

On-Site FINAL Assessment of Transportation Records and Best Practices MANUAL

xxx = 12/09 edits

xxx = 8/10 edits

August 10, 2010

**Georgia Department of Education
Pupil Transportation
On-Site FINAL Assessment of Records and Best Practices
Table of Contents**

On-Site Final Assessment General Information.....6

SECTION 1 - DRIVER TRAINING 6

Background..... 6

Requirements 1A - 1C [A. Classroom Training; B. Driving (without students); C. Driving (with students)] 6

Requirement 1D (GaDOE Annual Safety Renewal Education Program) 7

GaDOE Recommended Best Practice 1E* (Other In-Service Training Meetings) 7

GaDOE Recommended Best Practice 1F* (Initial Written and Skill Examinations)..... 7

For On-Site Review of Section 1 the Local School System Should: 7

For On-Site Review of Section 1 the Consultant Should..... 9

SECTION 2 – SCHOOL BUS DRIVER TRAINER CERTIFICATION..... 11

Background 11

Requirement 2A (Number of GaDOE Certified Trainers; Completed GaDOE Program for Certification/Renewal) 11

For On-Site Review of Section 2 the Local School System Should 12

For On-Site Review of Section 2 the Consultant Should..... 133

SECTION 3 – EMPLOYEE RECORDS..... 15

Background 15

Requirement 3A (Employment Application on File) 15

GaDOE Recommended Best Practice 3B* (Current MVR Check on File)..... 15

Requirement 3C (Record of Current Physical).....	15
Requirement 3D (Criminal Record Check Policy)	16
Requirement 3E (Annual Employee Evaluation).....	16
GaDOE Recommended Best Practice 3F* (Annual Driving Skill Evaluation)	16
Requirement 3G (Copy of Current Driver’s License for Each Employed Driver).....	16
For On-Site Review of Section 3 the Local School System Should	17
For On-Site Review of Section 3 the Consultant Should.....	19
SECTION 4 – DRUG AND ALCOHOL TEST RECORDS.....	25
Background	25
Requirement 4A (Certified Drug and Alcohol Supervisor).....	25
Requirement 4B (Drug and Alcohol Testing Records).....	25
Requirement 4C Drug and Alcohol Testing Administrator (who draws your names) .	36
Requirement 4D (Company or Group that Administers the Collection/Test).....	36
Requirement 4E (Medical Review Officer).....	39
Requirement 4F (Written DOT Drug and Alcohol Testing Policy).....	40
Requirement 4G (Documentation for all Occasional Drivers on File).....	42
For On-Site Review of Section 4 the Local School System Should	44
For On-Site Review of Section 4 the Consultant Should.....	45
SECTION 5 – STUDENT SAFE RIDING INSTRUCTION.....	52
Background.....	52
Requirement 5A (Evacuation Drills Conducted).....	52
Requirement 5B [Classroom Curriculum (annual student instruction in safe riding practices)]	52
Requirement 5C (Structured Procedure for Bus Drivers to Report Unacceptable Student Behavior)	52

For On-Site Review of Section 5 the Local School System Should	52
For On-Site Review of Section 5 the Consultant Should.....	53
SECTION 6 – ACCIDENT REPORTS/OTHER REQUIRED REPORTS	54
Background.....	54
Requirement 6A (School Bus Accidents are Reported)	54
Requirement 6B (Superintendent’s Transportation Annual Report).....	54
Requirement 6C (Report for Liability Insurance).....	54
Requirement 6D (Tabulation of School Bus Bids)	54
For On-Site Review of Section 6 the Local School System Should	55
For On-Site Review of Section 6 the Consultant Should.....	55
SECTION 7 – SCHOOL BUS MAINTENANCE RECORDS.....	57
Background.....	57
Requirement 7A (Monthly Inspection Forms Up to Date and Filed).....	57
Requirements 7B & 7C (DPS Annual and Spot-Check Forms on File for each School Bus).....	57
Requirement 7D (Record of Repairs to Each Bus on File).....	57
GaDOE Recommended Best Practice 7E* (Standardized Method for Drivers to Report Vehicle Problems).....	57
Requirement 7F (State Record Retention in Place)	58
GaDOE Recommended Best Practice 7G* (Bus Maintenance Records Retained Until Vehicle is Sold or Discarded).....	58
Requirement 7H (GaDOE is Notified in Writing of Material or Construction Defects in New School Buses)	58
Requirement 7I (Driver Pre and Post Trip Records Up to Date and on File).....	58
For On-Site Review of Section 7 the Local School System Should	58

For On-Site Review of Section 7 the Consultant Should..... 60
ON-SITE FINAL ASSESSMENT SUMMARY CHECKLIST.....64

Georgia Department of Education

Pupil Transportation On-Site FINAL Assessment Of Transportation Records and Best Practices

This assessment is designed to assist the local pupil transportation unit in maintaining appropriate records and documentation of tasks which are required by Georgia Department of Education (GaDOE) Board Rule, Federal/State Regulation or State Law. The pupil transportation consultants assigned to each area of the state will conduct on-site assessments every five years or more frequently if requested by the local school system or if the Department perceives that student safety is jeopardized.

In order to assist local systems, GaDOE Pupil Transportation Consultants did an on-site primary assessment in most school systems between October 2008 and June 2009. 50% (+ or-) of selected on-site final assessments, where systems had deficiencies in the primary assessment, will be completed no later than November 1, 2010. Due to GaDOE Pupil Transportation staffing issues, the remaining 50% (+ or -) will be completed no later than November 1, 2011. **School systems will only need to produce information/folders pertaining to the area(s) where deficiencies/issues were discovered in the primary assessment (See detail contained in this manual).** GaDOE Board Rule 160-5-3-.16

SECTION 1 - DRIVER TRAINING

BACKGROUND

Requirements 1A - 1C [A. Classroom Training; B. Driving (without students); C. Driving (with students)] – (12-6-6)

Local school systems shall ensure that every new school bus driver satisfactorily completes a training program approved by the Department (GaDOE) prior to driving a school bus used to transport students. School Bus Driver (operator) shall be defined as - *a person, properly licensed, who controls the operation of a school bus used to transport students to or from school or school activities.*

