



ATTACHMENT #2 - April 20, 2021

UPDATED

BOLD IS NEW

Book	Policy Manual
Section	100 Programs
Title	Extracurricular Participation by Home Education Students
Code	137.1
Status	Review

Authority

The Board shall approve participation in the district's extracurricular activities and interscholastic athletic programs by a student enrolled in a home education program who meets all the conditions stated in Board policy.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)

The Board shall not provide individual transportation for students enrolled in home education programs who participate in the district's extracurricular activities or interscholastic athletic programs. When the district provides transportation to and from an away competition, game, event or exhibition and requires district students to use district transportation, home education students shall be required to use the transportation provided by the district.

Guidelines

Students attending home education programs shall be given an equal opportunity to compete for positions and participate in district extracurricular activities and interscholastic athletic programs, **including, as applicable, Junior Reserve Officers' Training Corps (JROTC) units.**[\[6\]](#)

A home education student may participate in extracurricular activities and interscholastic athletic programs only at the school building the student would be assigned to if **the student** was enrolled in the school district.

Prior to trying-out or joining an activity, a home education student shall submit required documents and written verification of eligibility to the building principal or designee.

To be considered in attendance in accordance with Board policy, the home education student must participate in a full, normally scheduled academic program, in accordance with the planned home education program and submitted documentation.[\[5\]](#)[\[7\]](#)

The following conditions shall govern participation in the district's extracurricular activities and interscholastic athletic programs by home education students, who shall:

1. Be a resident of the school district.
2. Meet the required eligibility criteria.[\[3\]](#)[\[4\]](#)
3. Maintain appropriate insurance coverage, consistent with the coverage requirements for district students.[\[4\]](#)
4. Comply with Board policies and school rules and regulations regarding extracurricular activities, interscholastic athletics, and student discipline.[\[3\]](#)[\[4\]](#)[\[8\]](#)

5. Comply with policies, rules and regulations, or their equivalent, of the activity's governing organization.[\[1\]](#)[\[2\]](#)
6. Meet attendance and reporting requirements established for all participants of the activity or program.[\[7\]](#)
7. Meet the requirements for physical examinations and physical fitness and any height and/or weight restrictions.[\[1\]](#)[\[4\]](#)
8. Comply with all requirements and directives of the district staff, coaches and administrators involved with the extracurricular activity or interscholastic athletic program.

Delegation of Responsibility

The building principal or designee shall ensure that home education students have access to information regarding the district's extracurricular activities and interscholastic athletic programs.

The building principal or designee shall receive and review verification from the parent/guardian that a student has met and continues to meet the established eligibility criteria for an extracurricular activity or interscholastic athletic program.

The building principal or designee shall distribute information regarding eligibility criteria and student participation in extracurricular activities and interscholastic athletics to all affected by them.

PSBA Revision 2/21 © 2021 PSBA

Legal	1. 24 P.S. 1327.1
	2. 24 P.S. 511
	3. Pol. 122
	4. Pol. 123
	5. Pol. 137
	6. 10 U.S.C. 2031
	7. Pol. 204
	8. Pol. 218



UPDATED

Method of Determination Section removed

Book	Policy Manual
Section	100 Programs
Title	Title I - Comparability of Services
Code	150
Status	Review

Purpose

The equivalent distribution of district resources is one means the district shall use to ensure all students receive a quality education. This policy demonstrates the district's commitment to ensure that no discrimination occurs in the distribution of resources funded by state and local sources, regardless of the receipt of federal funds.

Authority

The Board directs that each district school receiving Title I funds must use state and local funds to provide services that, taken as a whole, are at least comparable to services in those schools in the district that do not receive Title I funds.[\[1\]](#)

If all schools in the district receive Title I funds, the Board directs that state and local funds shall be used to provide services that, taken as a whole, are substantially comparable in each school.[\[1\]](#)

The Board acknowledges that comparability may be measured on a grade-span by grade-span basis or a school-by-school basis.

Definition

For purposes of this policy, **grade span** is defined as a similar two-grade span difference or less. For example, a grade span of K-2 to K-4, not a grade span of K-2 to K-5.

Delegation of Responsibility

If the district has more than one (1) building per grade span, the

{ } Superintendent

~~{ }~~ Federal Programs Coordinator

{ } Business Manager

shall complete a Detailed School Data Sheet.

