



**DATE:** September 1, 2021

**TO:** Board of Education

**FROM:** Mrs. Carmen Ghysels, Superintendent Chief Learning Officer

**SUBJECT:** First Read and Proposed Revisions to Board Policy and Administrative Regulation 4112.42/4212.42/4312.42 Drug and Alcohol Testing for School Bus Drivers

**PRESENTED BY:** Ms. Joan Zappettini, Director of Human Resources

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### **ACTION REQUESTED**

Review Proposed Revisions and Provide Direction to Bring Back to the Next Regular Board Meeting for Approval

### **BACKGROUND INFORMATION**

The Policy has been updated to clarify the obligation of drivers to submit to drug and alcohol testing as required under federal law. Section on "Consequences Based on Test Results" updated to (1) add the agency responsible for reviewing and approving district requests to temporarily remove a driver from safety-sensitive functions before drug test results are verified by a certified medical review officer and (2) describe consequences that will be imposed on drivers based on findings of specific concentrations of alcohol. The Policy also clarifies the requirement to ensure that a driver who is offered an opportunity to return to work following a violation first receive an evaluation by a qualified substance abuse professional and successfully comply with the evaluation recommendations.

The Regulation updated to clarify that marijuana remains an illegal drug under the federal Controlled Substances Act and use of it by a driver remains a violation of federal drug testing regulations. Definition of "alcohol concentration" revised to delete information regarding consequences for drivers based on specific alcohol concentrations, now addressed in the BP. Regulation also expands the responsibilities of the designated employer representative pursuant to federal regulations, clarifies requirements pertaining to pre-employment testing including the requirement to conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse, and reflects additional requirements related to post-accident testing. New section reflects federal regulations which require districts to report any violation of federal drug and alcohol regulations to the Clearinghouse and conduct inquiries of the Clearinghouse's online database for all drivers employed by the district on an annual basis and before hiring any driver. The Regulation is provided as information only.

**PREPARED BY:** Cynthia Friedli for Joan Zappettini, Director of Human Resources

Attachment: Revised Policy and Regulation