Note – This includes regular drivers and substitutes. Additionally, it includes any teachers, coaches, transportation staff and others who drive a school bus when used to transport students. GA Law 20-2-1125; GaDOE Board Rule 160-5-3-.08

Indicator(s) of Legal Adherence 1A – 1C

1. School bus drivers (see definition above) with a training date of November 3, 2004 or later should have received a minimum of 12 hours of classroom instruction on the 31 content units contained in the GaDOE Driver Trainer Certification Manual, 6 hours of driving time without students and 6 hours of driving time with students
2. School bus drivers with a training date from July 1985 to November 2, 2004 should have received a minimum of 6 hours of classroom instruction, 6 hours of driving time without students and 6 hours of driving time with students

- School bus drivers with a training date prior to July 1985 – Required training and required documentation not specified

Evidence 1A – 1C

Documentation of training for new drivers

Requirement 1D (GaDOE Annual Safety Renewal Education Program)

All persons employed as school bus drivers by any public school system in the state shall receive annual mandatory training provided by the GaDOE. No person employed as a school bus driver by any public school system in this state shall operate a school bus unless such person has completed such training within the preceding 12 month period (either GaDOE Annual Driver Safety Renewal Education Program OR 12-6-6 training). School Bus Driver (operator) shall be defined as - *a person, properly licensed, who controls the operation of a school bus used to transport students to or from school or school activities.*

Note – This includes regular drivers and substitutes. Additionally, it includes any teachers, coaches, transportation staff and others who drive a school bus when used to transport students. GA Law 20-2-1125; GaDOE Board Rule 160-5-3-.08

Indicator(s) of Legal Adherence 1D

School bus drivers (see definition above) shall participate in the annual in-service training and safety program provided by the Department (GaDOE)

Evidence 1D

Roster of participants at the annual driver GaDOE safety meeting

GaDOE Recommended Best Practice 1E* (Other In-Service Training Meetings)

Other in-service training is provided for bus drivers (required or voluntary)

Evidence 1E*

Roster of participants, dates of training, instructor’s name(s) and training handouts or training schedules, etc.

GaDOE Recommended Best Practice 1F* (Initial Written and Skill Examinations)

Initial written and skill examinations for each newly employed school bus driver (see definition above) – Written test that follows 12 hour classroom and hands-on tests that follow driving without/with students for new applicants

Evidence 1F*

Documentation of written test and skill examinations

LOCAL SCHOOL SYSTEM PREPARATION FOR ASSESSMENT REVIEW

For On-Site Review of Section 1 the Local School System Should – Based on the Primary Assessment findings, if there were issues then you should adhere to items #3 & 7 below as **applicable**. Put together a packet for Section 1 made up of **applicable** folders labeled for items #1, 2, 4, 5 & 6 below (ex. “Section 1 – Folder #1”) that contains the following:

1. **If there was an issue in the Primary Assessment with any item in Section 1 then place in “Section 1 – Folder #1”** a current master list/spreadsheet (may utilize GaDOE electronic template) of all school bus drivers (see definition above) in alphabetical order by last name which contains the following information (in order) -
 - Last name
 - First name
 - Date of completion of school bus driver training
 - Date of initial work as a P.T. or F.T. sch. bus driver
 - Date of school district employment – hired full time
 - Position title
 - Regular driver
 - Substitute driver
 - Attendant (if trained to drive)
 - Teacher
 - Coach
 - Principal
 - Administrator
 - Mechanic
 - Transportation staff
 - Etc.
2. (1A – 1C) **[If there was a Primary Assessment issue with 1A-1C, then provide both item #2 & #3 for the Final Assessment.]** – A. Classroom Training; B. Driving (without students); C. Driving (with students) - Place in “Section 1 – Folder #2” evidence to support that training for new school bus drivers provides the following (may include samples of schedules of training sessions, agenda, syllabus, handouts, tracking sheets, etc.)
 - 12 hours of classroom instruction on the 31 content units
 - 6 hours of driving time without students
 - 6 hours of driving time with students
3. (1A - 1C con’t.) **[If there was a Primary Assessment issue with 1A-1C, then provide both item #2 & #3 for the Final Assessment.]** – Adhere (no folder required) by placing documentation of initial training (new driver training) for each employed school bus driver in their driver folder
4. (1D) – GaDOE Annual Safety Renewal Education Program – Place in “Section 1 – Folder #4” the past school year’s AND current school year’s rosters (if applicable) for all drivers attending the annual GaDOE training sessions (not training for new drivers) and make-up sessions conducted by a GaDOE area pupil transportation consultant
5. (1E*) – *Other In-Service Training Meetings* – Place in “Section 1 – Folder #5” roster(s) of participants, dates of other in-service training, instructor’s names and training handouts or training schedules, etc. for any other in-service training in the past school year AND current school year (if applicable)

6. (1F*) **[If there was a Primary Assessment issue with 1F*, then provide both item #6 & #7 for the Final Assessment.]** – *Initial Written and Skill Examinations* – Place in “Section 1 – Folder #6”
 - a. A copy of the written exam administered after the 12 hours of classroom training
 - b. A copy of the over the road skill evaluation administered after the 6 hours of driving time without students
 - c. A copy of the over the road skill evaluation administered after the 6 hours of driving time with students
7. (1F* con’t.) **[If there was a Primary Assessment issue with 1F*, then provide both item #6 & #7 for the Final Assessment.]** Adhere (no folder required) by placing documentation of the initial training (new driver training) written and skills examinations for each employed school bus driver in their driver folder **(desired for all training 1-1-08 forward)**

