

STAFF PERSONNEL
Non-Certified Personnel
Series 400

Drug and Alcohol Testing Program-Bus Drivers/Mechanics
Policy No: 411.9.2

The school district provides a drug and alcohol testing program in compliance with the law. Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle weighs twenty six thousand one pounds or more, or the vehicle transports 16 or more persons. For purposes of the drug and alcohol testing program, "employees" include applicants who have been offered a position to operate a school vehicle.

The employees operating a school vehicle as described above are subject to pre-employment, random, reasonable suspicion, post-accident, return-to-duty and follow-up drug and alcohol testing. The employees operating school vehicles shall not perform a safety sensitive function within six hours of using alcohol. The employees governed by this policy shall be subject to the drug and alcohol testing program. Employees with questions about the drug and alcohol testing program may contact the school district contact person, superintendent at Edgewood at (563) 928-6411.

Employees who violate the terms of this policy may be subject to discipline up to and including termination. Employees who violate this policy may be required to successfully participate in a substance abuse treatment program approved by the board. Employees required to participate in and who fail to successfully participate in a substance abuse treatment program may be subject to discipline up to and including termination. Employees required to successfully participate in a substance abuse treatment program and who refuse to participate may be subject to discipline up to and including termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy. The superintendent shall also inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment, in the application form and personally at the first interview with the applicant.

The superintendent shall be also responsible for publication and dissemination of this policy and its supporting administrative regulations to the employees operating school vehicles. The superintendent shall also oversee a substance-free awareness program to educate employees about the dangers of substance abuse and then notify them of available substance abuse treatment resources and programs.

Drug and Alcohol Testing Program Regulations

This regulation supports the Drug and Alcohol Testing Program policy and establishes and explains the requirements of the school district's drug and alcohol testing program required for employees operating school vehicles. Note the definitions sections included with regulation.

- A. Questions regarding this policy, its supporting regulations or the drug and alcohol testing program may be directed to the school district contact person, superintendent at Edgewood at (563) 928-6411.
- B. Covered Drivers:
 - 1. The following requirements apply for a driver to be covered by the drug and alcohol testing program:
 - a. Drive a vehicle transporting sixteen or more persons, including the driver,

OR
drive a vehicle weighing over twenty-six thousand one pounds; and
 - b. Require a commercial driver license to hold the driver position.
 - 2. Covered drivers include:
 - a. Applicants seeking a position as a driver.
 - b. Full time, regularly employed drivers;
 - c. Casual, intermittent or occasional drivers;
 - d. Leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to a school district or who operate a school vehicle at the direction of or with the consent of a school district.
 - 3. Drivers are subject to the drug and alcohol testing program and its requirements throughout the year, including the times when school is not in session or when the driver is on leave.
- C. Prohibited Driver Conduct:
 - 1. Drivers shall not report to duty or remain on duty with a .02 breath alcohol concentration or greater.
 - 2. Drivers shall not use alcohol at least six hours prior to the performance of a safety sensitive function.

3. Drivers shall not possess alcohol, while on duty unless the alcohol is manifested and transported as part of a shipment. This includes possessing prescriptions and over-the-counter medicines containing alcohol unless the packaging seal is unbroken.
4. Drivers required to take a post-accident alcohol test shall not use alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
5. Drivers shall not refuse to submit to a drug or alcohol test. A refusal to test is considered a positive test result requiring the driver to undergo evaluation by a substance abuse professional and subjecting the driver to discipline up to and including termination.
6. Drivers shall not report for duty or remain on duty when using any drug except when instructed by a physician who has advised the driver that the drug does not adversely affect the driver's ability to safely operate a school vehicle.
7. Drivers shall not report for duty or remain on duty performing a safety sensitive function if the driver has a positive drug test result.

D. Alcohol Breath Testing and/or Saliva Testing Procedures

1. Driver's breath is tested for alcohol. A swab of saliva from the driver's mouth is collected and tested for alcohol. If the alcohol level in the saliva test are too high, the driver must go immediately to have a Confirmation Alcohol Breath Test.
2. Evidentiary breath testing devices (EBTs) are used to conduct the initial and, if necessary, the confirmation alcohol tests.
 - a. The initial alcohol breath test determines whether the driver's breath alcohol concentration (BAC) is less than 0.02.
 - (1) An initial alcohol test result of less than 0.02 BAC allows the driver to continue to drive.
 - (2) A initial alcohol test result of 0.02 BAC or greater requires a confirmation test.
 - b. The confirmation alcohol breath test determines whether the driver can continue to drive.
 - (1) A confirmation alcohol test result of less than 0.02 BAC allows the driver to continue to drive.

