

Drug and Alcohol Testing for Bus Drivers

Background

Regulations 49 CFR Part 40 and Part 382 cover drug and alcohol testing and apply to all drivers that are required to have a commercial driver's license (CDL). This includes anyone who drives a school bus which transports 16 or more passengers (including the driver). These regulations apply to school districts unless they contract with another bus company to transport students, and therefore inherit the responsibility. These regulations are administered and enforced by the Federal Motor Carrier Safety Administration and apply to both interstate and intrastate transportation.



Compliance Monitoring

As part of the overall highway safety program, members of the FMCSA staff will be randomly reviewing the drug and alcohol testing programs of the school districts within the State of Kansas. The investigator will have official picture ID to identify them as a Special Agent for the FMCSA. It is imperative that every school district or contract provider covered by the above cited regulations establish a drug and alcohol testing program that meets the regulatory requirements.

Education and Technical Assistance

While FMCSA has authority to prosecute non-compliance with drug and alcohol regulations, it is the expectation of the Kansas office that school districts will voluntarily comply when provided with the regulatory requirements as well as industry best practices such as:

- Ensure you receive the negative pre-employment results before you use a driver.
- Plan ahead for summer break when selecting drivers for random testing.
- Have a plan and policy ready if/when you have a driver test positive.
- If you keep a driver who has tested positive, ensure you understand your duties and responsibilities for follow-up testing.
- What are the issues I should consider when setting up a random pool

Drug and Alcohol Testing Program Requirements

Refer to 49 CFR Part 40 and Part 382 for more detail. These requirements include, but are not limited to:

- developing a written policy
- doing pre-employment testing
- post-accident testing
- random testing
- reasonable suspicion testing
- return to duty testing
- follow-up testing
- supervisor training
- driver awareness training

Assistance

The FMCSA office stands ready to assist you in anyway possible to assure that each and every school bus that is used in pupil transportation within the State of Kansas is done so in full compliance with the drug and alcohol testing regulations.

Please call 785-271-1260 if you have questions or need assistance.

Max Strathman or Ed Boring
Kansas Division
Federal Motor Carrier
Safety Administration

Bw:bus drivers drug test

KSDE has received the following information from the Federal Motor Carrier Safety Administration (FMCSA).