

## DRUG AND ALCOHOL TESTING PROGRAM

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license (CDL) is required to operate the school vehicle and the school vehicle transports sixteen (16) or more persons including the driver or the school vehicle weighs twenty-six thousand one (26,001) pounds or more. For purposes of the drug and alcohol testing program, the term "employees" includes 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 drug testing and random, reasonable suspicion and post-accident drug and alcohol testing. Employees operating school vehicles will not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the school district superintendent.

Employees who violate the terms of this policy are subject to discipline up to and including termination. The district is required to keep a record of all drug or alcohol violations by employees for a minimum of five years. Employees are put on notice that information related to drug or alcohol violations will be reported to the Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse. Additionally, the district will conduct FMCSA Clearinghouse queries for employees annually. Employees must provide written consent for the district to conduct FMCSA Clearinghouse queries; however, employees who choose to withhold consent will be prohibited from performing any safety-sensitive functions

It is the responsibility of the superintendent to develop administrative regulations to implement this policy in compliance with the law. The superintendent will inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment.

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

IASB Drug and Alcohol Testing Program (IDATP) Web site:

[https://www.ia-sb.org/Main/Affiliated\\_Programs/Iowa\\_Drug\\_Alcohol\\_Testing\\_Program.aspx](https://www.ia-sb.org/Main/Affiliated_Programs/Iowa_Drug_Alcohol_Testing_Program.aspx).

NOTE: It is important for the school district to read this policy and its supporting documents and the notes very carefully. This policy and its supporting documents assume the school district employs its drivers and owns the school vehicles rather than contracts with a private service provider with its own drug and alcohol testing program. School districts contracting with a private service provider must ensure the provider has a drug and alcohol testing program complying with the federal regulations.

Compliance with the regulations is the responsibility of the school district even if the school district uses a service provider. Boards need to determine who will be responsible for administering the drug and alcohol testing program in the second paragraph and make that determination throughout the policies and regulations.

This policy and its supporting documents also assume private contractors and nonpublic schools participating in the Iowa Drug and Alcohol Testing Program (IDATP) have chosen to test only under the federal regulations and not to test under state law.

This policy and its supporting documents terminate a driver for violation of the policy and its supporting documents. Such a violation includes a positive drug test result.

Information about the Federal Motor Carrier Safety Administration Clearinghouse is located at: [clearinghouse.fmcsa.dot.gov](http://clearinghouse.fmcsa.dot.gov)

Information about resources for a substance-free awareness program and related services may be obtained from the school district's employee assistance program, the Department of Education at (515) 281-3021 or Department of Health, Substance Abuse Division at (515) 281-3641. For regulations and forms, <http://www.fmcsa.dot.gov/rules-regulations/topics/drug/drug.htm?>

Legal Reference: American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3<sup>rd</sup> 405 Cir. (4<sup>th</sup> 1995).  
49 U.S.C. §§ 5331 et seq. .  
42 U.S.C. §§ 12101 .  
41 U.S.C. §§ 81 .  
49 C.F.R. Pt. 40; 382; 391 .  
34 C.F.R. Pt. 85 .  
Local 301, Internat'l Assoc. of Fire Fighters, AFL-CIO, and City of Burlington, PERB No. 3876 (3-26-91).  
Iowa Code §§ 124; 279.8; 321.375(2); 730.5 .

Cross Reference: 403.5 Substance-Free Workplace  
409.2 Licensed Employee Personal Illness Leave  
414.2 Classified Employee Personal Illness Leave

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