

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 810.1
SECTION: 800
Operations
TITLE: 810.1 School
Bus Drivers and School
Commercial Motor Vehicle
Drivers (NEW)
ADOPTED:
REVISED:

810.1 SCHOOL BUS DRIVERS AND SCHOOL COMMERCIAL MOTOR VEHICLE DRIVERS (NEW)

Purpose

The Board of Education (“Board”) recognizes that a driver must be fit to operate a school bus and commercial motor vehicle to ensure the health and safety of students being transported. The Board also recognizes that a driver impaired by drugs or alcohol who operates School District of Philadelphia (“District”) vehicles or transports students poses significant risks to the safety of students and others. The purpose of this policy is to set forth clear expectations and guidelines for assuring that our drivers meet the highest level of safety, professionalism, and accountability.

Definitions

For purposes of this policy, terms are defined as follows:

Covered driver: Any District employee who drives, operates, or is in the actual physical control or movement of a school bus or a commercial motor vehicle owned, leased, or operated by the District. The term includes drivers and mechanics who operate such vehicles, including full-time, regularly employed individuals; leased drivers; and independent owner-operator contractors who are directly employed by or under lease to the District or who operate a bus or commercial motor vehicle owned or leased by the District. [1]

Commercial motor vehicle: A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle: [1]

- ? Has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, inclusive of towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater;
- ? Has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater;
- ? Is designed to transport sixteen (16) or more passengers, including the driver; or
- ? Is transporting hazardous materials and is required to be placarded.

Driving: Operating a commercial motor vehicle or motor carrier vehicle on a highway, with the motor running, including while the commercial motor vehicle or motor carrier vehicle is temporarily stationary because of traffic, a traffic control device, or other momentary delay. The term does not include operating a commercial motor vehicle or motor carrier vehicle with or without the motor running if the driver moved the vehicle to the side of or off of a highway and halted in a location where the vehicle can safely remain stationary. [2][3][4]

Electronic device: An electronic device includes, but is not limited to, a cellular telephone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text. [3]

Mobile telephone: A mobile communication device which uses a commercial mobile radio service. [4]

Safety-sensitive functions: All on-duty functions performed from the time a driver begins work or is

required to be ready to work until s/he is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; and performing other requirements related to accidents. [1]

School bus: A motor vehicle that is designed to carry eleven (11) passengers or more, including the driver, and is used for the transportation of preprimary, primary, or secondary school students to or from public, private, or parochial schools or events related to such schools or school-related activities. [5]

Texting: Manually entering alphanumeric text into or reading text from an electronic device. The following shall apply: [3]

- ? The term includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access an Internet web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication.
- ? The term does not include:
 - ? Inputting, selecting, or reading information on a global positioning system or navigation system.
 - ? Pressing a single button to initiate or terminate a voice communication using a mobile telephone.
 - ? Using a device capable of performing multiple functions, including, but not limited to, fleet management systems, dispatching devices, citizens band radios, and music players, for a purpose that is not prohibited by law.

Use a handheld mobile telephone or other electronic device: [4]

- ? Using at least one (1) hand to hold a mobile telephone to conduct a voice communication.
- ? Dialing or answering a mobile telephone by pressing more than a single button.
- ? Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, restrained by a seat belt.

Authority

As required by the Pennsylvania School Code, the Board shall implement, in conformity with state law and regulation, a drug use and alcohol misuse prevention program for employees who are required to hold a commercial driver's license and who perform safety-sensitive functions. [6][7][8][9]

All contracted transportation providers shall implement a drug use and alcohol misuse prevention program in accordance with federal law and regulations. [10]

Covered drivers shall observe all state and federal laws and Pennsylvania Department of Transportation regulations governing traffic safety and school bus and commercial motor vehicle operation.

