

13.1

Book	Policy Manual
Section	800 Operations
Title	School Organization
Number	802
Status	Active
Legal	1. 24 P.S. 1310 2. 22 PA Code 4.3 3. 22 PA Code 4.41
Adopted	April 24, 2017

Purpose

The Board recognizes that the district's organizational structure can affect both the instructional program and the operation of the schools.

Authority

Upon approval of the Department of Education, the Board directs that district schools be organized as follows: [1][2][3]

~~Elementary school: grades K through 5.~~

~~Middle school: grades 6 through 8.~~

~~High school: grades 9 through 12.~~

See changes below

Delegation of Responsibility

The Superintendent shall continually monitor the effectiveness of the district's organizational plan and recommend to the Board modifications that benefit the instructional program, effectively utilize district resources, and implement the Board's educational goals.

Last Modified by Michele Bloch on May 19, 2017

Highlands Support Center School:

- Child and Adolescent Partial Program
Grades K-8

- Alternative Education Program
Grades 5-12

- Highlands On-line Learning Academy
Grades 5-12

Highlands Early Childhood Center:

- Pre-K, K

Highlands Elementary School:

- Grades 1-4

Highlands Middle School:

- Grades 5-8

Highlands High School:

- Grades 9-12

Book	Policy Manual
Section	800 Operations
Title	Transportation
Number	810 Vol III 2018
Status	From PSBA
Legal	1. 75 Pa. C.S.A. 102 2. 24 P.S. 1361 3. 24 P.S. 1362 4. 24 P.S. 1726-A 5. 22 PA Code 23.1 6. 22 PA Code 23.2 7. 22 PA Code 23.4 8. Pol. 610 9. Pol. 611 10. Pol. 818 11. 67 PA Code 447.1 et seq 12. 22 PA Code 23.3 13. 24 P.S. 1374 14. Pol. 103 15. Pol. 103.1 16. Pol. 113 17. Pol. 140 18. 20 U.S.C. 6212 19. Pol. 255 20. 42 U.S.C. 11432 21. Pol. 251 22. 35 P.S. 4601 et seq 23. 35 P.S. 4608 24. 67 PA Code 212.101 25. Pol. 121 26. Pol. 209.1 27. Pol. 209.2 28. Pol. 210 29. Pol. 210.1 30. Pol. 113.4 31. Pol. 216 32. 24 P.S. 1517 33. 75 Pa. C.S.A. 4552 34. Pol. 805 24 P.S. 1331 24 P.S. 1365 24 P.S. 1366 24 P.S. 2541 24 P.S. 2542 22 PA Code 15.1 et seq 22 PA Code 23.6 75 Pa. C.S.A. 4551-4553 20 U.S.C. 6301 et seq 42 U.S.C. 11431 et seq 49 CFR Part 37 49 CFR Part 38 Pol. 810.1

Purpose

Transportation for students shall be provided in accordance with law and Board policy.

Definitions

School bus means a motor vehicle that is designed to carry eleven (11) passengers or more, including the driver, and is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.[1]

School vehicle means a motor vehicle, except a motorcycle, designed for carrying no more than ten (10) passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to the school district. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children.[1]

Authority

The Board shall provide transportation for resident students in grades kindergarten through 12 to the district's public schools and charter, regional charter and nonpublic schools located in the district or within the district's transportation boundary or other placements as required by law or agreements. The district's transportation boundary is a distance not exceeding ten (10) miles by the nearest public highway outside the school district's border.[2][3][4]

The Board shall purchase, lease, equip, and maintain school buses/vehicles and/or contract for school bus/vehicle services for transportation of students to and from school at regularly scheduled hours and for field trips and extracurricular activities.[2][3][5][6][7][8][9][10]

The Board shall provide transportation for students living within the prescribed limits when walking conditions to the school are found to be hazardous by the Department of Transportation.[3][11]

The Board shall provide transportation for students with disabilities, without regard to distance or hazardous walking conditions, when required by the student's individualized education program (IEP) or Section 504 Service Agreement.[12][13][14][15][16]

The Board shall provide transportation for eligible resident students who are enrolled in nonpublic schools or charter schools as required by law.[2][4][17]

The Board shall provide transportation for children in foster care in accordance with federal and state laws and regulations, and the local transportation plan.[18][19]

The Board shall provide transportation for homeless children and youths in accordance with federal and state laws and regulations.[20][21]

The Board prohibits any diesel-powered motor vehicle weighing 10,001 pounds or more to idle for more than five (5) minutes in any continuous sixty-minute period while parked, loading or unloading, except as allowed by law.[22]

The Board shall ensure that permanent signs, notifying drivers of the idling restrictions, are maintained on district property at locations where diesel-powered motor vehicles weighing 10,001 pounds or more load or unload. Signs shall also be posted at locations that provide fifteen (15) or more parking spaces for such diesel-powered motor vehicles.[23][24]

Delegation of Responsibility

The school bus/vehicle driver shall be responsible to maintain order while students are being transported.