Regardless of buildings per grade span, the

{ } Superintendent

~~{ }~~ Federal Programs Coordinator

{ } Business Manager

shall annually complete a Comparability Assurance Form to provide written assurance of equivalence among schools, including the provision of curriculum materials; instructional supplies; and teachers, administrators and other staff.

Guidelines

Allowable Exclusions

For the purposes of determining comparability, the district may exclude:[\[1\]](#)

1. State and local funds expended for language instruction education programs.[\[2\]](#)
2. Excess costs associated with providing services to students with disabilities.[\[3\]](#)[\[4\]](#)[\[5\]](#)
3. Unpredictable changes in enrollment or personnel assignments occurring after the beginning of the school year.
4. Other expenditures from supplemental state or local funds consistent with the intent of Title I.

Complaints

Complaints by individuals and organizations regarding implementation of equivalence between schools shall be processed in accordance with Board policy.[\[6\]](#)

PSBA Revision 2/21 © 2021 PSBA

Legal	1. 20 U.S.C. 6321
	2. Pol. 138
	3. Pol. 103.1
	4. Pol. 113
	5. Pol. 114
	6. Pol. 906



UPDATED

Attachment to be removed

Book	Policy Manual
Section	300 Employees
Title	Family and Medical Leaves
Code	335
Status	Review
Adopted	July 19, 2011
Last Revised	June 16, 2020

Authority

The Board shall provide eligible administrative, professional and support employees with unpaid leaves of absence in accordance with the Family And Medical Leave Act, hereinafter referred to as FMLA.[\[1\]](#)[\[2\]](#)

Employee requests for FMLA leave shall be processed in accordance with law, Board policy and administrative regulations.

Delegation of Responsibility

The Superintendent shall develop and disseminate administrative regulations to implement FMLA leave for eligible employees.

The district shall post, in conspicuous places in the district customarily used for notices to employees and applicants, a notice regarding the provisions of the FMLA and the procedure for filing a complaint.[\[3\]](#)

Employee requests for leave, both FMLA and non-FMLA, shall be submitted in writing on a district form to the Superintendent, and Director of Human Resources.

Guidelines

Employees' eligibility for FMLA leave shall be based on the criteria established by law.[\[4\]](#)[\[5\]](#)

Eligible employees shall be provided up to twelve (12) workweeks of unpaid leave in a twelve-month period for the employee's own serious health condition; for the birth, adoption, foster placement or first-year care of a child; to care for a seriously ill spouse, child or parent; or to address specific qualifying exigencies pertaining to a member of the Armed Forces alerted for foreign deployment or during foreign deployment.[\[5\]](#)

Eligible employees shall be provided up to twenty-six (26) workweeks of unpaid leave in a single twelve-month period to care for an ill or injured covered servicemember.[\[5\]](#)

The district shall utilize a rolling twelve-month period measured backwards from the date leave is used to determine if an employee has exhausted his/her FMLA leave in any twelve-month period.[\[6\]](#)

When an employee requests an FMLA leave and qualifies for and is entitled to any accrued paid sick, vacation, personal or family leave, the employee is required to utilize such paid leave concurrent with the FMLA leave. [\[5\]](#).

Legal

1. 29 U.S.C. 2601 et seq
 2. 29 CFR Part 825
 3. 29 U.S.C. 2619
 4. 29 U.S.C. 2611
 5. 29 U.S.C. 2612
 6. 29 CFR 825.200
- Pol. 000
- Pol. 813

~~335. Attach FAMILIES FIRST CORONAVIRUS RESPONSE ACT.docx (29 KB)~~

REMOVE

335. Attachment

THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

Emergency Leave Provisions

The federal Families First Coronavirus Response Act (FFCRA) contains specific provisions for the expansion of Family and Medical Leave and Paid Sick Leave effective April 2, 2020, through December 31, 2020. This attachment to Policy 335 explains the emergency leave entitlements established by the FFCRA, which expire December 31, 2020, and cannot be used after that date. The FFCRA does not affect rights and benefits under any other law, collective bargaining agreement or adopted Board policy. This attachment shall not be construed to create any new rights or entitlements in addition to those provided pursuant to the FFCRA, nor to establish any past practice, and shall not have any application to leave taken after December 31, 2020.

