

## **BUS SAFETY PROGRAM**

Code **EEAE** Issued **9/15**

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Purpose: To establish a basic structure for the bus safety program for all employees subject to CDL requirements.

The safety and welfare of students is the first consideration in all matters pertaining to transportation. To that end, all district transportation employees will comply with district policies as well as with federal and state law. All employees will immediately report to supervisors any violation that threatens the safety of a student.

All vehicles used to transport students will be maintained in such condition as to provide safe and efficient transportation service with a minimum of delays and disruption of such service due to mechanical or equipment failure.

In addition to the regular state inspections, each school bus will be inspected by the driver regularly to ascertain that it is in safe condition and that all equipment is in good working order.

### **Physical Exam**

Before operating a school bus, a driver candidate will have a physical examination, certified by a medical examiner (i.e., medical physician, osteopathic physician, physician assistant, advanced practice nurse, or chiropractor). The certification must be made on forms provided by the State Department of Education or the United States Department of Transportation. The bus driver candidate will provide the testing administrator with the certified physical examination before taking the school bus driver physical performance test and the commercial driver's license skills test. The bus driver candidate will provide a copy of the certification to the district.

Bus drivers are expected to have a physical examination every two years as required by state law. The district may require additional physical examinations as necessary.

### **Alcohol and Drug Testing**

All employees required to have a commercial driver's license (CDL) must be tested for alcohol and drug use. The superintendent or his/her designee will implement this program.

The term "drugs," as used in this policy, refers to controlled substances including marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

The district prohibits all employees subject to CDL requirements from the following:

- the use of drugs, unless a written prescription from a licensed doctor or osteopath is provided along with a written statement from said individual that the substance does not adversely affect the employee's ability to safely operate a motor vehicle or perform other safety-sensitive functions
- reporting for or remaining on duty when the driver uses any controlled substances
- the use of alcohol under these conditions:
  - reporting for or remaining on duty while having a blood-alcohol concentration of .04 or greater
  - possessing alcohol while driving
  - using alcohol while driving
  - driving within four hours after using alcohol

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- using alcohol for eight hours following an accident, if the driver is required to take a post-accident alcohol test

Under the testing program, the district will do the following:

- Test drivers for controlled substances before employment. The district will also test drivers for alcohol and controlled substances after certain accidents; any time a supervisor has reasonable suspicion that a driver has violated federal rules; on a random, unannounced basis; and as part of a follow-up or return to duty program.

Procedures for this testing will include an evidential breath-testing device for alcohol testing. Controlled substance testing will require urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services.

- Notify the driver orally or in writing before performing an alcohol or drug test that federal regulations require the test.
- Maintain records of district alcohol misuse and drug use prevention programs.
- Prohibit a driver from working if the driver violates this policy.
- Provide employees with information about drug and alcohol misuse, information concerning testing requirements and information on how and where drivers can get help for substance abuse.
- Provide employees with a copy of this policy.
- Maintain testing results and records under strict confidentiality.
- Furnish supervisors with at least one hour of training on alcohol misuse and another hour of training on drug misuse.

The district will pay for all pre-employment drug testing costs. The district will pay for all current employee drug and alcohol testing including reasonable suspicion, random and post-accident testing.

The district will make all offers of employment or transfer to covered positions with the district contingent upon drug testing results. The district will not hire or transfer an individual who tests positive nor will the district consider individuals who refuse drug testing.

The district will regard current employees refusing to comply with testing requirements as testing positive. In accordance with board policy, the district will immediately discipline and may dismiss current employees who fall into this category.

Adopted 2/14/95; Revised 1/16/96, 11/12/02, 8/10/04, 9/8/15

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Legal references:

A. Federal Law:

1. Commercial Motor Vehicle Safety Act of 1986, Pub. L. No. 99-570, 100 Stat. 3207. - Governs the licensing of commercial vehicle drivers including bus drivers.
2. Omnibus Employee Testing Act of 1991, 49 U.S.C.A. Sections 31301 - 31306. - Provides for the establishment of a program to conduct pre-employment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles.

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B. S.C. Code, 1976, as amended:

1. Section 59-67-160 - Physical examination of school bus driver.

C. Federal Regulations:

1. Federal Motor Carrier Safety Regulations (FMCSR), 49 C.F.R. Section 300-399 (2014).

D. State Board of Education Regulation:

1. R43-80 - Operation of public pupil transportation services.