CONSULTANT ASSESSMENT REVIEW

For On-Site Review of Section 1 the Consultant Should

1. Review the “Requirements”, “Indicator(s) of Legal Adherence” and “GaDOE Recommended Best Practices” in Section 1. Review Folder 1 **spreadsheet** for required fields & confirm that all school bus drivers (all who drive a school bus to transport students) are listed.
2. (1A – 1C) *A. Classroom Training; B. Driving (without students); C. Driving (with students)* – Verify that the 24 hours (12-6-6) of instruction is implemented in the LSS training program for new school bus drivers. Utilize 31 content unit “Initial 12 Hour GaDOE Mandated Classroom Curriculum” sheet (from Model Training Units in portal) as required for verification of units taught. Utilize a tracking sheet to document dates and times for the 6 hours empty and 6 hours w/students for verification of instruction provided.
3. (1A – 1C con’t.) – Cross reference the master list/spreadsheet of school bus drivers as needed to review driver files for documentation of required training based on date of training. A determination on compliance must be made for both “CURRENT” **(last training class)** **AND** “PAST” practice. **(Folder #1 & driver files)**
4. (1D) – *GaDOE Annual Safety Renewal Education Program* – Cross reference the master list/spreadsheet of school bus drivers as needed to review rosters for annual GaDOE bus driver training to determine that school bus drivers attended either the regularly scheduled in-service session or the make-up session within the past 12 months or the school bus driver received 12-6-6 w/in the period **(current school year if all programs are over state-wide OR past school year if programs are still on-going)**. **(Folders #1 & 4)**
5. (1E*) – *Other In-Service Training Meetings* – Verify that other in-service training is being provided **(view past school year AND current school year if applicable)**. **(Folder #5)**
6. (1F*) – *Initial Written and Skill Examinations* – Verify that the written exam is in place **(regular and special needs units are covered)** for use after the 12 hours of classroom

training, the over the road skill evaluation is in place for use after the 6 hours of driving time without students and the over the road skill evaluation is in place for use after the 6 hours of driving time with students (Folder #6)

7. (1F* con't.) – Cross reference the master list/spreadsheet of school bus drivers as needed to review driver files for documentation of the initial training written and skills examinations (desired for all training 1-1-08 forward for all trainees, but for Final Assessment check 8-1-09 forward). (Folder #1 & driver files)

SECTION 2 – SCHOOL BUS DRIVER TRAINER CERTIFICATION

BACKGROUND

Requirement 2A (Number of GaDOE Certified Trainers; Completed GaDOE Program for Certification/Renewal)

Local school systems shall require that Instructor/Trainers who perform initial classroom training and/or supervise others who deliver the behind the wheel training to new school bus drivers be trained and certified through a training program offered by GaDOE. School Bus Driver (operator) shall be defined as - *a person, properly licensed, who controls the operation of a school bus used to transport students to or from school or school activities.*

Note – This includes regular drivers and substitutes. Additionally, it includes any teachers, coaches, transportation staff and others who drive a school bus when used to transport students. GaDOE Board Rule 160-5-3-.08; GA Law 20-2-1125

Indicator(s) of Legal Adherence 2A

1. Effective 1/1/08, Instructor/Trainers who perform initial classroom training to new school bus drivers must be certified by the GaDOE.
2. Effective 7/1/08, Instructor/Trainers who supervise others who deliver the behind the wheel training to new school bus drivers must be certified by the GaDOE
3. **The GaDOE Certified Instructor/Trainer shall be required to earn two (2) credits through professional development activities within a three calendar year period in order to maintain certification** [a. Calendar years 2008 – 2010 for all those certified by December 31, 2007; b. Three year period beginning with the calendar year after initial certification for those certified in future years (example – 2009 – 2011 for those certified in calendar year 2008)]. **NOTE – Due to GaDOE Pupil Transportation staff reductions, the recertification requirement to earn credits in this item (#3) is on hold effective 1-1-09. The clock is not ticking & will not start ticking again until further notice.**

It is the intent that the primary method of earning credits will be through attendance at the annual GaDOE Instructor/Trainer Workshop (one credit/workshop) and it is a requirement to attend at least one workshop in the three year period. In the event that only one workshop is attended, in order to earn the additional credit required, written evidence must be provided to the Department of Education that one of the following has also been accomplished during the three year period:

- a. Successful completion of a **RESA sponsored class** of at least 8 clock hours in duration relating to professional development in public speaking, teaching methods/skills, computer technology
- b. Successful completion of a **local school system sponsored community school or staff development class** of at least 8 clock hours in duration relating to professional development in public speaking, teaching methods/skills, computer technology

- c. Attendance at either the **GAPT or NAPT** Conference or successful completion of a professional development **class(es)** (at least 8 clock hours) that is offered by the above organizations
- d. Successful completion of a **college class** of at least 8 clock hours in duration relating to professional development in public speaking, teaching methods/skills, computer technology
- e. Successful completion of a **local school system designed class** of at least 8 clock hours in duration in an area of related professional development taught by a content expert **to be pre-approved by the GaDOE Pupil Transportation Director**
- f. Successful completion of the four day Child Passenger Safety (CPS) Training Class resulting in CPST Certification

NOTE - The alternate option to earn one credit in lieu of workshop attendance for certification can only be used one time during the three year period. **Even though the requirement to earn credits is currently on hold, one alternate credit (“a” – “f” above) may be earned while the clock is not ticking.**

Evidence 2A

Documentation of Instructor/Trainer certification & Statement of Compliance

LOCAL SCHOOL SYSTEM PREPARATION FOR ASSESSMENT REVIEW

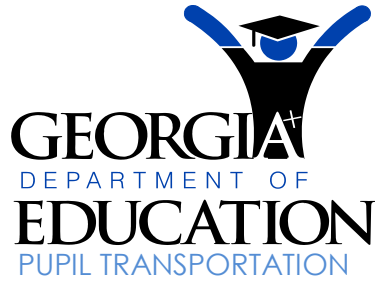
For On-Site Review of Section 2 the Local School System Should – If there was an issue in the Primary Assessment with any portion of Section 2 then you should provide all of the following (Items 1, 2, & 3). Put together a packet for Section 2 made up of folders labeled for items #1, 2, & 3 (ex. “Section 2 – Folder #1”) that contains the following:

1. (2A) – *Number of GaDOE Certified Trainers; Completed GaDOE Program for Certification/Renewal* – Place in “Section 2 – Folder #1” an alphabetical master list/spreadsheet (may utilize GaDOE electronic template) by last name of all GaDOE Certified Instructor/Trainers which contains the following (in order) –
 - Last name
 - First name
 - Original certification date
 - Due date for certification renewal
 - Date/activity of 1st professional development credit earned
 - Date/activity of 2nd professional development credit earned
2. (2A con’t.) – Place in “Section 2 – Folder #2” a copy of each Instructor/Trainer’s Certificate (in alphabetical order by last name)
3. (2A con’t.) – Place in “Section 2 – Folder #3” a Statement of Compliance regarding who provides classroom instruction and who supervises hands-on instruction (see p. 8, “STATEMENT OF COMPLIANCE, Requirement 2A – Folder #3”)

