



STRATFORD BOARD OF EDUCATION

PERSONNEL-NON-CERTIFIED

REVISED

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

POLICY 4212.42A

The Stratford Public School district is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA), as may be amended, and applicable state statutes pertaining to pre-employment and random drug testing of school bus drivers. The District shall adhere to federal and state law and regulations requiring a school bus driver's drug and alcohol testing program.

In addition to the above cited federal requirement, the Board of Education expects its school transportation carrier to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction.

Each carrier must provide the training to school bus drivers following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

Drug and Alcohol Clearinghouse Checks for CDL Drivers

Prior to employment the District/school transportation carrier will conduct a full query of the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse (Clearinghouse) to obtain information about the driver's eligibility under federal rules to perform a safety-sensitive function. The District/school transportation carrier will also contact prior employers where the applicant was a CDL driver for information to determine the driver's eligibility to perform safety-sensitive functions. (Prior employers' inquiries will continue until January 2023.)

The District/school transportation carrier will conduct a limited query of the Clearinghouse for current CDL drivers who are employees **twice every school year**. If information exists in the Clearinghouse about a driver, the District/school transportation carrier will conduct a full query within 24 hours to determine if the driver is eligible to perform safety-sensitive functions. If the District/school transportation carrier fails to conduct the full query within 24 hours, the driver will not be allowed to perform any safety-sensitive functions until the full query is conducted and it is determined the driver

may perform safety-sensitive functions.

The District/school transportation carrier will report the following information collected and maintained on each CDL driver to the Clearinghouse:

1. A verified positive, adulterated, or substituted drug test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;
3. A refusal to submit to any test required by this policy or the CDL drug testing program (49 C.F.R. Part 382, subpart C);
4. An employer's report of actual knowledge of the following:
 - a. On duty alcohol use (pursuant to 49 C.F.R. §382.205);
 - b. Pre-duty alcohol use (pursuant to 49 C.F.R. §382.207);
 - c. Alcohol use following an accident (pursuant to 49 C.F.R. §382.209); and
 - d. Controlled substance use (pursuant to 49 C.F.R. §382.213).
5. A substance abuse professional (SAP) (as defined in 49 C.F.R. §40.3) report of the successful completion of the return-to-duty process;
6. A negative return-to-duty test; and
7. An employer's report of completion of follow-up testing.

School districts contracting with a private service provider must ensure the provider has a drug and alcohol testing program fulfilling federal regulations, and state law pertaining to a required pre-employment and random drug testing program for drivers of school buses and school transportation vehicles (STVs) that carry ten or fewer students.

Contracts for transportation approved by this District shall contain assurance that the contractor will establish a drug and alcohol-testing program that meets the requirements of federal regulations, state statutes and this policy and will actively enforce the regulations of this policy as well as federal and state requirements.

Drug and Alcohol Testing for School Bus Drivers contract shall also contain the assurance that the school transportation contractor will use the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse (Clearinghouse) database to report information to, and obtain information from, regarding drivers who are subject to the Department of Transportation's controlled substance and alcohol testing regulations.

This policy applies to all drivers and applicants for driver positions for the District who must have a Commercial Driver's License (CDL) to operate school vehicles.

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Each carrier must provide the training to school bus drivers following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

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 (as amended)
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)
10-212c Life-threatening food allergies and glycogen storage disease: Guidelines; district plans. (as amended by PA 18-185)

Legal Reference: Connecticut General Statutes (continued)
14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators
14-276a Regulations re school bus operators and operators of student transportation vehicles; qualifications; training. Pre-employment drug test required for operators
52-557b Immunity from liability for emergency medical assistance first aid or medication by injection. School personnel not required to administer or render. (as amended by PA 05-144, An Act Concerning the Emergency Use of Cartridge Injectors and PA 18-185, An Act Concerning Life-Threatening Food Allergies in Schools)

Policy adopted: 11/23/2009

Policy Revised: And adopted by the Stratford Board of Education on March 22, 2021/TL