The Board prohibits covered drivers from texting and from using a handheld mobile telephone or other electronic device while driving a school bus or commercial motor vehicle except when it is necessary to communicate with law enforcement officials or other emergency services. [2][3][11][12]

Delegation of Responsibility

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The Board directs the Superintendent or their designee, through the Office of Talent and the Department of Transportation Services, to develop administrative procedures to implement this policy and the requirements of law, which include the following components:

- ? Selecting and contracting with a qualified medical review officer, substance abuse professional, a certified laboratory, and other service agents as necessary; [13]

- ? Establishment of procedures for required testing of covered drivers; [14]
- ? Maintenance of the confidentiality of all aspects of the testing process; [8]
- ? Delegation of responsibility for monitoring employee compliance with the provisions of Board policy and administrative regulations, including, but not limited to, an annual query of the Federal Motor Carrier Safety Administration's Commercial Driver's License Drug and Alcohol Clearinghouse; [15]
- ? Designation of an employee responsible for receiving and handling results of drug and alcohol tests; [16]
- ? Implementation of procedures for the query, preparation, maintenance, reporting, retention, and disclosure of records, as required by law; [15][17]
- ? Distribution to affected employees of information and materials relevant to Board policies and administrative regulations regarding drug and alcohol testing; and [18]
- ? Distribution to affected employees of information and materials relevant to individuals or organizations that can provide counseling and treatment for drug and/or alcohol problems.

The Superintendent or designee shall provide each driver, upon hire or transfer, with:

- ? This policy and its accompanying administrative procedures, and [18]
- ? Educational materials that explain the state and federal requirements related to misuse of alcohol and use of controlled substances. [18]

The Superintendent, through the Office of Talent and Department of Transportation Services or designee, shall also provide notice to representatives of employee organizations of the availability of this information. [18]

The Board designates the Office of Talent and Office of Transportation Services to be the contact person for questions about the drug use and alcohol misuse program. [18]

Mandatory Regulatory Procedures:

Employment Requirements

All covered drivers shall comply with the requirements for background checks/certifications and employment history reviews in accordance with applicable law, Board policy, and administrative procedures. These requirements are addressed separately in Board [Policy 304](#) - Employment of District Staff for drivers employed by the District and Board [Policy 818](#) - Clearances for Contracted Services for drivers employed by an independent contractor. [10][19][20][21][22] [23]

Prior to employment by the District as a covered driver or transfer to a covered driver position, the District shall obtain the following information in accordance with federal and state laws and regulations:

1. Alcohol and drug testing information from previous U.S. Department of Transportation-regulated employers during the past three (3) years with the covered driver's written consent, and [15][24][25][26]
2. Commercial motor vehicle employment information for the past ten (10) years. [27][28]

Additional Documentation

Prior to employment by the District as a covered driver or transfer to a covered driver position, and at least once each school year, the Superintendent, through the Department of Transportation Services, shall:

1. Obtain a copy of a valid commercial driver's license indicating the appropriate endorsements from the covered driver, [29]
2. Obtain a copy of a Commonwealth of Pennsylvania School Bus Driver's Physical Examination Form from the covered school bus driver, [30]
3. Obtain a copy of a current Pennsylvania School Bus Endorsement card from the covered school bus driver, and [30]

4. Review each covered driver's driving record to determine whether the driver meets the minimum requirements for safe driving and is not disqualified to operate a commercial motor vehicle. [31][32]

Prior to employment by the District as a covered driver or transfer to a covered driver position, and every two (2) years, the Superintendent or designee shall obtain a valid Medical Examiner's Certificate, if applicable. [33]

Driver Self-Reporting Requirements

Covered drivers shall report misconduct in accordance with Board [Policy 317](#) - Employee Conduct and Reporting Requirements for drivers employed by the District and Board [Policy 818](#) - Clearances for Contracted Services for drivers employed by an independent contractor. [10][20][21][34]

Covered drivers using controlled substances prescribed for therapeutic purposes by a licensed medical practitioner shall submit the practitioner's written statement that the prescribed substance will not adversely affect the employee's ability to safely operate a school bus or commercial motor vehicle. [35]

Covered drivers shall also inform their supervisors of any use of drug(s) or medication(s) for which the packaging includes warnings that, "marked drowsiness may occur" and/or to "be careful when driving a motor vehicle or operating machinery." [35]

A covered driver charged with or issued a citation for violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any federal, provincial, territorial, or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify their supervisor and/or the contract carrier in writing before the end of the business day following the day the covered driver is charged or cited. Notice is required no matter what type of vehicle the driver was driving.