CONSULTANT ASSESSMENT REVIEW

For On-Site Review of Section 2 the Consultant Should

1. Review the “Requirements” and “Indicator(s) of Legal Adherence” in Section 2. Review Folder 1 **spreadsheet** for required fields & accuracy of data regarding certification and renewal.
2. (2A) – *Number of GaDOE Certified Trainers; Completed GaDOE Program for Certification/Renewal* – Verify that the Instructor/Trainers in the local school system have current/proper GaDOE certification (Folders #1 & 2)
3. (2A con’t.) – Review the Statement of Compliance and collect for GaDOE files (Folder #3)



**ON-SITE ASSESSMENT
OF RECORDS AND BEST PRACTICES**

**STATEMENT OF COMPLIANCE
Requirement 2A – Folder #3**

I,(name), **Director/Head of Pupil Transportation**, as the individual responsible for compliance with the Section and Item noted above, declare that
.....(school system)

Check One

_____ Is in compliance as stated below:

_____ Is NOT in compliance as stated below:

1. Effective 1/1/08, initial classroom training to all new school bus drivers is provided by a GaDOE Certified Instructor/Trainer.
2. Effective 7/1/08, supervision of those who deliver behind the wheel training to all new school bus drivers is conducted by a GaDOE Certified Instructor/Trainer.

Signed: _____ Date _____

Contact information at School System for inquiries regarding this Statement of Compliance:

Name –
Position –
Address –

Phone –
E-Mail –

SECTION 3 – EMPLOYEE RECORDS

BACKGROUND

Requirement 3A (Employment Application on File)

Local school systems shall ensure that employment applications are completed by each new school bus driver. GaDOE Board Rule 160-5-3-.08; FMCSA § 391.21

Indicator(s) of Legal Adherence 3A

1. All regular and substitute school bus driver applicants complete an employment application
2. Employment applications for employed school bus drivers are on file somewhere in the local school system

Evidence 3A

Blank copy of employment application & Statement of Compliance

Requirement 3B (Current MVR Check on File)

Local system shall, at least once every 12 months (GaDOE recommends 2 times/year), make an inquiry into the driving record of each (CDL) driver it employs, covering at least the preceding 12 months (GaDOE recommends 7 years). This includes all school bus drivers as well as others who in the course of their local school system employment, drive a vehicle requiring a CDL. School Bus Driver (operator) shall be defined as - *a person, properly licensed, who controls the operation of a school bus used to transport students to or from school or school activities.*

Note – This includes regular drivers and substitutes. Additionally, it includes any teachers, coaches, transportation staff and others who drive a school bus when used to transport students. FMCSA § 391.25

Indicator(s) of Legal Adherence 3B

1. Current (annual required; semi-annual recommended) Motor Vehicle Record Check (MVR) is on file for all school bus drivers and others who in the course of their local school system employment, drive a vehicle requiring a CDL.

Evidence 3B

Copy/results of MVR

Requirement 3C (Record of Current Physical)

Local school systems shall ensure that new school bus drivers satisfactorily pass a physical examination by a licensed doctor of medicine (M.D.) or doctor of osteopathy (D.O.) within 60 days prior to the date of employment. To be considered for re-employment for any ensuing school year, the driver shall pass the annual medical examination prescribed by the GaDOE (Form #0514), not more than 60 days before the beginning of the school year (day that students start). School Bus Driver (operator) shall be defined as - *a person, properly licensed, who controls the operation of a school bus used to transport students to or from school or school activities.*

Note – This includes regular drivers and substitutes. Additionally, it includes any teachers, coaches, transportation staff and others who drive a school bus when used to transport students. GaDOE Board Rule 160-5-3-.08

Indicator(s) of Legal Adherence 3C

1. All new school bus drivers receive/pass a physical exam performed by a licensed medical doctor (M.D.) or a doctor of osteopathy (D.O.) no more than 60 days prior to their date of employment
2. All returning school bus drivers annually receive/pass a physical exam performed by a licensed medical doctor (M.D.) or a doctor of osteopathy (D.O.) no more than 60 days prior to the start of the school year (day that students start)

Evidence 3C

Physical exam forms completed by a licensed medical doctor or doctor of osteopathy

Requirement 3D (Criminal Record Check Policy)

Local school systems ensure that when employed, all personnel to include new school bus drivers, shall be fingerprinted and have a criminal record check. GA Law 20-2-211

Indicator(s) of Legal Adherence 3D

1. All school bus drivers employed after July 1, 2000 should have been fingerprinted and had a criminal record check

Evidence 3D

Statement of Compliance

Requirement 3E (Annual Employee Evaluation)

Local school systems ensure that all personnel employed, to include school bus drivers shall have their performance evaluated annually. GA Law 20-2-210

Indicator(s) of Legal Adherence 3E

1. Regular full-time school bus drivers should receive an annual performance evaluation

Evidence 3E

Blank copy of annual performance evaluation & Statement of Compliance

GaDOE Recommended Best Practice 3F* (Annual Driving Skill Evaluation)

An annual driving skill evaluation is administered to all regular and substitute school bus drivers

Evidence 3F*

Blank copy of annual skill evaluation & Statement of Compliance

Requirement 3G (Copy of Current Driver’s License for Each Employed Driver)

Local school systems shall ensure that employees who need a CDL are properly licensed (all school bus drivers and others who in the course of their local school system employment drive a vehicle requiring a CDL). Resident school bus drivers shall have a Georgia Commercial Driver’s License (CDL) Class A, B or C. The CDL Class A, B, or C license shall have a “P” & “S” endorsement, which authorizes the driver to drive a school bus. (The driver of an air-brake-equipped vehicle shall not have an “L” restriction which restricts him/her to vehicles not

equipped with air brakes). Local school systems shall ensure that non-resident drivers have an appropriate CDL, issued by their home state, to operate a school bus or other commercial vehicle. School Bus Driver (operator) shall be defined as - *a person, properly licensed, who controls the operation of a school bus used to transport students to or from school or school activities.*