The school bus/vehicle driver shall report all incidents, including, but not limited to, discipline problems, medical problems, bullying/harassment, safety issues, accidents or injuries, and violations of Pennsylvania's School Bus Stopping Law to the Superintendent or designee as soon as practicable.

The building principal may suspend a student from bus transportation for disciplinary reasons, and the parents/guardians shall be responsible for the student's transportation.[7]

The Superintendent or designee shall be responsible to:

1. Maintain records and make required reports regarding school transportation.[5][7]
2. Distribute rules governing student conduct during transport; such rules shall be binding on all students transported by the district.[7]
3. **Provide each school bus/school vehicle driver with:**
 - a. **The Pennsylvania School Bus Driver's Manual;**
 - b. **The written rules for student conduct on buses/vehicles;**
 - c. **The procedures for evacuation drills; and**
 - d. **Any additional laws and applicable Board policies and administrative regulations which apply to school bus/vehicle drivers.** *delete*
4. { } *delete* Establish administrative regulations that specify the number of chaperones to accompany students in connection with school-related activities and field trips.[7][25]
5. { } Prepare a district map or schedule indicating each bus stop and bus route.[7]

Guidelines

Student Health Information

When necessary for student safety, or when required by a student's IEP or Section 504 Service Agreement, a school bus/vehicle driver shall be provided with relevant student health and medical information.[16][26][27][28][29]

School bus/vehicle drivers shall maintain the confidentiality of student health/medical information in accordance with district policies and procedures and applicable law.[30][31]

Evacuation Drills

Bus evacuation drills shall be conducted twice a year and reported to the Pennsylvania Department of Education, in accordance with law and Board policy.[32][33][34]

NOTES:

Title 22, Sec. 23.4 - discipline, field trips, contracted negotiations, records

Title 22, Sec. 23.6 - authorized passengers

Computation of distance - 1366

Field Trips - 24 P.S. Sec. 517 (farm show), 1361 (nonpublic); Title 22, Sec. 23.4

Ten-mile boundaries - 1361

Other boundaries - 1 ½ miles - 1362

Payments/reimbursements - 2541, 2542, Title 22 Sec. 23.31-23.40

Transportation - Title 22, Chapter 23

School Buses/Vehicles - Title 67, Chapter 171

Bus Drivers Minor Children - Title 22 Sec. 23.6

Definitions of motor vehicle - Vehicle Code - 75 Pa. C.S.A. Sec. 102

If the district has existing language in policy on transportation routes and stops, which addresses students being limited to a single bus stop or single residence, recommend reviewing the language with the solicitor based on recent court cases regarding student transportation and residency (*Watts v Manheim Township SD*, *Wyland v West Shore SD*). Consult Legal with questions.

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Last Modified by Michele Bloch on June 20, 2018

Book	Policy Manual
Section	800 Operations
Title	School Bus Drivers and School Commercial Motor Vehicle Drivers
Number	B10.1 Vol III 2018
Status	From PSBA

Legal

1. 49 CFR 382.107
2. 49 CFR 392.80
3. 75 Pa. C.S.A. 1621
4. 75 Pa. C.S.A. 1622
5. 75 Pa. C.S.A. 102
6. 49 CFR Part 382
7. 49 CFR Part 40
8. 49 U.S.C. 31306
9. 67 PA Code 229.14
- 10. Pol. 818**
11. 49 CFR 392.82
12. 75 Pa. C.S.A. 3316
13. 49 CFR 40.15
14. 49 CFR 382.105
15. 49 CFR 40.3
16. 49 CFR 382.401
17. 49 CFR 382.601
18. 23 Pa. C.S.A. 6344
19. 23 Pa. C.S.A. 6344.3
20. 24 P.S. 111
21. 24 P.S. 111.1
- 22. Pol. 304**
23. 49 CFR 382.413
24. 49 CFR 40.25
25. 49 U.S.C. 31303
26. 75 Pa. C.S.A. 1604
27. 75 Pa. C.S.A. 1606
28. 67 PA Code 71.3
29. 49 CFR 391.25
30. 49 U.S.C. 31304
31. 49 CFR 391.41
- 32. Pol. 317**
33. 49 CFR 382.213
34. 75 Pa. C.S.A. 1613
35. 75 Pa. C.S.A. 3756
36. 49 CFR 382.205
37. 75 Pa. C.S.A. 1612
38. 75 Pa. C.S.A. 1603
39. 75 Pa. C.S.A. 3802
40. 49 CFR 382.207
41. 49 CFR 382.209
42. 49 CFR 382.211
43. 49 CFR 40.191
44. 49 CFR 382.215
45. 49 CFR 40.23
46. 49 CFR 382.201
47. 49 CFR 382.505
48. 49 CFR 40.289
49. 49 CFR 40.333
- 50. Pol. 800**
51. 49 CFR 382.405
52. 49 CFR 40.321
53. 49 CFR 382.403
54. 24 P.S. 1517
55. 49 CFR 382.603
- 24 P.S. 510
- 75 Pa. C.S.A. 1601 et seq

Note: This policy refers to school bus and commercial motor vehicle drivers only. Policy 810.3 applies to drivers of school vehicles used to transport students which do not qualify as a school bus or commercial motor vehicle.

