

## SCHOOL BUS DRIVERS

### Eligibility for Employment

Any applicant for employment hired to transport students must:

- a. Have a physical examination of a scope prescribed by the Virginia Board of Education and furnish a form prescribed by the Board of Education showing the results of such examination;
- b. Furnish a statement or copy of records from the Department of Motor Vehicles showing that the applicant, within the preceding five years, has not been convicted of a charge of driving under the influence of alcohol or drugs, convicted of a charge of refusing to take a blood or breath test, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to Va. Code § 18.2-271.1 or, within the preceding 12 months, has not been convicted of two or more moving traffic violations or been required to attend a driver improvement clinic by the Commissioner of the Department of Motor Vehicles pursuant to Va. Code § 46.2-498;
- c. Furnish a statement signed by two reputable persons who reside in the school division or in the applicant's community that the person is of good moral character;
- d. Exhibit a license showing the person has successfully undertaken the examination prescribed by Va. Code § 46.2-339;
- e. Have reached the age of 18 on the first day of the school year; and
- f. Submit to testing for alcohol and controlled substances as required by state and federal law and regulation.

Persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for employment as a driver to transport students.

Persons hired as drivers to transport students must annually furnish the documents listed in (a) and (b) above prior to the anniversary date of their employment as a condition of continued employment as a school bus operator.

Alexandria City Public Schools (ACPS) does not employ drivers subject to controlled substances and alcohol testing required by federal law without first conducting a pre-employment query of the federal Drug and Alcohol Clearinghouse (the Clearinghouse) to obtain information about the driver. Drivers must give specific consent for the query.

No driver is permitted to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test; or that an employer has reported actual knowledge that the driver used alcohol on duty, used alcohol before duty, used alcohol following an accident, or used a controlled substance in violation of federal regulations, except where a query of the Clearinghouse demonstrated that the driver has successfully completed the substance abuse professional (SAP) evaluation, referral, and education/treatment process required by federal regulation; achieves a negative return-to-duty test result; and completes the follow-up testing

plan prescribed by the SAP.

ACPS also conducts a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing required by federal law and regulation to determine whether information exists in the Clearinghouse about these employees.

### Drug and Alcohol Testing

Drivers are subject to drug and alcohol testing as required by state and federal law. Any driver who refuses to submit to a test shall not perform or continue to perform safety-sensitive functions. The Division administers alcohol and controlled substance tests in accordance with federal laws and regulations.

### Prohibited Conduct

Drivers are prohibited from:

- a. Alcohol possession and/or use on the job;
- b. Alcohol use during the four hours before performing safety-sensitive functions;
- c. Having prohibited concentrations of alcohol (as defined in federal regulations) in their systems while on duty or performing safety-sensitive functions; and
- d. Alcohol use during the eight hours following an accident or until after the driver undergoes a post-accident alcohol test, whichever occurs first.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect his/her ability to safely operate a motor vehicle.

### Notification

The Superintendent or Superintendent's designee is responsible for providing educational materials to drivers that explain the requirements of federal regulations and the Division's policies and procedures with regard to meeting those requirements. The Superintendent or designee ensures that a copy of the materials is distributed to each driver prior to the start of testing and to each driver subsequently hired or transferred into a position requiring driving a commercial vehicle. Those materials contain at least the following information:

- a. The identity of the person designated by the school division to answer driver questions about the materials;
- b. The categories of drivers subject to this policy;
- c. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance;
- d. Specific information concerning driver conduct that is prohibited;
- e. The circumstances under which a driver will be tested for alcohol and/or controlled substances, including post-accident testing;
- f. The procedures that will be used to test for the presence of alcohol and controlled

substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions;

- g. The requirement that a driver submit to alcohol and controlled substances tests;
- h. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
- i. The consequences for drivers found to have violated federal law or regulations, including the requirement that the driver be immediately removed from safety-sensitive functions;
- j. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
- k. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's);
- l. Information concerning available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management; and
- m. The requirement that the following personal information be reported to the Clearinghouse: a verified positive, adulterated, or substituted drug test result; an alcohol confirmation test with a concentration of 0.04 or higher; a refusal to submit to required tests; an employer's report of actual knowledge of on-duty alcohol use, pre-duty alcohol use, post-accident alcohol use, and controlled substance use; an SAP report of the successful completion of the return-to-duty process; a negative return-to-duty test; and an employer's report of completion of follow-up testing.

Each driver shall sign a statement certifying that the driver has received a copy of the above materials and the Division maintains this signed copy.

Before performing each alcohol or controlled substance test the Division notifies the driver that the test is required by federal law and regulation.

### Consequences of Prohibited Conduct

A driver who has engaged in conduct prohibited by federal regulation or for whom testing confirms prohibited alcohol concentration levels (as defined in federal regulations) or the presence of a controlled substance is removed immediately from safety-sensitive functions. Before a driver is returned to the performance of safety-sensitive functions, if at all, the driver shall undergo an evaluation by a substance abuse professional, as defined by 49 C.F.R. § 40.281, comply with any required rehabilitation, and undergo a return-to-duty test with negative drug test results and/or an alcohol test with an alcohol concentration of less than 0.02.

### Records Retention

The Division maintains records in compliance with federal regulations in a secure location with controlled access. With the driver's consent, the Division may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver is entitled

upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

Adopted: November 17, 1998  
Amended: November 21, 2002  
Amended: April 20, 2006  
Amended: December 3, 2015  
Amended: December 17, 2020

Legal Refs.: 49 U.S.C. § 31136

49 C.F.R. §§ 40.305, 382.105, 382.113, 382.201, 382.205, 382.207, 382.209, 382.213, 382.217, 382.301, 382.303, 382.401, 382.405, 382.601, 382.605, 382.701.

Code of Virginia, 1950, as amended, §§ 22.1-78, 46.2-339, 46.2-340.

Cross Refs.: GBE Staff Health  
GBEA Unlawful Manufacture, Distribution, Dispensing, Possession  
or Use of a Controlled Substance  
EEAC School Bus Safety Program