Note – This includes regular drivers and substitutes. Additionally, it includes any teachers, coaches, transportation staff and others who drive a school bus when used to transport students. FMCSA § 383.23; GaDOE Board Rule 160-5-.08; GA Law 40-5-150

Indicator(s) of Legal Adherence 3G

1. Each school bus driver holds a valid CDL with the appropriate expiration date, class, endorsements, type & restrictions

Evidence 3G

Evidence of valid licenses

LOCAL SCHOOL SYSTEM PREPARATION FOR ASSESSMENT REVIEW

For On-Site Review of Section 3 the Local School System Should – Based on the Primary Assessment findings, if there were issues then you should put together a packet for Section 3 made up of **applicable** folders labeled for items #1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 below (ex. “Section 3 – Folder #1”) that contains the following:

1. **If there was an issue in the Primary Assessment with any item in Section 3 then place in “Section 3 – Folder #1”** a current master list/spreadsheet (may utilize GaDOE electronic template) of all school bus drivers (see definition above) and others who in the course of their local school system employment, drive a vehicle requiring a CDL (same as Section 4) in alphabetical order by last name which contains the following information (in order) -
 - Last name
 - First name
 - Date placed in Drug & Alcohol Pool
 - District employment – date hired full time
 - Position title
 - Regular driver
 - Substitute driver
 - Attendant (if trained to drive)
 - Teacher
 - Coach
 - Principal
 - Administrator
 - Mechanic
 - Transportation staff
 - Facility maintenance staff
 - Others requiring a CDL
 - Etc.

2. (3A) **[If there was a Primary Assessment issue with 3A, then provide both item #2 & #3 for the Final Assessment.]** – *Employment Application on File* – Place in “Section 3 – Folder #2” a blank school bus driver employment application for full time/substitute bus drivers
3. (3A con’t.) **[If there was a Primary Assessment issue with 3A, then provide both item #2 & #3 for the Final Assessment.]** – Place in “Section 3 – Folder #3” a Statement of Compliance regarding employment applications (on file somewhere in the local school system). (see “STATEMENT OF COMPLIANCE, Requirement 3A – Folder #3”)
4. (3B) – *Current MVR Check on File* – Place in “Section 3 – Folder #4” a copy of the MVR, in alphabetical order by last name for all school bus drivers and others who in the course of their local school system employment, drive a vehicle requiring a CDL (see definition above) OR if MVRs are requested in bulk and are housed in a data base, be prepared to access/produce them as requested at the time of the on-site assessment
5. (3C) – *Record of Current Physical* – Place in “Section 3 – Folder #5” the current school year original or copy of all completed physical exam forms in alphabetical order by last name for all school bus drivers (see definition above)
6. (3D) – *Criminal Record Check Policy* – Place in “Section 3 – Folder #6” a Statement of Compliance regarding the fingerprinting and criminal records check (see “STATEMENT OF COMPLIANCE, Requirement 3D – Folder #6”)
7. (3E) **[If there was a Primary Assessment issue with 3E, then provide both item #7 & #8 for the Final Assessment.]** – *Annual Employee Evaluation* – Place in “Section 3 – Folder #7” a blank copy of the annual performance evaluation utilized for all regular full-time school bus drivers only
8. (3E con’t.) **[If there was a Prim. Assessment issue with 3E, then provide both item #7 & #8 for the Final Assessment.]** – Place in “Section 3 – Folder #8” a Statement of Compliance regarding the annual performance evaluation (for all regular full-time school bus drivers only). (see “STATEMENT OF COMPLIANCE, Requirement 3E – Folder #8”)
9. (3F*) **[If there was a Primary Assessment issue w/3F*, then provide both item #9 & #10 for the Final Assessment.]**
– *Annual Driving Skill Evaluation* – Place in “Section 3 – Folder #9” a blank copy of the annual driving skill evaluation that is administered to all regular and substitute school bus drivers
10. (3F* con’t.) **[If there was a Primary Assessment issue w/3F*, then provide both item #9 & #10 for the Final Assessment.]**
– Place in “Section 3 – Folder #10” a Statement of Compliance regarding the annual driving skill evaluation (see “STATEMENT OF COMPLIANCE, Requirement 3F – Folder #10”)
11. (3G) – *Copy of Current Driver’s License for Each Employed Driver* – Place in “Section 3 – Folder #11” **current** copies of licenses for all school bus drivers and others who in the course of their local school system employment, drive a vehicle requiring a CDL (see definition above) in alphabetical order by last name with appropriate expiration date,

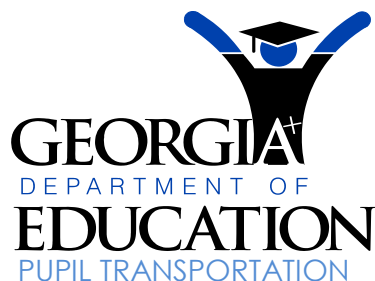
class, endorsements type & restrictions OR place in the folder a spreadsheet showing the same information and be prepared to access/produce/view a copy of the actual license at the time of the on-site assessment