Purpose

The Board recognizes that **an employee must be fit to operate a school bus and commercial motor vehicle to ensure the health and safety of students being transported.** The Board also recognizes that an employee impaired by drugs or alcohol who operates district vehicles or transports students poses significant risks to the safety of students and others.

Definitions

The following words and phrases, when used in this policy, shall have the meaning given to them in this section:

A **covered driver** shall include any district employee who drives, operates or is in the actual physical control or movement of a school bus or a commercial motor vehicle owned, leased or operated by the school district. The term includes drivers and mechanics who operate such vehicles, including full-time, regularly employed individuals; leased drivers; and independent owner-operator contractors who are directly employed by or under lease to the district or who operate a bus or commercial motor vehicle owned or leased by the district.[1]

Commercial motor vehicle - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:[1]

1. Has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, inclusive of towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater;
2. Has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater;
3. Is designed to transport sixteen (16) or more passengers, including the driver; or
4. Is transporting hazardous materials and is required to be placarded.

Driving - operating a commercial motor vehicle or motor carrier vehicle on a highway, with the motor running, including while the commercial motor vehicle or motor carrier vehicle is temporarily stationary because of traffic, a traffic control device or other momentary delay. The term does not include operating a commercial motor vehicle or motor carrier vehicle with or without the motor running if the driver moved the vehicle to the side of or off of a highway and halted in a location where the vehicle can safely remain stationary.[2][3][4]

Electronic device - an electronic device includes, but is not limited to, a cellular telephone, personal digital assistant, pager, computer or any other device used to input, write, send, receive or read text.[3]

Mobile telephone - a mobile communication device which uses a commercial mobile radio service.[4]

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until s/he is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; and performing other requirements related to accidents.[1]

School bus means a motor vehicle that is designed to carry eleven (11) passengers or more, including the driver, and is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.[5]

Texting - manually entering alphanumeric text into or reading text from an electronic device. The following shall apply:[3]

1. The term includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access an Internet web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone or engaging in any other form of electronic text retrieval or entry, for present or future communication.
2. The term does not include:
 - a. Inputting, selecting or reading information on a global positioning system or navigation system.
 - b. Pressing a single button to initiate or terminate a voice communication using a mobile telephone.
 - c. Using a device capable of performing multiple functions, including, but not limited to, fleet management systems, dispatching devices, citizens band radios and music players, for a purpose that is not prohibited by law.

Use a handheld mobile telephone or other electronic device -[4]

1. Using at least one (1) hand to hold a mobile telephone to conduct a voice communication.
2. Dialing or answering a mobile telephone by pressing more than a single button.
3. Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, restrained by a seat belt.

Authority

The Board shall implement a drug use and alcohol misuse prevention program for employees who are required to hold a commercial driver's license and who perform safety-sensitive functions in accordance with federal and state laws and

regulations.[61][71][81][91]

All contracted transportation providers shall implement a drug use and alcohol misuse prevention program in accordance with federal law and regulations.[10]

Covered drivers shall observe all state and federal laws and Pennsylvania Department of Transportation regulations governing traffic safety and school bus and commercial motor vehicle operation.

The Board prohibits covered drivers from texting and from using a handheld mobile telephone or other electronic device while driving a school bus or commercial motor vehicle except when it is necessary to communicate with law enforcement officials or other emergency services.[21][31][11][12]

Delegation of Responsibility

The Superintendent or designee shall develop ~~administrative~~ ^{delete} regulations to implement this policy and the requirements of law, which include the following components:

1. **Selecting and contracting** with a qualified medical review officer, substance abuse professional, a certified laboratory **and other service agents as necessary.**[13]
2. Establishment of procedures for required testing of covered drivers.[14]
3. Maintenance of the confidentiality of all aspects of the testing process.[8]
4. Delegation of responsibility for monitoring employee compliance with the provisions of Board policy and ~~administrative~~ ^{delete} regulations.
5. Designation of an employee responsible for receiving and handling results of drug and alcohol tests.[15]
6. Implementation of procedures for the preparation, maintenance, retention and disclosure of records, as required by law.[16]
7. Distribution to affected employees of information and materials relevant to Board policies and ~~administrative~~ ^{delete} regulations regarding drug and alcohol testing.[17]
8. **Distribution to affected employees of information and materials relevant to individuals or organizations that can provide counseling and treatment for drug and/or alcohol problems.**