A covered driver who is convicted of violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any federal, provincial, territorial, or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify their supervisor and/or the contract carrier in writing of the conviction within fifteen (15) days of the date of conviction. Notice is required no matter what type of vehicle the driver was driving. [27][28]

Any covered driver whose operating privilege is suspended, revoked, or canceled by any state, who loses the privilege to drive a school bus or commercial motor vehicle in any state for any period, or who is disqualified from driving a school bus or commercial motor vehicle for any period, shall notify their supervisor and/or the contract carrier immediately upon reporting to work for the next scheduled shift following the notice of the suspension, revocation, cancellation, loss, or disqualification. [27][28]

Failure to comply with the reporting requirements may result in disciplinary action, up to and including termination.

Controlled Substances and Alcohol

Drug and Alcohol Testing

The District shall require covered drivers to submit to the following drug and alcohol tests in accordance with state and federal laws and regulations: pre-employment, random, post-accident, reasonable suspicion, return-to-work, and follow-up. [6][7][8][14][36][37]

Prohibited Conduct

Covered drivers shall not use medical marijuana products.

Covered drivers shall not ingest hemp products or otherwise use hemp products in a way that may result in absorption of hemp or hemp residue into the body.

A covered driver shall not report for duty, drive, operate, or be in the actual physical control of the movement of a school bus or commercial motor vehicle under the following circumstances:

- ? While using or while having any amount of alcohol present in the body, including

medications containing alcohol; [30][38][39]

? While under the influence of a controlled substance or combination of controlled substances, or the combined influence of alcohol and a controlled substance or substances; or [35][40][41]

? After consuming alcohol or a controlled substance within the previous eight (8) hours for school bus drivers and within the previous four (4) hours for commercial motor vehicle drivers. [30][42]

An exception shall be made for therapeutic use of prescribed controlled substances used by a covered driver when the driver has submitted in advance a licensed medical practitioner's written statement that the prescribed substance will not adversely affect the driver's ability to safely operate a school bus or commercial motor vehicle. [35]

A covered driver required to take a post-accident test shall not use alcohol for eight (8) hours following the accident, or until s/he undergoes a post-accident test, whichever occurs first. [43]

A covered driver shall not refuse to submit to a required test for drugs or alcohol. [1][36][44][45]

Consequences/Discipline

The District shall remove a covered driver from performing safety-sensitive functions under the following circumstances:

1. A verified positive drug test result; [46][47]
2. A verified adulterated or substituted drug test result; [46][47]
3. An alcohol test result of 0.02 or higher; or [47][48]
4. A refusal to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up test. [44]

The District shall place a school bus driver who drives, operates, or is in physical control of a school bus out of service for thirty (30) days if the school bus driver has any detectable amount of alcohol in their system. [36][39]

The District shall remove a commercial motor vehicle driver who is tested and is found to have an alcohol concentration of 0.02 or greater but less than 0.04 until the start of the driver's next regularly scheduled duty period that is at least twenty-four (24) hours following administration of the test. [49]

A covered driver employed by the District who violates Board policy or administrative procedures and tests positive for drugs or alcohol shall be subject to disciplinary action, up to and including termination, and shall be provided with a list of qualified substance abuse professionals.

Consistent with contractual and legal requirements, a determination shall be made as to the appropriate disciplinary action for a covered driver who violates Board policy or administrative procedures. Nothing in this policy shall limit the Board's authority to impose discipline, including discharge.