(2) A confirmation alcohol test result of 0.02 BAC but less than 0.04 BAC requires the driver to cease performing a safety sensitive function for 24 hours.

(3) A confirmation alcohol test result of 0.04 BAC or greater requires the driver to be evaluated by a substance abuse professional (SAP).

3. Alcohol testing is conducted at collection sites which provide privacy to the driver and contain the necessary equipment, personnel and materials.
 - a. Alcohol testing is conducted at a designated non-school district facility unless a mobile unit or a school district facility better serves the situation.
 - b. In the event privacy cannot be assured privacy will be provided to the extent practical.

4. Initial alcohol testing steps.
 - a. Once the driver is informed to submit to an alcohol test, the driver must proceed immediately to the collection site. Collection site personnel contact the school district contact person immediately when a driver does not arrive at the specified time.
 - b. Upon arrival, the driver must provide photo identification.
 - c. The testing procedure is explained to the driver by the collection site person.
 - d. The breath alcohol technician (BAT) and the driver complete and sign the appropriate sections of the alcohol testing form.
 - (1) Refusal of the driver to sign the form prior to the initial alcohol test is considered a refusal to test.
 - (2) The school district is notified immediately of the driver's refusal to sign.
 - e. The driver forcefully blows into the EBT mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
 - f. Initial alcohol test results.
 - (1) A negative test result of less than 0.02 BAC is reported to the school district in a confidential manner and the driver may continue to perform a safety sensitive function.
 - (2) A test result of 0.02 BAC or more requires a confirmation test.

5. Confirmation alcohol testing steps.
 - a. The confirmation test is done between fifteen and twenty minutes of the initial test whether or not the driver followed the requirements to not eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during the fifteen minute waiting period to avoid accumulation of mouth alcohol leading to an artificially high reading.

- b. If a different collection site or a different collection site person is used for the confirmation alcohol test, the driver must provide photo identification.
- c. The testing procedure is explained to the driver by the collection site person.
- d. The BAT and the driver complete and sign the appropriate sections of the alcohol testing form.
 - (1) Refusal of the driver to sign the form prior to the confirmation alcohol test is considered a refusal to test.
 - (2) The school district is notified immediately of the refusal to sign.
- e. The driver forcefully blows into the EBT mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
- f. The confirmation test results, which are the final and official test result, are shared with the driver.
- g. The driver and BAT must sign the alcohol testing form following completion of the test. Failure to sign the form after the test is not considered a refusal to test. However, the BAT notes the driver's refusal to sign in the remarks section of the form.
- h. The BAT informs the school district's contact person of the results of the test in a confidential manner.
 - (1) The BAT notifies the school district contact person immediately, either in writing, in person, by telephone or by electronic means of confirmation alcohol test results of 0.02 BAC or more.
 - (2) If the BAT informs the school district contact person by telephone, the school district verifies that the BAT is the person on the telephone.
 - (3) The BAT provides the school district contact person with a copy of the breath alcohol testing form if written communication was not used to report the test results.
- i. Potentially incomplete tests or invalid breath alcohol tests are repeated with corrected procedures.
- j. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
 - (1) A physician analyzes the driver's inability to provide adequate breath.
 - (2) Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath.
 - (3) A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.