The Superintendent or designee shall provide each driver, upon hire or transfer, with:

1. This policy and its accompanying ~~administrative~~ ^{delete} regulations; and [17]
2. Educational materials that explain the state and federal requirements related to misuse of alcohol and use of controlled substances.[17]

The Superintendent or designee shall also provide notice to representatives of employee organizations of the availability of this information.[17]

The Board designates the

☐ Superintendent

☐ Assistant Superintendent

☒ Director of Transportation

☐ Director of Human Resources

☐ Other _____

to be the contact person for questions about the drug use and alcohol misuse program.[17]

Guidelines

Employment Requirements

All covered drivers shall comply with the requirements for background checks/certifications and employment history reviews in accordance with applicable law, Board policy and ~~administrative~~ ^{delete} regulations. These requirements are addressed separately in Board policy 304 for drivers employed by the district and Board policy 818 for drivers employed by an independent contractor. [10][18][19][20][21][22]

Prior to employment by the district as a covered driver or transfer to a covered driver position, the district shall obtain the following information in accordance with federal and state laws and regulations:

1. Alcohol and drug testing information from previous U.S. Department of Transportation-regulated employers during the past three (3) years with the covered driver's written consent.[23][24]
2. Commercial motor vehicle employment information for the past ten (10) years.[25][26]

Additional Documentation -

Prior to employment by the district as a covered driver or transfer to a covered driver position, and at least once each school year, the Superintendent or designee shall:

1. Obtain a copy of a valid commercial driver's license indicating the appropriate endorsements from the covered driver;[27]

2. Obtain a copy of a Commonwealth of Pennsylvania School Bus Driver's Physical Examination Form from the covered school bus driver;[28]
3. Obtain a copy of a current Pennsylvania School Bus Endorsement card from the covered school bus driver;[28]
4. Review each covered driver's driving record to determine whether the driver meets the minimum requirements for safe driving and is not disqualified to operate a commercial motor vehicle.[29][30]

Prior to employment by the district as a covered driver or transfer to a covered driver position, and every two (2) years, the Superintendent or designee shall obtain a valid Medical Examiner's Certificate, if applicable.[31]

Reporting Requirements -

Covered drivers shall report misconduct in accordance with Board policy 317 for drivers employed by the district and Board policy 818 for drivers employed by an independent contractor.[10][19][20][32]

Covered drivers using controlled substances prescribed for therapeutic purposes by a licensed medical practitioner shall submit the practitioner's written statement that the prescribed substance will not adversely affect the employee's ability to safely operate a school bus or commercial motor vehicle.[33]

Covered drivers shall also inform their supervisors of any use of drug(s) or medication(s) for which the packaging includes warnings that, "marked drowsiness may occur and/or be careful when driving a motor vehicle or operating machinery." [33]

A covered driver charged with or issued a citation for violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify the Superintendent or designee

~~X~~ and the contract carrier

in writing before the end of the business day following the day the covered driver is charged or cited. Notice is required no matter what type of vehicle the driver was driving.

A covered driver who is convicted of violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify the Superintendent or designee

~~X~~ and the contract carrier

in writing of the conviction within thirty (30) days of the date of conviction. Notice is required no matter what type of vehicle the driver was driving.[25][26]

Any covered driver whose operating privilege is suspended, revoked or canceled by any state, who loses the privilege to drive a school bus or commercial motor vehicle in any state for any period, or who is disqualified from driving a school bus or commercial motor vehicle for any period, shall notify the Superintendent or designee

~~X~~ and the contract carrier

immediately upon reporting to work for the next scheduled shift following the notice of the suspension, revocation, cancellation, loss or disqualification.[25][26]

Failure to comply with the reporting requirements may result in disciplinary action, up to and including termination.

Controlled Substances and Alcohol

Drug and Alcohol Testing -

The district shall require covered drivers to submit to the following drug and alcohol tests in accordance with state and federal laws and regulations: pre-employment, random, post-accident, reasonable suspicion, return-to-work and follow-up.[6][7][8][14][34][35]

Prohibited Conduct -

Covered drivers shall not use medical marijuana products.

Covered drivers shall not ingest hemp products or otherwise use hemp products in a way that may result in absorption of hemp or hemp residue into the body.