The Board shall provide eligible administrative, professional and support employees with appropriate emergency leaves of absence in accordance with the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA). **29 U.S.C. Sec. 2620, 5101-5111**

Employee requests for Emergency Family and Medical Leave and/or Emergency Paid Sick Leave shall be submitted in writing to the Superintendent or designee.

Employees shall provide sufficient information with the request to enable the school entity to determine whether a qualifying circumstance applies, and how that circumstance renders the requesting employee unable to work or telework. The school entity shall be prohibited from discharging, disciplining or otherwise discriminating against any employee who lawfully takes Emergency Paid Sick Leave or Emergency Family and Medical Leave under the FFCRA, files a complaint, or institutes a proceeding under or related to the FFCRA.

The school entity shall post, in a conspicuous place, the notice from the U.S. Department of Labor's Wage and Hour Division regarding Employee Rights for Paid Sick Leave and Expanded Family and Medical Leave under the Families First Coronavirus Response Act, to all employees working remotely through posting on the school entity website and/or providing direct notification through email.

EMERGENCY PAID LEAVE PROVISIONS

COVID-19 REASON FOR ABSENCE	EMERGENCY PAID SICK LEAVE	EMERGENCY PAID FAMILY AND MEDICAL LEAVE
	Full-time employees - 80 hours Part-time employees – 2 weeks based on average hours worked per day for the last 6 months.	The EFML does not add to the maximum 12-week FMLA leave that can be taken in one 12-month period.
Federal, state or local quarantine or isolation order	100% regular pay up to: \$511 daily \$5,110 in total	Not Applicable
Advised by health care provider to self-quarantine	100% regular pay up to: \$511 daily \$5,110 in total	Not Applicable
Seeking medical diagnosis for COVID-19 symptoms	100% regular pay up to: \$511 daily \$5,110 in total	Not Applicable
Caring for an individual who is: - -subject to a quarantine or isolation order - self-quarantined as advised by health care provider	2/3 of regular pay up to – • \$200 a day • \$2,000 in total	Not Applicable
Caring for son or daughter whose school or place of care is closed or child care provider unavailable	2/3 of regular pay up to – • \$200 a day • \$2,000 in total	<ul style="list-style-type: none"> First 10 days unpaid (unless employee has other *available paid leave or uses Emergency Paid Sick Leave) After 10 days: 2/3 of regular pay up to – \$200 a day \$10,000 in total
Experiencing other substantially- similar condition specified by the Secretary of Health and Human Services	2/3 of regular pay up to – • \$200 a day • \$2,000 in total	Not Applicable
USE OF LEAVE		
	Immediate eligibility Other Leave – Employee chooses whether to use EPSL or other available paid leave first.	Eligible after 30 days of employment at school entity. *Other Leave – Check Policy 335 FMLA for consistency with use of available leave requirements.
SPECIFIC LEAVE PROVISIONS		
	No carryover of leave days from one calendar year to the next.	Reasonable efforts will be made to restore the employee to the same position or a position equivalent to the position the employee held when the leave began, including equivalent benefits, pay and other terms and conditions of employment.

INTERMITTENT LEAVE

The FFCRA provides broad flexibility in terms of intermittent leave to balance the needs of each employee with the needs of the school entity. All intermittent leave is subject to the mutual agreement of the Superintendent or designee and the employee. If the parties cannot come to a mutual agreement regarding the leave, the intermittent leave will not be authorized.

Intermittent Leave During Emergency Paid Sick Leave

Reporting to Worksite –

The ability of an employee to take Emergency Paid Sick Leave intermittently while reporting to the worksite depends on the reason for the leave:

- If the Superintendent or designee and the employee agree, an employee may take up to the entire portion of the Emergency Paid Sick Leave intermittently to care for the employee's son or daughter whose school or place of care is closed, or child care provider is unavailable due to reasons related to COVID-19. Under such circumstances, the intermittent Emergency Paid Sick Leave may be taken in any increment of time agreed to by the Superintendent or designee and the employee.
- Intermittent leave while reporting to the worksite is prohibited for any other reason related to Emergency Paid Sick Leave, as categorized in the chart above, due to the unacceptably high risk that the employee might spread COVID-19 to other employees. Employees on Emergency Paid Sick Leave for other qualifying reasons, must continue to take paid sick leave each day until the employee either uses the full amount of paid sick leave or no longer has a qualifying reason for taking paid sick leave.

