

# THE SCHOOL DISTRICT OF PHILADELPHIA

No. 810.3

Section: 800 Operations

Title: School Vehicle Drivers

Adopted: January 27, 2022

Revised:

## 810.3 SCHOOL VEHICLE DRIVERS

### **Purpose**

The Board of Education (“Board”) recognizes that a driver must be fit to operate a school vehicle to ensure the health and safety of students being transported. The Board also recognizes that a driver impaired by drugs or alcohol who operates School District of Philadelphia (“District”) vehicles that transport students pose significant risks to the safety of students and others. The purpose of this policy is to set forth clear expectations and guidelines for assuring that our school vehicle drivers meet the highest level of safety, professionalism, and accountability.

### **Definitions**

For purposes of this policy, terms are defined as follows:

**Driving:** Operating a school vehicle on a highway, with the motor running, including while the school vehicle is temporarily stationary because of traffic, a traffic control device, or other momentary delay. The term does not include operating a school 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.

**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. [1]

**Mobile telephone:** A mobile communication device which uses a commercial mobile radio service. [2]

**School vehicle:** A motor vehicle, except a motorcycle, designed for carrying no more than ten (10) passengers, including the driver, and used for the transportation of pre primary, primary, or secondary school students while registered by or under contract to the 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.” [3]

Texting: Manually entering alphanumeric text into or reading text from an electronic device. The following shall apply: [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.
- The term does not include:
  - Inputting, selecting, or reading information on a global positioning system or navigation system.
  - Pressing a single button to initiate or terminate a voice communication using a mobile telephone.
  - 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: [2]

- Using at least one (1) hand to hold a mobile telephone to conduct a voice communication.
- Dialing or answering a mobile telephone by pressing more than a single button.
- 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**

As required by the Pennsylvania School Code, the Board shall implement a drug use and alcohol misuse prevention program for drivers who operate school vehicles and are not Covered Drivers under [Policy 810.1](#) - School Bus Drivers and School Commercial Motor Vehicle Drivers. [4]

All contracted transportation providers shall implement a drug use and alcohol misuse prevention program for drivers who operate school vehicles and are not Covered Drivers under [Policy 810.1](#). [4][5]

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. [6]

### **Delegation of Responsibility**

The Board directs the Superintendent or their designee, through the Office of Talent and the Department of Transportation Services, to develop administrative procedures 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 and

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. [7]

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

- This policy and its accompanying administrative procedures, and
- Educational materials that explain the state and federal requirements 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. The Board designates the Office of Talent and Department of Transportation Services to be the contact person for questions about the drug use and alcohol misuse program.

### **Mandatory Regulatory Procedures**

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 procedures. These requirements are addressed separately in [Policy 304](#) - Employment of District Staff for drivers employed by the District and [Policy 818](#) - Clearances for Contracted Services for drivers employed by an independent contractor. [5][8][9][10][11][12]

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. [7]

### **Reporting Requirements**

School vehicle drivers shall report misconduct in accordance with [Policy 317](#) - Employee Conduct and Reporting Requirements for drivers employed by the District and [Policy 818](#) - Clearances for Contracted Services for drivers employed by an independent contractor. [5][13]

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 to "be careful when driving a motor vehicle or operating machinery."

A school vehicle driver arrested, 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 their supervisor and/or the contract carrier in writing before the end of the business day following the day the school vehicle driver is arrested, charged, or cited. Notice is required no matter what type of vehicle the driver was driving.

An employee who has provided timely notification of an arrest, citation, or charge reported by the employee shall not be terminated based solely on the employee providing the notice of the arrest, citation, or charge. Termination based on the underlying misconduct may be taken only where there has been a conviction of the violation, or where there is independent evidence of the underlying misconduct warranting termination or other discipline. This shall not preclude suspension, reassignment, or other action pending resolution of the charges reported by the employee, nor disciplinary action up to and including termination for failure to provide timely notice of an arrest, citation, or charge. [5][13]

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 their supervisor and/or the contract carrier in writing of the conviction within fifteen (15) 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, who loses the privilege to drive a vehicle, 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 their supervisor and/or the contract carrier immediately upon reporting to work for the next scheduled shift following the notice of the suspension, revocation, cancellation, loss, or disqualification. [7]

## **Controlled Substances and Alcohol**

### *Drug and Alcohol Testing*

The District shall require school vehicle drivers to submit to the following drug and alcohol tests: pre-employment, random, post-accident, reasonable suspicion, return-to-work, and follow-up.

## **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. [14]
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. [15]

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: [7][14]

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

Consistent with [District 1201 Local 32BJ Collective Bargaining Agreement](#) and legal requirements, a determination shall be made as to the appropriate disciplinary action, up to and including termination, for a school vehicle driver who violates applicable law and regulations, Board policy, or administrative procedures. [5][13][16]

### **Maintenance of Records**

Drug and alcohol test information for school vehicle drivers shall be maintained separate from test information for Covered Drivers under [Policy 810.1](#). Such information shall be treated as confidential and shall only be released in accordance with law. [17]

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 they have received a copy of this policy and its accompanying administrative procedures.

The Department of Transportation Services 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.

### **Legal References:**

1. [75 Pa. C.S.A. § 1621](#)
2. [75 Pa. C.S.A. § 1622](#)
3. [75 Pa. C.S.A. 102](#)
4. [Policy 810.1](#) - School Bus Drivers and School Commercial Motor Vehicle Drivers
5. [Policy 818](#) - Clearances for Contracted Services
6. [75 Pa. C.S.A. § 3316](#)
7. [75 Pa. C.S.A. § 1606](#)
8. [23 Pa. C.S.A. § 6344](#)
9. [23 Pa. C.S.A. § 6344.3](#)
10. [24 P.S. 111](#)
11. [24 P.S. 111.1](#)
12. [Policy 304](#) - Employment of District Staff
13. [Policy 317](#) - Employee Conduct and Reporting Requirements
14. [75 Pa. C.S.A. § 1612](#)
15. [75 Pa. C.S.A. § 3802](#)
16. [District 1201 Local 32BJ Collective Bargaining Agreement](#)
17. [49 CFR 40.13](#)

### **Related Information:**

[24 P.S. 510](#)

[23 Pa. C.S.A. § 6301 et seq](#)

[67 PA Code 71.3](#)

[75 Pa. C.S.A. § 1601 et seq](#)

[49 CFR Part 40](#)

[Policy 351](#) - Alcohol, Drug, and Substance Abuse