A covered driver shall not report for duty, drive, operate or be in the actual physical control of the movement of a school bus or commercial motor vehicle under the following circumstances:

1. While using or while having any amount of alcohol present in the body, including medications containing alcohol.[28][36][37]
2. While under the influence of a controlled substance or combination of controlled substances, or the combined influence of alcohol and a controlled substance or substances.[33][38][39]
3. After consuming alcohol or a controlled substance within the previous eight (8) hours for school bus drivers and within the previous four (4) hours for commercial motor vehicle drivers.[28][40]

An exception shall be made for therapeutic use of prescribed controlled substances used by a covered driver when the driver has submitted in advance a licensed medical practitioner's written statement that the prescribed substance will not adversely affect the driver's ability to safely operate a school bus or commercial motor vehicle.[33]

A covered driver required to take a post-accident test shall not use alcohol for eight (8) hours following the accident, or until s/he undergoes a post-accident test, whichever occurs first.[41]

A covered driver shall not refuse to submit to a required test for drugs or alcohol.[1][34][42][43]

Consequences/Discipline -

The district shall remove a covered driver from performing safety-sensitive functions under the following circumstances:

1. A verified positive drug test result;[44][45]
2. A verified adulterated or substituted drug test result;[44][45]
3. An alcohol test result of 0.04 or higher; or[45][46]
4. A refusal to submit to a post-accident, random, reasonable suspicion, return-to-duty or follow-up test.[42]

The district shall place a school bus driver who drives, operates or is in physical control of a school bus out of service for thirty (30) days if the school bus driver has any detectable amount of alcohol in his/her system.[34][37]

The district shall remove a commercial motor vehicle driver who is tested and is found to have an alcohol concentration of 0.02 or greater but less than 0.04 until the start of the driver's next regularly scheduled duty period that is at least twenty-four (24) hours following administration of the test.[47]

A covered driver ~~employed by the district who violates Board policy or administrative regulations~~ ^{delete} and tests positive for drugs or alcohol shall be subject to disciplinary action, up to and including termination, and shall be provided with a list of qualified substance abuse professionals.

Consistent with contractual and legal requirements, a determination shall be made as to the appropriate disciplinary action for a covered driver who violates Board policy or administrative regulations. Nothing in this policy shall limit the Board's authority to impose discipline, including discharge.

If the district permits a covered driver who has been removed from performing safety-sensitive functions to return to a safety-sensitive function, the district shall ensure that the covered driver has been evaluated by a qualified substance abuse professional and has successfully completed the return-to-duty process before returning to a safety-sensitive function.[45][48]

Maintenance of Records

The district shall maintain records of its drug use and alcohol misuse prevention program in compliance with federal regulations, and in accordance with the district's records retention schedule.[16][49][50]

Drug and alcohol records shall be confidential, and shall only be released in accordance with applicable law.[51][52]

Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.[51][53]

Acknowledgment of Receipt

Each covered driver shall sign a statement certifying that s/he has received a copy of this policy and its accompanying administrative regulations.[17]

The district shall keep the original signed statement in the personnel file of the covered driver employed by the district and provide a copy to the driver.[17]

Training

Covered drivers shall attend orientation and training sessions, as appropriate to the nature of their service. When training is provided for other school employees relating to the legal obligations of employers and educational institutions, consideration shall be given to which covered drivers should also receive that training.[54]

The district shall ensure that employees who supervise covered drivers receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. Such training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.[55]

NOTES:

The Department of Transportation's Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) – does not authorize "medical marijuana" under a state law to be a valid medical explanation for a transportation employee's positive drug test result.

Qualifications of bus drivers – 1361, 1365, Title 67 Sec. 71.1 et seq.

If district has three (3) employee sections, remember to change the policy cites in the policy and references.

PSBA Revision 5/18 © 2018 PSBA

Last Modified by Michele Bloch on June 20, 2018

Book	Policy Manual
Section	800 Operations
Title	School Vehicle Drivers
Number	810.3 Vol III 2018
Status	From PSBA
Legal	<p>1. 75 Pa. C.S.A. 102</p> <p>2. Pol. 818</p> <p>3. 75 Pa. C.S.A. 3316</p> <p>4. 75 Pa. C.S.A. 1606</p> <p>5. 23 Pa. C.S.A. 6344</p> <p>6. 23 Pa. C.S.A. 6344.3</p> <p>7. 24 P.S. 111</p> <p>8. 24 P.S. 111.1</p> <p>9. Pol. 304</p> <p>10. Pol. 317</p> <p>11. 49 CFR 40.10</p> <p>12. 75 Pa. C.S.A. 1612</p> <p>13. 75 Pa. C.S.A. 3802</p> <p>14. 49 CFR 40.191</p> <p>15. 49 CFR 40.261</p> <p>24 P.S. 510</p> <p>23 Pa. C.S.A. 6301 et seq</p> <p>75 Pa. C.S.A. 1601 et seq</p> <p>67 PA Code 71.3</p> <p>49 CFR Part 40</p> <p>Pol. 351</p>

Note: This policy only refers to drivers of school vehicles which do not qualify as a school bus or commercial motor vehicle. Policy 810.1 applies to school bus and commercial motor vehicle drivers.

Purpose

The Board recognizes that an employee must be fit to operate a school vehicle to ensure the health and safety of students being transported. The Board also recognizes that an employee impaired by drugs or alcohol who operates district vehicles or transports students poses significant risks to the safety of students and others.