E. Drug Testing Procedures

1. Driver's urine is tested for marijuana, cocaine, opiates, amphetamines and phencyclidine.
2. A split urine test is used to conduct the drug test.
 - a. A negative drug test result allows the driver to continue to perform a safety sensitive function.
 - b. A positive drug test result on the primary sample requires the driver to be removed from performing a safety sensitive function.
 - c. A positive drug test result on the primary sample allows the driver an opportunity to request the split sample be tested by another laboratory for the specific drug found in the primary sample. A negative drug test result on the split sample results in a negative drug test result. The driver who requests the split sample to be tested must pay for such testing.
 - d. A driver's refusal to test is considered a positive drug test result.
 - e. A positive drug test result requires the driver to be evaluated by a substance abuse professional (SAP).
3. Drivers taking medication at a doctor's direction may perform a safety sensitive function if the doctor determines there is not an adverse affect on performing a safety sensitive function.
4. Drug testing is conducted to provide privacy to the driver and where the necessary equipment, personnel and materials are located.
 - a. Drug testing is conducted at a designated non-school district facility unless a mobile unit or a school district facility better serves the situation. Public restrooms can be used as collection sites in exceptional circumstances.
 - b. In the event privacy cannot be assured, privacy is provided to the extent possible. However, direct observation is allowed if:
 - (1) Reason exists to believe the driver may alter or substitute the specimen.
 - (2) The driver presents a specimen with a temperature outside the allowed range and does not provide an oral body temperature or the oral body temperature varies from the specimen provided.
 - (3) The last specimen provided by the driver was determined by the laboratory to not meet gravity and creatinine concentration criteria.
 - (4) The collection site person observes conduct to substitute or adulterate the specimen.
 - (5) The driver has previously been determined to have used a drug without medical authorization and the particular test is for follow-up testing upon or after return to duty.
 - c. Direct observation is approved by the supervisor of the collection site person or the designated school district representative. Non-

medical personnel performing direct observation must be of the same gender as the driver.

5. Drug Testing Steps.

- a. Once the driver is required to submit to a drug test, the driver must proceed immediately to the collection site. The collection site person contacts the school district contact person immediately when a driver does not arrive at the specified time.
- b. Upon arrival, the driver must provide a photo identification. The driver may require the collection site person to provide proof of identification.
- c. The driver may keep his or her wallet but must remove any unnecessary outer garments, purses, briefcases and similar items at the request of the collection site person.
- d. Immediately prior to providing a urine sample, the driver must wash his or her hands.
- e. The driver must then provide forty-five milliliters of urine and deliver it immediately to the collection site person.
 - (1) Drivers who cannot provide an adequate amount of urine receive instructions for drinking water and trying again.
 - (2) The drug test is stopped when the driver fails twice to provide an adequate amount of urine.
 - (3) A physician analyzes the driver's ability to provide adequate urine.
 - (4) Failure to provide adequate urine is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate urine.
- f. The specimen must be kept in view of the driver and the collection site person.
- g. Upon receipt of the specimen, the collection site person must immediately, and in no event later than four minutes from the time of urination, measure the temperature of the specimen.
- h. The driver may volunteer to have his or her oral temperature taken to provide evidence against alteration or substitution if there is some question about the temperature of the specimen.
- j. Another specimen is required as soon as possible under direct observation if adulteration or substitution is suspected by the collection site person.
- k. The specimen is divided into the primary and the split specimen, sealed and labeled. The label is initialed by the driver.
- l. The driver is required to read and sign the statement on the chain of custody form certifying the specimens are to the driver's.
- m. The collection site person is required to note on the chain of custody form any unusual behavior or appearance of the driver and any failure to cooperate.

- n. The collection site person completes the chain of custody form and the driver signs the form indicating the collection is complete.
 - o. The specimens are packaged for shipping to the laboratory and shipped immediately or placed in secure storage until they can be shipped.
6. Laboratory
- a. The laboratory used by the school district's drug and alcohol testing program is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA), a division of the U.S. Department of Health and Human Services (DHHS). Laboratories certified by SAMHSA meet the testing procedures, personnel and record keeping requirements of the law.
 - b. Upon arrival of the specimen at the laboratory, the split specimen is stored and the primary specimen is tested.
 - (1) A positive test result on the initial test of the primary specimen requires a confirmation test, which is a different and more accurate type of test.
 - (2) The split specimen is discarded if the primary specimen has a negative test result.
7. Medical Review Officer (MRO) reviews drug test results.
- a. The MRO may release drug testing records of a driver to unauthorized individuals only with the written consent of the driver.
 - b. The MRO keeps a record of the negative test result and reports the negative test result to the school district.
 - c. The primary role of the MRO is to review and interpret positive test results to determine whether a legitimate explanation exists for the positive test result.
 - (1) After reviewing the chain of custody form and the laboratory test results, the MRO contacts the driver to discuss the positive test result with the driver prior to notifying the school district and then ask whether the driver request a test of the split sample at the driver's expense. The driver's request for a test of the split sample must be made within seventy-two hours of talking the MRO.
 - (2) Upon request of the driver, the split specimen is sent to a second SAMHSA certified laboratory for testing at the driver's expense.
 - (3) The MRO contacts the school district contact person for assistance if the driver cannot be reached through reasonable efforts.
 - (4) The school district contact person must confidentially inform the driver to contact the MRO.