If the District permits a covered driver who has been removed from performing safety-sensitive functions to return to a safety-sensitive function, the District shall ensure that the covered driver has been evaluated by a qualified substance abuse professional and has successfully completed the return-to-duty process before returning to a safety-sensitive function. [47][50][56]

Maintenance of Records

The Superintendent, through the Office of Employee Health Services, shall maintain records of its drug use and alcohol misuse prevention program in compliance with federal regulations, and in accordance with the District's records retention schedule. [15][17][51][52]

Drug and alcohol records shall be confidential and shall only be released in accordance with applicable law. [53][54][55]

Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations. [53][56]

Acknowledgment of Receipt

Each covered driver shall sign a statement certifying that they have received a copy of this policy and its accompanying administrative procedures. [18]

The District shall keep the original signed statement in the personnel file of the covered driver employed by the District and provide a copy to the driver. [18]

Training

Covered drivers shall attend orientation and training sessions, as appropriate to the nature of their service. When training is provided for other school employees relating to the legal obligations of employers and educational institutions, consideration shall be given to which covered drivers should also receive that training. [57]

The District shall ensure that employees who supervise covered drivers receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. Such training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use. [58]

Legal References:

1. [49 CFR 382.107](#)
2. [49 CFR 392.80](#)
3. [75 Pa. C.S.A. § 1621](#)
4. [75 Pa. C.S.A. §1622](#)
5. [75 Pa. C.S.A. § 102](#)
6. [49 CFR Part 382](#)
7. [49 CFR Part 40](#)
8. [49 U.S.C. § 31306](#)
9. [67 PA Code 229.14](#)
10. **Policy 818 - Clearances for Contracted Services**
11. [49 CFR 392.82](#)
12. [75 Pa. C.S.A. § 3316](#)
13. [49 CFR 40.15](#)
14. [49 CFR 382.105](#)
15. [49 CFR 382.701](#)
16. [49 CFR 40.3](#)
17. [49 CFR 382.401](#)
18. [49 CFR 382.601](#)
19. [23 Pa. C.S.A. § 6344](#)
20. [23 Pa. C.S.A. § 6344.3](#)
21. [24 P.S. § 1-111](#)
22. [24 P.S. § 1-111.1](#)
23. **Policy 304 - Employment of District Staff**
24. [49 CFR 382.413](#)
25. [49 CFR 382.703](#)
26. [49 CFR 40.25](#)
27. [49 U.S.C. § 31303](#)
28. [75 Pa. C.S.A. § 1604](#)
29. [75 Pa. C.S.A. § 1606](#)
30. [67 PA Code 71.3](#)
31. [49 CFR 391.25](#)
32. [49 U.S.C. § 31304](#)
33. [49 CFR 391.41](#)

34. **Policy 317 - Employee Conduct and Reporting Requirements**
35. **49 CFR 382.213**
36. **75 Pa. C.S.A. § 1613**
37. **75 Pa. C.S.A. § 3756**
38. **49 CFR 382.205**
39. **75 Pa. C.S.A. § 1612**
40. **75 Pa. C.S.A. § 1603**
41. **75 Pa. C.S.A. § 3802**
42. **49 CFR 382.207**
43. **49 CFR 382.209**
44. **49 CFR 382.211**
45. **49 CFR 40.191**
46. **49 CFR 382.215**
47. **49 CFR 40.23**
48. **49 CFR 382.201**
49. **49 CFR 382.505**
50. **49 CFR 40.289**
51. **49 CFR 382.705**
52. **49 CFR 40.333**
53. **49 CFR 382.405**
54. **49 CFR 382.723**
55. **49 CFR 40.321**
56. **49 CFR 382.403**
57. **24 P.S. § 15-1517**
58. **49 CFR 382.603**

Related Information:

24 P.S. § 5-510

75 Pa. C.S.A. §§ 1601, *et seq.*

Policy 351 - Alcohol, Drug, and Substance Abuse

The Department of Transportation's Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) – does not authorize “medical marijuana” under a state law to be a valid medical explanation for a transportation employee's positive drug test result.

Administrative Procedures:

810.1 administrative procedure