Definition

School vehicle means a motor vehicle, except a motorcycle, designed for carrying no more than ten (10) passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to the school district. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children. The term does not include a "school bus" or "commercial motor vehicle." [1]

Authority

The Board shall implement a drug use and alcohol misuse prevention program for non-CDL drivers who operate school vehicles.

All contracted transportation providers shall implement a drug use and alcohol misuse prevention program for non-CDL drivers who operate school vehicles. [2]

School vehicle drivers shall observe all state and federal laws and Pennsylvania Department of Transportation regulations governing traffic safety and school vehicle operation.

The Board prohibits school vehicle drivers from texting and from using a handheld mobile telephone or other electronic device while driving a school vehicle except when it is necessary to communicate with law enforcement officials or other emergency services. [3]

Delegation of Responsibility

The Superintendent or designee shall develop ~~administrative~~ ^{delete} regulations to implement this policy and the requirements of law, which may include the following components:

1. Establishment of procedures for drug and alcohol testing of school vehicle drivers.
2. Establishment of procedures for obtaining and reviewing each school vehicle driver's driving record to determine whether the driver meets the minimum requirements for safe driving and is not disqualified to operate a vehicle. [4]

The Superintendent or designee shall provide each driver, upon hire or transfer, with:

1. This policy and any accompanying ~~administrative~~ ^{delete} regulations; and
2. Educational materials related to misuse of alcohol and use of controlled substances.

The Superintendent or designee shall also provide notice to representatives of employee organizations of the availability of this information.

Guidelines

School vehicle drivers shall comply with the requirements for background checks/certifications and employment history reviews in accordance with applicable law, Board policy and ~~administrative~~ regulations. These requirements are addressed separately in Board policy 304 for drivers employed by the district and Board policy 818 for drivers employed by an independent contractor.[2][5][6][7][8][9]

Prior to employment and at least once each school year, school vehicle drivers shall submit a copy of a valid driver's license to the Superintendent or designee.[4]

Reporting Requirements

School vehicle drivers shall report misconduct in accordance with Board policy 317 for drivers employed by the district and Board policy 818 for drivers employed by an independent contractor.[2][10]

School vehicle drivers using controlled substances prescribed for therapeutic purposes by a licensed medical practitioner shall submit the practitioner's written statement that the prescribed substance will not adversely affect the employee's ability to safely operate a school vehicle.

School vehicle drivers shall also inform their supervisors of any use of drug(s) or medication(s) for which the packaging includes warnings that, "marked drowsiness may occur and/or be careful when driving a motor vehicle or operating machinery."

A school vehicle driver charged with or issued a citation for violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify the Superintendent or designee

~~X~~ and the contract carrier

in writing before the end of the business day following the day the school vehicle driver is charged or cited. Notice is required no matter what type of vehicle the driver was driving.

A school vehicle driver who is convicted of violating a federal or state law or local ordinance relating to motor vehicle traffic control in this or any other state or any federal, provincial, territorial or municipal law relating to motor vehicle traffic control in Canada, other than parking violations, shall notify the Superintendent or designee

~~X~~ and the contract carrier

in writing of the conviction within thirty (30) days of the date of conviction. Notice is required no matter what type of vehicle the driver was driving.

Any school vehicle driver whose operating privilege is suspended, revoked, canceled or recalled by any state, shall notify the Superintendent or designee

~~X~~ and the contract carrier

Immediately upon reporting to work for the next scheduled shift following the notice of the suspension, revocation, cancellation, loss or disqualification.[4]

Controlled Substances and Alcohol

~~X~~ Drug and Alcohol Testing -

[REMOVE BOTH PARAGRAPHS BELOW IF DRUG AND ALCOHOL TESTING IS NOT REQUIRED FOR SCHOOL VEHICLE DRIVERS]

~~X~~ The district shall require school vehicle drivers to submit to the following drug and alcohol tests:

- ~~X~~ pre-employment
- ☐ random
- ~~X~~ post-accident
- ~~X~~ reasonable suspicion
- ☐ return-to-work
- ☐ follow-up.

☐ The drug and alcohol testing program for school vehicle drivers shall be completely separate from the drug and alcohol testing program for covered drivers. The district shall not use the *Federal Drug Testing Custody and Control Form* or the *Department of Transportation Alcohol Testing Form* in its drug and alcohol testing program for school vehicle drivers.[11]

Prohibited Conduct

School vehicle drivers shall not use medical marijuana products.

School vehicle drivers shall not ingest hemp products or otherwise use hemp products in a way that may result in absorption of hemp or hemp

residue into the body.

A school vehicle driver shall not report for duty, drive, operate or be in the actual physical control of the movement of a school vehicle under the following circumstances:

1. While using or while having any amount of alcohol present in the body, including medications containing alcohol.[12]
2. While under the influence of a controlled substance or combination of controlled substances, or the combined influence of alcohol and a controlled substance or substances.[13]
3. After consuming alcohol or a controlled substance within the previous eight (8) hours.

