testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements.

This policy applies to all drivers and applicants for driver positions for the District.

Legal Reference: United States Code, Title 49

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

Code of Federal Regulations, Title 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing

395 Hours of Service Drivers

*Holiday v. City of Modesto* (1991) 229 Cal. App. 3d. 528, 540.

*International Brotherhood of Teamsters v. Department of Transportation*

932 F. 2d 1292 (1991)

American Trucking Association, Inc. v. Federal Highway Administration, (1995) WL 136022 (4th circuit)

Connecticut General Statutes

PA 95-140 An Act Authorizing Drug Testing of Drivers of Certain Commercial Motor Vehicle

**Approved: June 14, 2007**