CONSULTANT ASSESSMENT REVIEW

For On-Site Review of Section 3 the Consultant Should

1. Review the “Requirements”, “Indicator(s) of Legal Adherence” and “GaDOE Recommended Best Practices” in Section 3. Review Folder 1 **spreadsheet** for required fields & confirm that all employees requiring a CDL are listed.
2. (3A) – *Employment Application on File* – Verify that there is an employment application to be utilized for regular full time and substitute school bus drivers (Folder #2)
3. (3A con’t.) – Review the Statement of Compliance and collect for GaDOE files (Folder #3)
4. (3B) – *Current MVR Check on File* – Cross reference the master list/spreadsheet of school bus drivers and others who in the course of their local school system employment, drive a vehicle requiring a CDL as needed to review that MVRs are being performed on a minimum of an annual basis. MVRs may be hard copy in the folder or produced as required from an electronic database (Folders # 1 & 4 and/or electronic database)
5. (3C) – *Record of Current Physical* – Cross reference the master list/spreadsheet of school bus drivers as needed to review that physical exams are being performed **for the current school year** (Folders # 1 & 5):
 - a. School bus drivers have a physical on file
 - b. School bus drivers were examined by a licensed medical doctor or a doctor of osteopathy no more than 60 days prior to the start of the school year
 - c. School bus drivers trained/employed after the beginning of the school year have had a physical exam no more than 60 days before date of employment/1st day transporting students
 - d. Physical has check in “Qualified” w/o inappropriate restrictions in “Comments”
 - e. Physical is signed by a licensed medical doctor (M.D.) or a doctor of osteopathy (D.O.)
6. (3D) – *Criminal Record Check Policy* – Review the Statement of Compliance and collect for GaDOE files (Folder # 6)
7. (3E) – *Annual Employee Evaluation* – Verify that there is an annual performance evaluation to be utilized for regular full time school bus drivers (Folder #7)
8. (3E con’t.) – Review the Statement of Compliance and collect for GaDOE files (Folder # 8)
9. (3F*) – *Annual Driving Skill Evaluation* – Verify that there is an annual driving skill evaluation to be utilized for regular full time and substitute school bus drivers (Folder #9)
10. (3F* con’t.) – Review the Statement of Compliance and collect for GaDOE files (Folder #10)

11. (3G) – *Copy of Current Driver’s License for Each Employed Driver* – Cross reference the master list/spreadsheet of school bus drivers and others who in the course of their local school system employment, drive a vehicle requiring a CDL as needed to review **current** driver’s licenses. Licenses may be hard copy in the folder or a spreadsheet in the folder showing the required information. Request to access/view a copy of the license as needed. (Folders # 1 & 11):
- a. Driver’s licenses are on file
 - b. Driver’s license are valid (have not expired)
 - c. Driver’s license has the proper class, endorsements and restrictions
 - d. NOTE: If a driver has a Class C license they are not allowed to drive a vehicle in excess of 26,000 GVWR. In these cases obtain the bus # and cross reference in “Section 7 – Folder 1” to check on type of bus/vehicle. Additional follow-up could be required to obtain the GVWR of the vehicle.



**ON-SITE ASSESSMENT
OF RECORDS AND BEST PRACTICES**

STATEMENT OF COMPLIANCE

Requirement 3A – Folder #3

NOTE – This statement is to be completed by the local system Director/Head of Pupil Transportation OR by the Director/Head of Human Resources (as applicable)

I,(name),(position), as the individual responsible for compliance with the Section and Item noted above, declare that(school system)

Check One

_____ Is in compliance as stated below:

_____ Is NOT in compliance as stated below:

1. All regular and substitute school bus driver applicants complete an employment application
2. Employment applications for employed school bus drivers are on file somewhere in the local school system

Signed: _____ Date _____

Contact information at School System for inquiries regarding this Statement of Compliance:

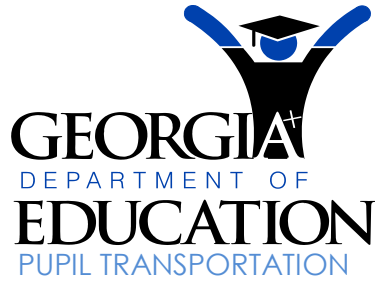
Name –

Position –

Address –

Phone –

E-Mail –



**ON-SITE ASSESSMENT
OF RECORDS AND BEST PRACTICES**

**STATEMENT OF COMPLIANCE
Requirement 3D – Folder #6**

I,(name), **Director/Head of Human Resources**, as the individual responsible for compliance with the Section and Item noted above, declare that(school system)

Check One

_____ Is in compliance as stated below:

_____ Is NOT in compliance as stated below:

1. All school bus drivers employed after July 1, 2000 have been fingerprinted and passed a criminal record check

Signed: _____ Date _____

Contact information at School System for inquiries regarding this Statement of Compliance:

Name –

Position – **Director/Head of Human Resources**

Address –

Phone –

E-Mail –



**ON-SITE ASSESSMENT
OF RECORDS AND BEST PRACTICES**

**STATEMENT OF COMPLIANCE
Requirement 3E – Folder #8**

I,(name), **Director/Head of Transportation**, as the individual responsible for compliance with the Section and Item noted above, declare that(school system)

Check One

_____ Is in compliance as stated below:

_____ Is NOT in compliance as stated below:

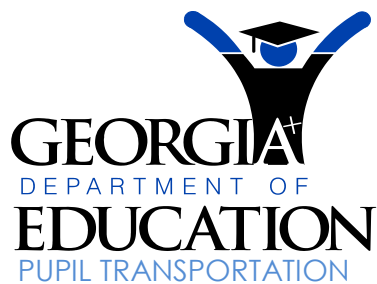
1. Regular full-time school bus drivers receive an annual performance evaluation

Signed: _____ Date _____

Contact information at School System for inquiries regarding this Statement of Compliance:

Name –
Position –
Address –

Phone –
E-Mail –



**ON-SITE ASSESSMENT
OF RECORDS AND BEST PRACTICES**

**STATEMENT OF COMPLIANCE
Requirement 3F – Folder #10**

I,(name), **Director/Head of Pupil Transportation**, as the individual responsible for compliance with the Section and Item noted above, declare that
.....(school system)

Check One

_____ Is in compliance as stated below:

_____ Is NOT in compliance as stated below:

1. An annual driving skill evaluation is administered to all regular and substitute school bus drivers

Signed: _____ Date _____

Contact information at School System for inquiries regarding this Statement of Compliance:

Name –

Position –

Address –

Phone –

E-Mail –

SECTION 4 – DRUG AND ALCOHOL TEST RECORDS

NOTE – Federal Motor Carrier Safety Regulations (FMCSR) *Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs* tells all parties who conduct drug and alcohol tests required by Department of Transportation (DOT) agency regulations how to conduct these tests and what procedures to use. FMCSR *Part 382 – Controlled Substance and Alcohol Use and Testing* applies to employers of those who operate a commercial motor vehicle. As an employer you are responsible for meeting all applicable requirements and procedures of these parts.