An exception shall be made for therapeutic use of prescribed controlled substances used by a school vehicle driver when the driver has submitted in advance a licensed medical practitioner's written statement that the prescribed substance will not adversely affect the driver's ability to safely operate a school vehicle.

Consequences/Discipline -

The district shall place a school vehicle driver who drives, operates or is in physical control of a school vehicle out of service for thirty (30) days if the school vehicle driver:[4][12]

1. Has any detectable amount of alcohol in his/her system; or
2. Refuses to take a test to determine his/her alcohol content.

A school vehicle driver who refuses to take a drug or alcohol test required pursuant to Board policy and ~~administrative~~ ^{delete} regulations has not refused to take a Department of Transportation (DOT)-test.[14][15]

Consistent with contractual and legal requirements, a determination shall be made as to the appropriate disciplinary action for a school vehicle driver who violates Board policy or ~~administrative~~ ^{delete} regulations. Nothing in this policy shall limit the Board's authority to impose discipline, including discharge.

Maintenance of Records

Drug and alcohol test information for school vehicle drivers shall be maintained separate from test information for covered drivers, such information shall be treated as confidential and shall only be released in accordance with law.[11]

Drug and alcohol test information for school vehicle drivers shall not be included on the U.S. Department of Transportation Drug and Alcohol Testing MIS Data Collection Form.

Acknowledgment of Receipt

Each school vehicle driver shall sign a statement certifying that s/he has received a copy of this policy and its accompanying ~~administrative~~ ^{delete} regulations.

The district shall keep the original signed statement in the school vehicle driver's personnel file and provide a copy to the driver.

Training

School vehicle drivers shall attend orientation and training sessions, as appropriate to the nature of their service. When training is provided for other school employees relating to the legal obligations of employers and educational institutions, consideration shall be given to which school vehicle drivers should also receive that training.

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Book	Policy Manual
Section	800 Operations
Title	Contracted Services Personnel
Number	818 Vol III 2018
Status	From PSBA
Legal	1. 24 P.S. 1205.6 2. 23 Pa. C.S.A. 6344 3. 24 P.S. 111 4. 24 P.S. 111.1 5. 55 PA Code 3490.132 6. 49 CFR Part 382 7. 67 PA Code 71.3 8. 75 Pa. C.S.A. 1612 9. 75 Pa. C.S.A. 3S02 10. Pol. 810.1 11. 23 Pa. C.S.A. 6344.3 12. 24 P.S. 1418 13. 28 PA Code 23.44 14. 75 Pa. C.S.A. 1606 15. 24 P.S. 2070.9a 16. Pol. 317.1 17. 24 P.S. 2070.1a et seq 18. Pol. 806 19. Pol. 824 20. 23 Pa. C.S.A. 6311 21. Pol. 113.4 22. Pol. 216 24 P.S. 1362 22 PA Code 8.1 et seq 23 Pa. C.S.A. 6301 et seq 75 Pa. C.S.A. 1601 et seq Pol. 610 Pol. 810

Purpose

In its effort to provide cost-effective programs, the Board uses outside independent contractors for a variety of purposes. The district is required to ensure that such contractors comply with certain legal requirements regarding contractor employees involved in the delivery of services to the district. This policy is adopted to outline those requirements and the manner in which the district shall direct and monitor contractor compliance.

Definitions

For purposes of this policy, contractor employee shall include an individual who:

- 1. Is employed or offered employment by an independent contractor or a subcontractor of an independent contractor, or is an individual independent contractor; and
- 2. Has or will have direct contact with children.

Direct Contact with Children - the possibility of care, supervision, guidance or control of children or routine interaction with children.[1]

For purposes of this policy, independent contractor shall mean an individual or entity that contracts with the district to provide services.

Authority

The district is required by law to ensure that independent contractors and contractor employees comply with the mandatory background check requirements for criminal history and child abuse certifications, the employment history review requirement, and the arrest and conviction reporting requirements.[2][3][4]

Guidelines

Prior to using contracted services, a written contractual agreement shall be entered into between the district and the independent contractor and maintained centrally by the district in a manner similar to that for other contracts. Requests for proposals, bid specifications for proposals and resulting contracts shall specify the following:

1. Mandatory requirements for criminal history background checks, child abuse certifications, employment history reviews, and arrest and conviction reporting for contracted services involving direct contact with children, as mandated by law and set forth in this policy.[5]
2. A requirement that all contracted transportation providers provide a program of drug and alcohol testing for covered drivers. A covered driver shall include any contractor employee who drives, operates or is in the actual physical control or movement of a school bus or a commercial vehicle owned, leased or operated by the independent contractor in connection with school district services.[6][7][8][9][10]
3. That failure to comply with this policy and the requirements for criminal history background checks and child abuse certifications, employment history reviews, and required reporting of employee arrests, convictions or other misconduct by an independent contractor or contractor employee shall be grounds for termination of the contract.