- (5) Upon contacting the driver, the school district contact person must inform the MRO that the driver was contacted.
- (6) Drivers who cannot be contacted are placed on temporary medically unqualified status or medical leave.
- d. The MRO may verify a positive test without talking to the driver if:
 - (1) The driver declines the opportunity to discuss the drug test.
 - (2) The driver fails to contact the MRO within five days after the school district contact person has contacted the driver.
 - (3) MRO verification of positive test results under these circumstance can be challenged by the driver if the driver presents the MRO with information documenting a serious illness, injury, or other circumstances unavoidably preventing the driver from timely contacting the MRO. The MRO, based on this additional information, may find a legitimate explanation for the positive test result and declare the test negative.
- e. The driver is notified of the drugs found in a positive test result by the MRO, the school district contact person or by certified mail to the driver's last known address.
- f. The school district receives a written report of the negative and positive test results from the MRO.

NOTE: Tests on the split specimen are only performed if the driver requests the test. This regulation requires the driver to pay for the split specimen test.

F. Substance Abuse Professional.

- 1. Substance Abuse Professional (SAP) evaluation is required when a driver:
 - a. Has a positive drug test;
 - b. Has a positive alcohol test of 0.04 breath alcohol concentration or greater; or
 - c. Otherwise violated this policy, its supporting regulations or the law.
- 2. The evaluation determines what assistance, if any the driver needs in resolving problems with alcohol misuse and/or drug use.
- 3. A list of available SAPs to provide assistance to the drivers is available from the school district contact person.

G. Pre-employment Testing.

- 1. Drivers shall submit to a drug test if a job offer is made. The job offer is contingent upon:
 - a. A negative drug test result; and

- b. A signed written statement authorizing former employers to release all information on the driver related to drugs and alcohol.
2. Prior to allowing a driver to perform a safety sensitive function, and no later than 14 days after performing a safety sensitive function, the following information must be obtained about the driver during the preceding two year from the date of application:
 - a. Alcohol test results of 0.04 or greater;
 - b. Positive drug test results; and
 - c. Refusals to be tested.

H. Random Testing.

1. Annually, ten (10%) percent of the average number of drivers for random alcohol tests and fifty percent of the average number of drivers for random drug tests are selected.
2. The drivers' identification numbers are selected by a scientific method giving drivers an equal chance to be selected.
3. Random tests are unannounced and spread throughout the year.
4. Drivers selected for random alcohol testing are informed of a random alcohol test just before, during or just after performing a safety sensitive function.
5. Drivers selected for random drug testing are informed as soon as possible after the school district contact person receives the driver identification numbers. The school district must document why some, if any, drivers were selected but not informed.
6. The selected driver must proceed immediately to the collection site. However, drivers performing a safety sensitive function must safely stop and proceed to the collection site as soon as possible.

I. Reasonable Suspicion Testing.

1. Drivers which exhibit specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver as well as indications of the chronic and withdrawal effects of drugs may be required to submit to a reasonable suspicion drug test at any time.
2. Drivers which exhibit specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body order of the driver if the reasonable suspicion was determined just before, during or just after the time in which the driver must be in compliance with this policy, its

supporting regulations or the law may be required to submit to a reasonable suspicion alcohol test just before, during or just after performing a safety sensitive function.

- a. A reasonable suspicion alcohol test is performed within two hours and no later than eight hours of determining reasonable suspicion.
 - b. If the alcohol test is not given within two hours, the reasons for the delay must be documented.
 - c. If the alcohol test is not given within eight hours, attempts to test are stopped and the reason for not testing must be documented.
3. A reasonable suspicion test request is made by an employee who has received the training to determine reasonable suspicion. The reasons for the reasonable suspicion must be documented within twenty-four hours or prior to the release of the test results. If more than one employee trained to determine reasonable suspicion observes the driver, that employee must also document their reasons.

J. Post-accident Testing.

1. Drivers are subject to both post-accident drug and alcohol testing as soon as possible after an accident which:
 - a. The driver received a citation and:
 - (1) Bodily injury to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident; or
 - (2) One or more vehicles incur disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle; or
 - (3) A fatality occurred.
2. Drivers must remain readily available for post-accident testing.
 - a. Drivers who leave the scene or who do not remain readily available are assumed to have refused to test.
 - b. Necessary medical treatment cannot and should not be denied to a driver waiting to complete post-accident drug and alcohol tests.
3. Alcohol testing requirements.
 - a. Administered within two hours and no later than eight hours of the accident.
 - b. Reasons for administering the test later than two hours after the accident must be documented.
 - c. Reasons for not administering the test within eight hours of the accident must be documented.
 - d. Drivers are prohibited from consuming alcohol for eight hours after the accident or until the alcohol test is completed.