Section 4 of the On-Site Assessment only contains selected resources of information relating to DOT Drug and Alcohol Testing that are directly related to the specific GaDOE assessment items. Regulations included are stated directly from the FMCSR Manual. The information contained is not intended to be all-inclusive, but rather a base of information on the matter. In the event of a question regarding duty or responsibility to be in Federal Compliance, local school systems should consult the advice of a DOT Drug and Alcohol Professional.

BACKGROUND

Requirement 4A (Certified Drug and Alcohol Supervisor)

FMCSR § 382.603 Training for supervisors

Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required. FMCSR §382.603

Indicator(s) of Legal Adherence 4A

1. All persons supervising CDL drivers in the local school system should have the reasonable suspicion detection alcohol misuse and controlled substance use training

Evidence 4A

Documentation of reasonable suspicion training for supervisors

Requirement 4B (Drug and Alcohol Testing Records)

Subpart C - Tests Required

§382.301 Pre-employment testing.

(a) Prior to the first time a driver performs safety-sensitive functions for an employer, the driver shall undergo testing for controlled substances as a condition prior to being used, unless the employer uses the exception in paragraph (b) of this section. No employer shall allow a driver, who the employer intends to hire or use, to perform safety-sensitive functions unless the employer has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver.

- (b) An employer is not required to administer a controlled substances test required by paragraph (a) of this section if:
- (b)(1) The driver has participated in a controlled substances testing program that meets the requirements of this part within the previous 30 days; and
 - (b)(2) While participating in that program, either:
 - (b)(2)(i) Was tested for controlled substances within the past 6 months (from the date of application with the employer), or
 - (b)(2)(ii) Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the employer); and
 - (b)(3) The employer ensures that no prior employer of the driver of whom the employer has knowledge has records of a violation of this part or the controlled substances use rule of another DOT agency within the previous six months.
- (c)(1) An employer who exercises the exception in paragraph (b) of this section shall contact the controlled substances testing program(s) in which the driver participates or participated and shall obtain and retain from the testing program(s) the following information:
- (c)(1)(i) Name(s) and address(es) of the program(s).
 - (c)(1)(ii) Verification that the driver participates or participated in the program(s).
 - (c)(1)(iii) Verification that the program(s) conforms to part 40 of this title.
 - (c)(1)(iv) Verification that the driver is qualified under the rules of this part, including that the driver has not refused to be tested for controlled substances.
 - (c)(1)(v) The date the driver was last tested for controlled substances.
 - (c)(1)(vi) The results of any tests taken within the previous six months and any other violations of subpart B of this part.
- (c)(2) An employer who uses, but does not employ a driver more than once a year to operate commercial motor vehicles must obtain the information in paragraph (c)(1) of this section at least once every six months. The records prepared under this paragraph shall be maintained in accordance with §382.401. If the employer cannot verify that the driver is participating in a controlled substances testing program in accordance with this part and part 40 of this title, the employer shall conduct a pre-employment controlled substances test.
- (d) An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, it must comply with the following requirements:
- (d)(1) It must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).
 - (d)(2) It must treat all safety-sensitive employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., it must not test some covered employees and not others).
 - (d)(3) It must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.
 - (d)(4) It must conduct all pre-employment alcohol tests using the alcohol testing procedures of 49 CFR part 40 of this title.

(d)(5) It must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.

§382.303 Post-accident testing.

(a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers:

(a)(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(a)(2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(a)(2)(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(a)(2)(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(b) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for controlled substances for each of its surviving drivers:

(b)(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(b)(2) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(b)(2)(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(b)(2)(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(c) The following table notes when a post-accident test is required to be conducted by paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) of this section:

TABLE FOR §382.303(A) and (B)

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

(d)(1) *Alcohol tests.* If a test required by this section is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the

reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

(d)(2) *Controlled substance tests.* If a test required by this section is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

(e) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

(f) An employer shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

(g)(1) The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the employer.

(g)(2) The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the employer.

(h) *Exception.* This section does not apply to:

(h)(1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or

(h)(2) An occurrence involving only the loading or unloading of cargo; or

(h)(3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in §571.3 of this title) by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with §177.823 of this title.

§382.305 Random testing.

(a) Every employer shall comply with the requirements of this section. Every driver shall submit to random alcohol and controlled substance testing as required in this section.

(b)(1) Except as provided in paragraphs (c) through (e) of this section, the minimum annual percentage rate for random alcohol testing shall be 10 percent of the average number of driver positions.

(b)(2) Except as provided in paragraphs (f) through (h) of this section, the minimum annual percentage rate for random controlled substances testing shall be 50 percent of the average number of driver positions.

(c) The FMCSA Administrator's decision to increase or decrease the minimum annual percentage rate for alcohol testing is based on the reported violation rate for the entire industry. All information used for this determination is drawn from the alcohol management information system reports required by §382.403. In order to ensure reliability of the data, the FMCSA Administrator considers the quality and completeness of the reported data, may obtain additional information or reports from employers, and may make appropriate modifications in calculating the industry violation rate. In the event of a change in the annual percentage rate, the FMCSA Administrator will publish in the *Federal Register* the new minimum annual percentage rate for random alcohol testing of drivers. The new minimum annual percentage rate for random alcohol testing will be applicable starting January 1 of the calendar year following publication in the *Federal Register*.

(d)(1) When the minimum annual percentage rate for random alcohol testing is 25 percent or more, the FMCSA Administrator may lower this rate to 10 percent of all driver positions if the FMCSA Administrator determines that the data received under the reporting requirements of §382.403 for two consecutive calendar years indicate that the violation rate is less than 0.5 percent.

(d)(2) When the minimum annual percentage rate for random alcohol testing is 50 percent, the FMCSA Administrator may lower this rate to 25 percent of all driver positions if the FMCSA Administrator determines that the data received under the reporting requirements of §382.403 for two consecutive calendar years indicate that the violation rate is less than 1.0 percent but equal to or greater than 0.5 percent.

(e)(1) When the minimum annual percentage rate for random alcohol testing is 10 percent, and the data received under the reporting requirements of §382.403 for that calendar year indicate that the violation rate is equal to or greater than 0.5 percent, but less than 1.0 percent, the FMCSA Administrator will increase the minimum annual percentage rate for random alcohol testing to 25 percent for all driver positions.