Telework –

If the Superintendent or designee directs or allows an employee to telework, or if the employee normally works from home, the Superintendent or designee and the employee may agree that the employee may take Emergency Paid Sick Leave for any qualifying reason and in any agreed increment of time, but such leave is available only when the employee is unable to telework due to a COVID-19 qualifying reason.

Intermittent Leave During Emergency Family and Medical Leave

Reporting to Worksite –

If the Superintendent or designee and the employee agree, an employee may take up to the entire portion of the Emergency Family and Medical Leave intermittently to care for the employee's son or daughter whose school or place of care is closed, or child care provider is unavailable due to reasons related to COVID-19. Under such circumstances, the intermittent Emergency Family and Medical Leave may be taken in any increment of time agreed to by the Superintendent or designee and the employee.

Telework –

If the Superintendent or designee directs or allows an employee to telework, or if the employee normally works from home, the Superintendent or designee and the employee may agree that the employee may take Emergency Family and Medical Leave in any agreed increment of time, but such leave is available only when the employee is unable to telework due to a COVID-19 qualifying reason.

DEFINITIONS

Qualifying need related to a public health emergency shall mean the employee is unable to work or telework due to a need for leave to care for a son or daughter under eighteen (18) years of age of the employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.

Public health emergency shall mean an emergency with respect to COVID-19 declared by a federal, state or local authority.

Child care provider shall mean a provider who receives compensation for providing child care services on a regular basis, including an "eligible child care provider" as defined in section 658P of the Child Care and Development Block Grant Act of 1990 as a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that:

1. is licensed, regulated, or registered under state law and satisfies the state and local requirements, including those applicable to the child care services it provides; or
2. a child care provider that is eighteen (18) years of age or older who provides child care services only to eligible children who are, by affinity or consanguinity, or by court decree, the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, if such provider complies with any applicable requirements that govern child care provided by the relative involved.

Son and Daughter shall mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.



UPDATED

Bold is new (pgs. 4, 5, & 6)

Book	Policy Manual
Section	800 Operations
Title	School Bus Drivers and School Commercial Motor Vehicle Drivers
Code	810.1
Status	Review

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 **the driver** 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.[6][7][8][9]

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.[\[2\]](#)[\[3\]](#)[\[11\]](#)[\[12\]](#)

Delegation of Responsibility

The Superintendent or designee shall develop administrative 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 regulations, including, but not limited to, an annual query of the Federal Motor Carrier Safety Administration's Commercial Driver's License Drug and Alcohol Clearinghouse.[\[15\]](#)
5. Designation of an employee responsible for receiving and handling results of drug and alcohol tests.[\[16\]](#)
6. Implementation of procedures for the query, preparation, maintenance, reporting, retention and disclosure of records, as required by law.[\[15\]](#)[\[17\]](#)
7. Distribution to affected employees of information and materials relevant to Board policies and administrative regulations regarding drug and alcohol testing.[\[18\]](#)
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 regulations; and[\[18\]](#)
2. Educational materials that explain the state and federal requirements related to misuse of alcohol and use of controlled substances.[\[18\]](#)

The Superintendent or designee shall also provide notice to representatives of employee organizations of the availability of this information.[\[18\]](#)

The Board designates the

{ } Superintendent

{ } Assistant Superintendent

{ } Director of Transportation

{ } Director of Human Resources

☒ Other **Chief Financial Officer**

to be the contact person for questions about the drug use and alcohol misuse program.[\[18\]](#)

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 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][19][20][21][22][23]

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.[15][24][25][26]
2. Commercial motor vehicle employment information for the past ten (10) years.[27][28]

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, **or authorize the applicable legal exemption in cases of emergency**:[29]
2. Obtain a copy of a Commonwealth of Pennsylvania School Bus Driver's Physical Examination Form from the covered school bus driver:[30]
3. Obtain a copy of a current Pennsylvania School Bus Endorsement card from the covered school bus driver:[30]
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.[31][32]

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.[33]

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][20][21][34]

