

REGULATION ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policies EAI and GAC
Responsible Office: TRANSPORTATION DIVISION

SCHOOL BUS AND COMMERCIAL MOTOR VEHICLE OPERATOR ALCOHOL AND CONTROLLED CHEMICAL SUBSTANCES TESTING PROGRAM

A. PURPOSE

To establish procedures for implementing an alcohol and controlled chemical substance testing program for commercial motor vehicle drivers which includes all drivers who transport students within school buses, and to certify to Maryland State Department of Education (MSDE) that all commercial vehicle drivers of school buses used to transport students are participating in an alcohol and controlled substance testing program.

B. BACKGROUND

The Supervisor of Transportation or his/her designee is tasked with the responsibility of implementing or certifying an alcohol and controlled chemical substance testing program as implemented for all commercial motor vehicle drivers on behalf of Anne Arundel County Public Schools (AACPS).

C. DEFINITIONS

1. **Commercial motor vehicle** – any vehicle operated on behalf of the Board to transport passengers or property, or any motor vehicle that is used for the exclusive transportation of AACPS students.
2. **Commercial motor vehicle driver** – an individual who operates a commercial motor vehicle on behalf of the Board, or any Board certified school bus operator employed by private school bus contractors.

D. PROCEDURES

1. A commercial motor vehicle operator is prohibited from operating a commercial vehicle while that operator has a prohibited chemical substance in his/her system or if the operator has used chemical substances, as evidenced by a test showing the

presence of such substances or its metabolites.

2. The Anne Arundel County Public Schools Alcohol and Controlled Chemical Substances Testing Program shall meet the procedural requirements established by the United States Department of Transportation (USDOT), and the Federal Highway Administration. This program shall also meet the requirements set forth by the Code of Maryland Regulations (COMAR).
3. All commercial vehicle drivers, or potential drivers of school vehicles, either employed by AACPS or contracted by AACPS, who are required to have a commercial driver's license (CDL) in order to perform their job duties, are subject to testing as required by Federal Law 49 CFR Part 40.
4. The Anne Arundel County Public Schools Alcohol and Controlled Substances Testing Program shall be contracted to a Third Party Administrator (TPA) to run, manage, and maintain all components of the Testing Program.
 - a. AACPS reserves the right to require a designated supervisor escort for an employee to the collection site when they have been directed to take a test.
 - b. A non-negative test automatically requires a confirmation and validity test at the laboratory for confirmation prior to notification to the TPA.

5. Scope of Testing

Alcohol and Controlled Substance Use Testing shall be conducted as required by the USDOT, Code of Maryland Regulations of the Maryland State Board of Education (COMAR) for all persons employed or pursuing employment as a school vehicle driver, or any AACPS employee required to hold a Commercial Driver's License as a condition of their employment.

- a. In compliance with the above regulatory agencies, the Alcohol and Controlled Substances Use and Testing Program shall include testing in the following circumstances:
 - i. Pre-employment testing (drug testing only);
 - ii. Post-accident testing;
 - iii. Random testing; and
 - iv. Reasonable cause testing
- b. In compliance with USDOT and COMAR, all AACPS employees or employees of entities contracting with the school system must participate in

an alcohol and controlled substance testing program.

- c. Contractor employees shall certify on a quarterly basis that their drivers are participating in an alcohol and controlled substance use testing program and that they are in full compliance with all requirements. This shall be accomplished by providing the Transportation Division a copy of all required forms submitted to the USDOT.

6. School Bus Operator Certification

- a. A trainee seeking school bus certification who tests positive on a Pre-Employment urine drug screen, refuses or fails to comply with the requirements of this procedure or testing, or is identified through the clearinghouse noted in Section 8 of this regulation, shall be permanently denied certification.
- b. Prior to commencement of bus operator certification training, an applicant shall be required to disclose any drug statute convictions and/or any previous history of drug and alcohol abuse. Except as limited by Subsection (a) above, AACPS reserves the right to determine, on a case-by-case basis, whether certification of the applicant shall be offered or maintained, and if certification of the individual poses a threat to the safety of the individual or others based upon such history. A continued offer of certification may be contingent upon requiring the individual to:
 - i. show evidence of successful completion of a bona fide counseling or rehabilitation program;
 - ii. submit to a test for chemical substances or alcohol; and
 - iii. submit to periodic testing for up to sixty (60) months from the date of certification.
- c. School bus operator certification status shall be permanently suspended for any current operator who tests positive for prescribed substances, fails to comply with the requirements of this policy, refuses to submit to testing as directed, or is identified on the clearinghouse noted in Section 8 of this regulation.

7. Post-Accident Testing:

All employees who operate commercial motor vehicles for AACPS and employees of entities contracting with the school system covered under this section of the alcohol and controlled dangerous substance regulation shall be required to undergo alcohol and controlled dangerous substance testing as soon as practical following an

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accident if any one of the following four conditions exist:

- a. a driver is involved in an accident and receives a citation;
 - b. a driver is involved in an accident and there is a fatality as a result of the accident;
 - c. a driver is involved in an accident and passengers or drivers are removed from the scene and transported to the hospital; or
 - d. a driver is involved in an accident and any vehicle involved in the accident is towed from the scene.
8. AACPS shall participate in a clearinghouse sponsored by the MSDE. The clearinghouse identifies individuals losing or failing to acquire school bus operator certification status because of sanctions imposed for actions related to Sections 6 and 7 above of this regulation, and compiles data from other Maryland public school systems which have adopted equivalent substance abuse policies, regulations, and procedures.

Regulation History: Issued 05/07/14.

Note previous regulation history: AR 700.09, issued 05/18/93, updated 06/20/12