The Superintendent or designee shall review all information provided pursuant to this policy and determine if information is disclosed that precludes employment or continued service of an independent contractor or contractor employee.[2][3][4][5][11]

Information submitted by an independent contractor or contractor employee in accordance with this policy shall be maintained centrally in a manner similar to that for school employees.

Pre-Employment Requirements

Employment History Review -

Independent contractors shall conduct an employment history review, in compliance with state law, prior to assignment of a contractor employee to perform work for the district in a position or assignment involving direct contact with children. The independent contractor may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment of a current contractor employee and may report the information as permitted by law.[4]

Independent contractors shall inform the district, in writing, upon receipt of an affirmative response to any of the abuse and sexual misconduct background questions for a contractor employee. If the district objects to the assignment, the independent contractor may not assign the contractor employee to the district.[4]

Independent contractors shall, upon request, provide the district to which a contractor employee is assigned access to the employee's employment history review records.

Criminal History -

Prior to assignment of contractor employees to perform work for the district in a position or assignment involving direct contact with children, contractor employees shall submit an official child abuse clearance statement and state and federal criminal history background checks (certifications) as required by law.[2][3]

Contractor employees shall report, on the designated form, all arrests and convictions as specified on the form. Contractor employees shall likewise report arrests and/or convictions that occur subsequent to initially submitting the form. Failure to accurately report such arrests and convictions may subject the individual to denial of employment/contract, termination if already hired/contracted, and/or criminal prosecution.[3]

Tuberculosis Test -

Contractor employees providing services for students shall undergo a test for tuberculosis in accordance with the regulations and guidance of the Pennsylvania Department of Health.[12][13]

Arrest and Conviction Reporting Requirements

All independent contractors shall adopt policies and procedures that require their employees, who are providing services to the district and who have direct contact with children, to notify the independent contractor, in writing, within seventy-two (72) hours of the occurrence, of an arrest or conviction required to be reported by law. Contractor employees shall also be required to report to the independent contractor, within seventy-two (72) hours of notification, that the employee has been named as a perpetrator in a founded or indicated report pursuant to the Child Protective Services Law. The policies and procedures shall also include the provision that the failure on the part of contractor employees to make such a timely notification shall subject them to disciplinary action, including termination.[3][11]

If the independent contractor receives notice of such arrest or conviction or that the contractor employee has been named as a perpetrator in a founded or indicated report, from either the contractor employee or a third party, the independent contractor shall immediately report, in writing, that information to the Superintendent or designee.

The independent contractor shall immediately require a contractor employee to submit new certifications when there is a reasonable belief that the employee was arrested for or has been convicted of an offense required to be reported by law, was named as a perpetrator in a founded or indicated report, or has provided written notice of such occurrence.[3][11]

~~X~~ Contractor employees who provide transportation services shall immediately notify the independent contractor and the district's transportation supervisor of any traffic citations or the suspension, revocation or cancellation of operating privileges.[14]

Educator Misconduct

If the Superintendent reasonably suspects that conduct being reported involves an incident required to be reported under the Educator Discipline Act, the Superintendent or designee shall notify the Pennsylvania Department of Education, in accordance

with applicable law, regulations and Board policy 317.1.[15][16]

Training

Independent contractors shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The training shall include, but not be limited to, the following topics:[1]

1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.
2. Provisions of the Educator Discipline Act, including mandatory reporting requirements.[17]
3. District policy related to reporting of suspected abuse and sexual misconduct.[18]
4. Maintenance of professional and appropriate relationships with students.[19]

Employees of independent contractors who have direct contact with children are required to complete a minimum of three (3) hours of training every five (5) years.[1]

Contractor employees shall attend orientation and training sessions, as appropriate to the nature of their service. When training is provided for school employees relating to the legal obligations of employers and educational institutions, consideration shall be given to which contractor employees should also receive that training.

Child Abuse Reporting

All contractor employees who have reasonable cause to suspect that a child is the victim of child abuse shall make a report of suspected child abuse in accordance with applicable law, Board policy and ~~administrative regulations~~. [18][20]

Confidentiality

No contractor employee shall be permitted access to confidential student information unless the district has determined that such access is necessary for the contractor employee to fulfill his/her responsibilities. Contractor employees with access to confidential student information shall maintain the confidentiality of that information in accordance with Board policies and procedures and applicable law. If a contractor employee has questions about the confidentiality of student information, the contractor employee should consult with the building principal.[21][22]

NOTES:

Chapter 8 of the State Board of Education Regulations has not been updated since August of 1990 and does not reflect current statutory requirements.

Chapter 3490 of the Protective Services regulations of the Department of Human Services has not been updated since July 1999 and does not reflect current statutory requirements.

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