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.[35]

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."[35]

A covered 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 the Superintendent or designee

~~X~~ and the contract carrier

in writing

~~X~~ **before the end of the next business day**

{ } within seventy-two (72) hours

{ } within thirty (30) days

following the driver's arrest, charge or receipt of citation. Notice is required no matter what type of vehicle the driver was driving.[\[28\]](#)

An employee who has provided timely notification of an arrest, citation or charge shall not be terminated or otherwise disciplined by the district

~~{ }~~ or contract carrier

based solely on the allegations underlying the arrest, citation or charge reported by the employee. Termination or other disciplinary action 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.[\[10\]](#)
[\[28\]](#)[\[34\]](#)

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

~~{ }~~ and 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.[\[27\]](#)[\[28\]](#)

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

{ } 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.[\[27\]](#)[\[28\]](#)

Failure to comply with the reporting requirements may result in disciplinary action, up to and including termination, **in accordance with applicable law, regulations and Board policy.**[\[10\]](#)[\[34\]](#)

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.[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[14\]](#)[\[36\]](#)

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.[\[30\]](#)[\[37\]](#)[\[38\]](#)
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.[\[35\]](#)[\[39\]](#)[\[40\]](#)
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.[\[30\]](#)[\[41\]](#)

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.[\[35\]](#)

A covered driver required to take a post-accident test shall not use alcohol for eight (8) hours following the accident, or until **the driver** undergoes a post-accident test, whichever occurs first.[\[42\]](#)

A covered driver shall not refuse to submit to a required test for drugs or alcohol.[\[1\]](#)[\[36\]](#)[\[43\]](#)[\[44\]](#)

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;[\[45\]](#)[\[46\]](#)
2. A verified adulterated or substituted drug test result;[\[45\]](#)[\[46\]](#)
3. An alcohol test result of 0.04 or higher; or[\[46\]](#)[\[47\]](#)
4. A refusal to submit to a post-accident, random, reasonable suspicion, return-to-duty or follow-up test.[\[43\]](#)

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 **their** system.[\[36\]](#)[\[38\]](#)

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.[\[48\]](#)

A covered driver employed by the district who violates Board policy or administrative regulations 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.[\[46\]](#)[\[49\]](#)

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. [15][17][50][51][52]

Drug and alcohol records shall be confidential and shall only be released in accordance with applicable law. [53][54][55]

Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations. [53][56]

Acknowledgment of Receipt

Each covered driver shall sign a statement certifying that **they have** has received a copy of this policy and its accompanying administrative regulations. [18]

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. [18]

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. [57]

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. [58]

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.

PSBA Revision 2/21 © 2021 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 382.701
16. 49 CFR 40.3
17. 49 CFR 382.401
18. 49 CFR 382.601
19. 23 Pa. C.S.A. 6344
20. 23 Pa. C.S.A. 6344.3
21. 24 P.S. 111
22. 24 P.S. 111.1
23. Pol. 304
24. 49 CFR 382.413
25. 49 CFR 382.703
26. 49 CFR 40.25
27. 49 U.S.C. 31303
28. 75 Pa. C.S.A. 1604
29. 75 Pa. C.S.A. 1606
30. 67 PA Code 71.3
31. 49 CFR 391.25
32. 49 U.S.C. 31304
33. 49 CFR 391.41
34. Pol. 317
35. 49 CFR 382.213
36. 75 Pa. C.S.A. 1613
37. 49 CFR 382.205
38. 75 Pa. C.S.A. 1612
39. 75 Pa. C.S.A. 1603
40. 75 Pa. C.S.A. 3802
41. 49 CFR 382.207
42. 49 CFR 382.209
43. 49 CFR 382.211
44. 49 CFR 40.191
45. 49 CFR 382.215
46. 49 CFR 40.23
47. 49 CFR 382.201
48. 49 CFR 382.505
49. 49 CFR 40.289
50. 49 CFR 382.705
51. 49 CFR 40.333
52. Pol. 800

53. 49 CFR 382.405

54. 49 CFR 382.723

55. 49 CFR 40.321

56. 49 CFR 382.403

57. 24 P.S. 1517

58. 49 CFR 382.603

24 P.S. 510

75 Pa. C.S.A. 1601 et seq

Pol. 351