4. Drug testing requirements.
 - a. Administered as soon as possible and no later than 32 hours after the accident.
 - b. Reasons for not administering the test must be documented.
 - c. Drivers who refuse to provide a specimen for a drug test or who have a positive drug test result after a fatal accident, are disqualified for one year after receiving a letter of disqualification from the school district.
 5. Results of drug or alcohol testing conducted by law enforcement officers or other officials on the scene with independent authority to conduct such tests are presumed valid if the testing conforms with the law. The school district must receive a copy of the results to use them.
- K. Return-to-duty/Follow-up Testing.
1. Prior to returning to duty after a positive test or otherwise violating this policy, its supporting regulations or the law:
 - a. The driver must be reevaluated by a substance abuse professional (SAP) to determine that the driver has properly followed any treatment program prescribed in the original evaluation by the SAP.
 - b. The driver must submit to the tests required by the SAP. The SAP may require a return-to-duty test for drugs, alcohol or both.
 - c. The return-to-duty test must be a negative drug test result and/or an alcohol test result of less than 0.02 BAC before the driver can return to duty and perform a safety sensitive function.
 2. For individuals changing jobs after a positive drug or alcohol test, a pre-employment test can serve as a return-to-duty test if one is needed, based on information from a prior employer.
 3. After returning to duty, the driver is subject to six unannounced follow-up tests within 12 months for alcohol, drugs or both, if the SAP determines both are necessary.
 - a. The SAP can terminate the follow-up testing requirement after the first six tests have been completed or continue the follow-up testing for up to 60 months from the date of the driver's return to duty.
 - b. Alcohol follow-up testing is done just before, during or just after performing a safety sensitive function.

NOTE: It is important to note that a driver who passes the follow-up tests and complying with the recommended treatment is not guaranteed employment under the federal

regulations. School districts must review each case based on the individual circumstances surrounding incident.

L. School District Responsibilities

1. Information on the drug and alcohol testing requirements of this policy, its supporting regulations and the law, including the driver's obligations must be provided to the drivers. A summary of the requirements must be included in the employee handbook.
2. Supervisors of drivers or personnel designated to determine reasonable suspicion shall receive sixty minutes of training on alcohol misuse and sixty minutes of training on drug use. The training must address the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.
3. Drivers must be provided with instructions prior to the drivers operating the school vehicle to enable the driver to comply with the drug and alcohol testing requirements.
4. School districts with actual knowledge of a driver's drug use cannot allow the driver to report to or perform a safety sensitive function whether or not a drug test was conducted.
5. School districts with actual knowledge of a driver with a breath alcohol concentration of 0.02 BAC or greater cannot allow the driver to report to or perform a safety sensitive function whether or not an alcohol test was conducted.
6. The school district is responsible for ensuring that the quality assurance plan, developed by the manufacturer and approved by the national Highway Traffic Safety Administration (NHTSA) for the evidentiary breath testing device used for alcohol testing of its drivers describes the inspection, maintenance and calibration requirements and intervals for it.
7. The school district is responsible for ensuring that the collection site person using an evidentiary breath testing device is a certified breath alcohol technician.

M. Consequences of violating this policy, its supporting regulations or the law.

1. The superintendent may discipline drivers who violate this policy, its supporting regulations or the law relating to drug and alcohol testing.

Each incident is dealt with based on the circumstances surrounding the incident. The following consequences may result from a violation.

- a. Drivers may be disciplined up to and including termination.
- b. Drivers may not be permitted to perform safety sensitive functions.
- c. Drivers may be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of drugs.
- d. Drivers may be required to be evaluated by a substance abuse professional who shall determine what assistance, if any, the driver needs in resolving problems associated with the misuse of alcohol or use of drugs and be required to follow any treatment program.
- e. Prior to returning to duty, the driver is required to have a negative drug and/or alcohol test result and be subject to the follow-up drug and/or alcohol testing determined necessary based on the circumstances surrounding the incident.
- f. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to discipline up to and including termination.
- g. Drivers/applicants who refuse to submit to or cooperate with the drug and/or alcohol testing process and requirements shall be disqualified from further consideration.

