

## VISTA CHARTER PUBLIC SCHOOLS

601 North Fairview Street  
Santa Ana, CA 92703  
T: (714) 881-7407 | F: (714) 988-2747  
[www.vistacharterpublicschools.org](http://www.vistacharterpublicschools.org)

Collin Felch, Ed.D., Superintendent  
Karen Amaya, Assistant Superintendent



### Drug and Alcohol Testing for School Bus and Van Drivers Board Policy Board Approved: 2/24/2025

The Governing Board desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program for all district drivers and other employees who hold a commercial driver's license which is necessary to perform duties related to their employment with the district. This program shall be designed to fulfill the requirements of state and federal laws.

The district's testing program shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306)

The Superintendent or designee shall contract for testing services and shall ensure that testing contractors and procedures are certified by the U.S. Department of Health and Human Services to conduct drug specimen analysis and to conform to the requirements of federal law.

No driver may operate a district vehicle when his/her blood alcohol content is found to be .01 percent or greater. A driver shall not consume alcohol while on duty or for four hours prior to on-duty time and up to eight hours following an accident or until he/she undergoes a post-accident test, whichever occurs first. A driver shall not report for duty or remain on duty that requires performing safety-sensitive functions when the driver uses a controlled substance, unless so instructed by a physician. (49 CFR 382.205, 382.207, 382.209; Vehicle Code 34520.3; 13 CCR 1213.1)

Any driver who tests positive for alcohol or drugs or who refuses to submit to a test shall be removed from safety-sensitive functions and may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

The Superintendent or designee shall ensure that each driver receives an explanation of the federal regulations and the district's policy and procedure in accordance with law. In addition, each driver shall sign a statement certifying that he/she has received a copy of the above materials. Representatives of employee organizations shall be notified of the availability of this information. (49 CFR 382.601)

### **Procedures**

### **Definitions**

For purposes of drug testing required by the U.S. Department of Transportation (DOT), drugs included in the tests are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration or level means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath. For purposes of the DOT alcohol testing program, an alcohol level between 0.02 and 0.04 requires removal of the bus driver for a 24-hour period following the test. An alcohol level of 0.04 or higher requires immediate removal of the driver

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from performing safety-sensitive functions until the driver has successfully completed the return-to-duty process. (49 CFR 382.107, 382.201, 382.505)

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus; waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the bus or bus equipment; loading or unloading the bus; supervising or assisting in the loading or unloading of the bus; and repairing, obtaining assistance, or remaining in attendance upon a disabled bus. (49 CFR 382.107)

### Designated Employer Representative

The Superintendent or designee shall identify a designated employer representative and shall provide his/her name and telephone number to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

The designated employer representative shall be responsible for receiving test results and other communications, taking immediate action(s) to remove drivers from safety-sensitive functions, and making other required decisions in the testing and evaluation processes. (49 CFR 40.3)

### Pre-employment Testing

When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25, from any employer who has employed the driver at any time during the previous two years. In addition, the Superintendent or designee shall ask the driver if he/she tested positive, or refused to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that he/she did not obtain. The driver shall not be permitted to perform safety-sensitive functions if he/she refuses to provide consent to obtain the information from previous employers, the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district, or the driver or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return- to-duty process. (49 CFR 40.25, 382.413)

Upon making a contingent offer of employment to a driver and prior to the first time the driver performs safety- sensitive functions for the district, the Superintendent or designee shall require the driver to undergo testing for drugs and to receive a verified negative test result. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months or participated in a random drug testing program for the previous 12 months.

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3. The Superintendent or designee has contacted the testing program(s) in which the driver has participated and has obtained information about the program and the driver's participation as specified in 49 CFR 382.301.
4. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of federal drug testing regulations within the previous six months.

In addition, the Superintendent or designee shall require the driver to undergo pre-employment alcohol testing in accordance with the procedures in 49 CFR 40.1-40.605 and to receive a test result indicating an alcohol concentration level of less than 0.04. (49 CFR 382.301)

### Post-Accident Testing

As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.
2. The driver receives a citation for a moving traffic violation and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

### Random Testing

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year. Such tests shall be conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

### Reasonable Suspicion Testing

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A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, the Superintendent or designee shall prepare and sign a written record of the observations leading to a reasonable suspicion test. (49 CFR 382.307)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

### **Return-to-Duty Testing**

The Superintendent or designee may permit a driver who has violated federal drug or alcohol regulations to return to safety-sensitive functions after the driver has successfully complied with the education and treatment services prescribed by a substance abuse professional and has taken a return-to-duty drug or alcohol test. The driver shall not resume performance of safety-sensitive functions unless the drug test shows a negative result and/or the alcohol test shows a concentration of less than 0.02. (49 CFR 40.305, 382.309)

### **Follow-Up Testing**

Upon receiving a written follow-up testing plan from a substance abuse professional, the Superintendent or designee shall determine the actual dates for follow-up testing consistent with those recommendations and shall ensure that such tests are unannounced and follow no discernable pattern as to their timing. No additional tests beyond those included in the plan shall be imposed by the district. (49 CFR 40.307-40.309, 382.111)

### **Notifications**

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the following: (49 CFR 382.303, 382.113, 382.601)

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1. The identity of the person designated by the district to answer driver questions about the materials
2. The categories of drivers who are subject to drug and alcohol testing
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance
4. Specific information concerning prohibited driver conduct
5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing
6. The procedures that will be used to test for the presence of drugs and alcohol, 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
7. The requirement that a driver submit to drug and alcohol tests
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing
10. The consequences for drivers found to have a blood alcohol concentration between 0.02 and 0.04
11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

In the event of a positive drug or alcohol test, the driver shall be terminated from employment with Vista Charter Public Schools.