N. Drug and alcohol testing records.

1. Drug and alcohol testing records are stored in limited access locations separate and apart from the driver's general personnel documents.
2. The records may only be released with the written consent of the driver. Only those records specifically authorized for release may be released. However,
 - a. Records may be released to appropriate government agencies without a written consent.
 - b. Records may be released to appropriate school district employees without written consent.
 - c. School districts may without written consent make a driver's drug and alcohol test records available to a decision maker in a lawsuit, grievance or other proceedings initiated by or on behalf of the individual, and arising from the results of an alcohol or drug test under this policy, its supporting regulations or the law or from the school district's determination that the driver violated this policy, its supporting regulations, or the law.
3. Drivers are entitled with a written request to prompt access to and copies of their drug and alcohol test records without requiring payment of amounts owed for the copying of records other than alcohol and drug

testing records. School districts may charge for copying these records in accordance with board policy.

4. School districts must maintain the following records of its drug use and alcohol misuse prevention and testing programs for the time period indicated.
 - a. One year:
 - (1) Records of negative and canceled drug test results and alcohol test results of less than 0.02 BAC.
 - (2) Records related to the collection process.
 - (3) Records related to a driver's test results.
 - (4) Records related to other violations of the law.
 - (5) Records related to evaluations.
 - (6) Records related to education and training.
 - (7) Records related to drug testing.
 - b. Two years - records related to the alcohol and drug collection process, except calibration of evidential breath testing devices, and training.
 - c. Five years:
 - (1) Alcohol test results of 0.02 BAC and greater;
 - (2) Verified positive drug test results;
 - (3) Documentation of refusals to take required alcohol and/or drug tests;
 - (4) EBT calibration documentation;
 - (5) Driver evaluation and referrals; and
 - (6) Annual calendar year summary.

Drug and Alcohol Testing Program Definitions

Accident - an occurrence involving a school vehicle operating on a public road which results in : (a) a fatality, (b) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident or (c) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Air blank - a reading by an evidentiary breath testing device (EBT) of ambient air containing non alcohol.

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) - the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten liters of breath as indicated by an evidential breath test under the law.

Alcohol use - the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

BAC - breath alcohol concentration

Breath Alcohol Technician (BAT) - an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Canceled or invalid test - in drug testing it is a drug test that has been declared invalid by a Medical Review Officer or a specimen that has been rejected for testing by a laboratory. A canceled test is neither a positive nor a negative test. In alcohol testing it is a test that is deemed to be invalid under the law. It is neither a positive nor a negative test.

Chain of Custody - procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, these procedures require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory and appropriate laboratory chain of custody form(s) for the sample or samples aliquots within the laboratory.

Collection site - a place where drivers present themselves for the purpose of providing body fluid or a tissue sample to be analyzed for specific drugs or breath alcohol concentration.

Confirmation test - for alcohol testing it is a second test following an initial test with a result of 0.02 BAC or greater, that provides quantitative data of alcohol concentration. For drug testing it is a second analytical procedure (GC/MS) to identify the presence of a specific drug or metabolite which is independent for the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

Controlled substances/Drugs - marijuana, cocaine, opiates, amphetamines and phencyclidine.

Driver - any person who operates a school vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the school district or who operate a school vehicle at the direction of or with the consent of the school district. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes applicants for driver of school vehicle positions.

Initial test (or screening test) - in drug testing it is an immunoassay screen to eliminate “negative” urine specimens from further consideration. In alcohol testing it is an analytic procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath specimen.

Medical review officer (MRO) - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with the individual’s medical history and any other relevant biomedical information.

Non-suspicion-based post-accident testing - testing of a driver after a reportable accident if the driver receives a citation for a moving traffic violation arising from the accident and without regard to whether there is any reasonable suspicion of drug usage, reasonable cause to believe the driver has been operating the school vehicle while under the influence of drugs, or reasonable cause to believe the driver was at fault in the accident and drug usage may have been a factor.

Performing a safety sensitive function (SSF) - a driver is considered to be performing a safety sensitive function during any period in which the driver is actually performing, ready to perform, or immediately available to perform any safety sensitive functions. (30 minutes before or after the performance of a safety sensitive function).

Random Selection Process - when drug tests are unannounced and that every driver has an equal chance of being selected for testing.

Reasonable suspicion - when the school district believes the appearance, behavior, speech or body odors of the driver are indicative of the use of drugs or alcohol.

Refuse to submit (to an alcohol or drug test) - when a driver (1) fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part, (2) fails to provide adequate urine for drug testing without a valid medical explanation after he/she has received notice of the requirement for urine testing in accordance with the provisions of this part, or (3) engages in conduct that clearly obstructs the testing process.

Safety Sensitive function (SSF) - all time from the time when a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work.

School Vehicle - a vehicle owned, leased, and/or operated at the direction or with the consent of the school district which transports sixteen or more persons, including the driver, or weight over twenty-six thousand one pounds and requires the driver to have/possess a commercial driver license in order to operate the vehicle.

Split specimen - the division of the urine specimen into thirty milliliters in a specimen bottle (the primary sample) and into at least fifteen milliliters in a second specimen bottle (the split sample).

Substance abuse professional (SAP) - a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the national Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Legal Reference: Omnibus Transportation Employee Testing Act of 1991
41 U.S.C. 701-707 (1988)
42 U.S.C. 12101 et seq. (Supp. 1990)
34 C.F.R. Pt. 85 (1993)
49 C.F.R. Pt. 40; 382; 391.81-123 (1994)
Iowa Code 124; 279.8; 730.5 (1993)

Cross Reference: 502.9 Smoking - Drinking - Drugs

Reviewed: 12/21/09

DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE HEREBY NOTIFIED they are subject to the school district's drug and alcohol testing program for pre-employment, random, reasonable suspicion, post-accident, return-to-duty and follow-up drug and alcohol testing as outlined in the Drug and alcohol Testing Program policy, its supporting regulations and the law.

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen or more persons including the driver or the school vehicle weighs twenty six thousand one pounds or more. For purposes of the drug and alcohol testing program, "employee" include applicants who have been offered a position to operate a school vehicle. The employees operating a school vehicle shall be subject to the drug and alcohol testing program beginning the first day they operate or are offered to operate a school vehicle and continue to be subject to the drug and alcohol testing program.

It is the responsibility of the superintendent to inform employees of the drug and alcohol testing program requirements. Employees with questions regarding the drug and alcohol testing requirements shall contact the school district contact person, (superintendent) at Edgewood at (563) 928-6411.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting regulations or the law may be subject to discipline up to and including termination. Employees violating this policy, its supporting regulations or the law may be required to successfully participate in a substance abuse treatment program approved by the board. Employees required to participate in and who fail to successfully participate in a substance abuse treatment program may be subject to discipline up to and including termination. Employees required to successfully participate in a substance abuse treatment program and who refuse to participate may be subject to discipline up to and including termination.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED it is a condition of their continued employment to comply with the Drug and Alcohol Testing Program policy of the school district. Medical information and other drug and alcohol testing records and information about an employee is confidential, and is released in accordance with this policy, its supporting regulations or the law.

I, _____, have received a copy, read and understand the Drug and Alcohol Testing Program policy and its supporting regulations. I consent to submit to the drug and alcohol testing program as required by the Drug and Alcohol Testing Program policy, its supporting regulations and the law.

I understand that if I violate the Drug and Alcohol Testing Program policy its supporting regulations or the law, I may be subject to discipline up to and including termination or I may be required to successfully participate in a substance abuse treatment program approved by the board. If I am required to and fail to successfully participate in a substance abuse treatment program, I understand I may be subject to discipline up to and including termination. I understand that if I am required to successfully participate in a substance abuse treatment program and I refuse to participate, I may be subject to discipline up to and including termination.

I further understand that medical information and other drug and alcohol testing records and information about me is confidential, and is released in accordance with this policy, its supporting regulations or the law.

Iowa law does not allow a school district to discipline and/or terminate a driver for their first positive test result on a drug or alcohol test if the driver undergoes a substance abuse evaluation and if the driver successfully completes the treatment, if any, recommended by the substance abuse professional. Drivers who fail to undergo the evaluation or fail to successfully complete the treatment, if any recommended by the substance abuse professional may be disciplined up and including termination.

Iowa law also requires the school district to provide substance abuse evaluation and treatment if recommended by the substance abuse professional (SAP) with the costs apportioned according to the employee benefit plan. If there is no employee benefit plan, then the school district must pay for the costs of the evaluation and treatment.

Employee signature

Date