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## Records

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### State

### Description

13 CCR 1200-1294

Motor carrier safety

13 CCR 1213.1

[Placing drivers out-of-service](#)

Ed. Code 35160

[Authority of governing boards](#)

Gov. Code 8355

[Certification of drug-free workplace, including notification](#)

Veh. Code 13376

[Driver certificates: revocation or suspension](#)

Veh. Code 34500-34520.5

[Safety regulations](#)

### Federal

### Description

21 CFR 1308.11-1308.15

[Controlled substances](#)

41 USC 8101-8106

Drug-Free Workplace Act

49 CFR 382.101-382.727

[Controlled substance and alcohol use and testing](#)

49 CFR 382.205

[On-duty use](#)

### Federal

### Description

49 CFR 382.207

[Pre-duty use](#)

49 CFR 382.209

[Use following an accident](#)

49 CFR 40.1-40.413  
[testing programs](#)

[Procedures for transportation workplace drug and alcohol](#)

49 USC 31306

[Alcohol and drug testing](#)

### Management Resources

### Description

California Highway Patrol Publication  
Checklist, 2007

Controlled Substances and Alcohol Testing Compliance

California Highway Patrol Publication  
Testing, 2005

What is CSAT? Controlled Substances and Alcohol

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Website	<a href="#">CSBA District and County Office of Education Legal</a>
<a href="#">Services</a>	
Website	<a href="#">Commercial Driver's License Drug and Alcohol Clearinghouse</a>
Website	<a href="#">California Department of Motor Vehicles</a>
Website	<a href="#">California Highway Patrol</a>
Website	<a href="#">Federal Motor Carrier Safety Administration</a>
Website	<a href="#">U.S. Department of Transportation, Office of Drug and Alcohol</a>
<a href="#">Policy and Compliance</a>	

## Cross References

	Description
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</a>
3540	<a href="#">Transportation</a>
3542	<a href="#">School Bus Drivers</a>
3543	<a href="#">Transportation Safety And Emergencies</a>
3543-E PDF(1)	<a href="#">Transportation Safety And Emergencies</a>
3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4020	<a href="#">Drug And Alcohol-Free Workplace</a>
4020-E PDF(1)	<a href="#">Drug And Alcohol-Free Workplace</a>
4112.41	<a href="#">Employee Drug Testing</a>
4112.41	<a href="#">Employee Drug Testing</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9-E PDF(1)	<a href="#">Employee Notifications</a>
4112.9-E(1)	<a href="#">Employee Notifications</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4119.21	<a href="#">Professional Standards</a>
4119.21-E PDF(1)	<a href="#">Professional Standards</a>
4161	<a href="#">Leaves</a>
4161	<a href="#">Leaves</a>
4161.1	<a href="#">Personal Illness/Injury Leave</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4161.8-E PDF(1)	<a href="#">Family Care And Medical Leave</a>

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## Description

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4161.9	<a href="#">Catastrophic Leave Program</a>
4161.9	<a href="#">Catastrophic Leave Program</a>
4212.41	<a href="#">Employee Drug Testing</a>
4212.41	<a href="#">Employee Drug Testing</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E PDF(1)	<a href="#">Employee Notifications - Signed Statement</a>
4212.9-E(1)	<a href="#">Employee Notifications</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4219.21	<a href="#">Professional Standards</a>
4219.21-E PDF(1)	<a href="#">Professional Standards - Code Of Ethics Classified Employees</a>
4261	<a href="#">Leaves</a>
4261	<a href="#">Leaves</a>
4261.1	<a href="#">Personal Illness/Injury Leave</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4261.8-E PDF(1)	<a href="#">Family Care And Medical Leave</a>
4261.9	<a href="#">Catastrophic Leave Program</a>
4261.9	<a href="#">Catastrophic Leave Program</a>
4312.41	<a href="#">Employee Drug Testing</a>
4312.41	<a href="#">Employee Drug Testing</a>
4312.9	<a href="#">Employee Notifications</a>
4312.9-E PDF(1)	<a href="#">Employee Notifications - Signed Statement</a>
4312.9-E(1)	<a href="#">Employee Notifications</a>
4319.21	<a href="#">Professional Standards</a>
4319.21-E PDF(1)	<a href="#">Professional Standards</a>
4361	<a href="#">Leaves</a>
4361	<a href="#">Leaves</a>
4361.1	<a href="#">Personal Illness/Injury Leave</a>
4361.8	<a href="#">Family Care And Medical Leave</a>
4361.8-E PDF(1)	<a href="#">Family Care And Medical Leave</a>
4361.9	<a href="#">Catastrophic Leave Program</a>
4361.9	<a href="#">Catastrophic Leave Program</a>