(e)(2) When the minimum annual percentage rate for random alcohol testing is 25 percent or less, and the data received under the reporting requirements of §382.403 for that calendar year indicate that the violation rate is equal to or greater than 1.0 percent, the FMCSA Administrator will increase the minimum annual percentage rate for random alcohol testing to 50 percent for all driver positions.

(f) The FMCSA Administrator's decision to increase or decrease the minimum annual percentage rate for controlled substances testing is based on the reported positive rate for the entire industry. All information used for this determination is drawn from the controlled substances management information system reports required by §382.403. In order to ensure reliability of the data, the FMCSA Administrator considers the quality and completeness of the reported data, may obtain additional information or reports from employers, and may make appropriate modifications in calculating the industry positive rate. In the event of a change in the annual percentage rate, the FMCSA Administrator will publish in the *Federal Register* the

new minimum annual percentage rate for controlled substances testing of drivers. The new minimum annual percentage rate for random controlled substances testing will be applicable starting January 1 of the calendar year following publication in the *Federal Register*.

(g) When the minimum annual percentage rate for random controlled substances testing is 50 percent, the FMCSA Administrator may lower this rate to 25 percent of all driver positions if the FMCSA Administrator determines that the data received under the reporting requirements of §382.403 for two consecutive calendar years indicate that the positive rate is less than 1.0 percent.

(h) When the minimum annual percentage rate for random controlled substances testing is 25 percent, and the data received under the reporting requirements of §382.403 for any calendar year indicate that the reported positive rate is equal to or greater than 1.0 percent, the FMCSA Administrator will increase the minimum annual percentage rate for random controlled substances testing to 50 percent of all driver positions.

(i)(1) The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.

(i)(2) Each driver selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made.

(i)(3) Each driver selected for testing shall be tested during the selection period.

(j)(1) To calculate the total number of covered drivers eligible for random testing throughout the year, as an employer, you must add the total number of covered drivers eligible for testing during each random testing period for the year and divide that total by the number of random testing periods. Covered employees, and only covered employees, are to be in an employer's random testing pool, and all covered drivers must be in the random pool. If you are an employer conducting random testing more often than once per month (*e.g.*, daily, weekly, bi-weekly) you do not need to compute this total number of covered drivers rate more than on a once per month basis.

(j)(2) As an employer, you may use a service agent (*e.g.*, a C/TPA) to perform random selections for you, and your covered drivers may be part of a larger random testing pool of covered employees. However, you must ensure that the service agent you use is testing at the appropriate percentage established for your industry and that only covered employees are in the random testing pool.

(k)(1) Each employer shall ensure that random alcohol and controlled substances tests conducted under this part are unannounced.

(k)(2) Each employer shall ensure that the dates for administering random alcohol and controlled substances tests conducted under this part are spread reasonably throughout the calendar year.

(l) Each employer shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function, other than driving a commercial

motor vehicle, at the time of notification, the employer shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

(m) A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(n) If a given driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing rules of more than one DOT agency for the same employer, the driver shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the driver's function.

(o) If an employer is required to conduct random alcohol or controlled substances testing under the alcohol or controlled substances testing rules of more than one DOT agency, the employer may-

(o)(1) Establish separate pools for random selection, with each pool containing the DOT-covered employees who are subject to testing at the same required minimum annual percentage rate; or

(o)(2) Randomly select such employees for testing at the highest minimum annual percentage rate established for the calendar year by any DOT agency to which the employer is subject.

§382.307 Reasonable suspicion testing.

(a) An employer shall require a driver to submit to an alcohol test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions of subpart B of this part concerning alcohol. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

(b) An employer shall require a driver to submit to a controlled substances test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions of subpart B of this part concerning controlled substances. The employer's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

(c) The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or company official who is trained in accordance with §382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

(d) Alcohol testing is authorized by this section only if the observations required by paragraph (a) of this section are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this part. A driver may be directed by the employer to only undergo reasonable suspicion testing while the driver is performing safety-

sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(e)(1) If an alcohol test required by this section is not administered within two hours following the determination under paragraph (a) of this section, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination under paragraph (a) of this section, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

(e)(2) Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until:

(e)(2)(i) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or

(e)(2)(ii) Twenty four hours have elapsed following the determination under paragraph (a) of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this part concerning the use of alcohol.

(e)(3) Except as provided in paragraph (e)(2) of this section, no employer shall take any action under this part against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit an employer with independent authority of this part from taking any action otherwise consistent with law.

(f) A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

§382.309 Return-to-duty testing.

The requirements for return-to-duty testing must be performed in accordance with 49 CFR part 40, Subpart O.

§382.311 Follow-up testing.

The requirements for follow-up testing must be performed in accordance with 49 CFR part 40, Subpart O.

Subpart D—Handling of Test Results, Records Retention, and Confidentiality

§ 382.401 Retention of records

(d) Location of records. All records required by this part shall be maintained as required by §390.31 of this subchapter and shall be made available for inspection at the employer's principal place of business within two business days after a request has been made by an authorized representative of the Federal Motor Carrier Safety Administration.

§382.405 Access to facilities and records.

(a) Except as required by law or expressly authorized or required in this section, no employer shall release driver information that is contained in records required to be maintained under §382.401.

(b) A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. The employer shall promptly provide the records requested by the driver. Access to a driver's records shall not be contingent upon payment for records other than those specifically requested.

(c) Each employer shall permit access to all facilities utilized in complying with the requirements of this part to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers.

(d) Each employer shall make available copies of all results for employer alcohol and/or controlled substances testing conducted under this part and any other information pertaining to the employer's alcohol misuse and/or controlled substances use prevention program, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers.

(e) When requested by the National Transportation Safety Board as part of an accident investigation, employers shall disclose information related to the employer's administration of a post-accident alcohol and/or controlled substance test administered following the accident under investigation.

(f) Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

(g) An employer may disclose information required to be maintained under this part pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) of this part (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver). Additionally, an employer may disclose information in criminal or civil actions in accordance with §40.323(a)(2) of this title.

(h) An employer shall release information regarding a driver's records as directed by the specific written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in §40.321(b) of this title.

§382.413 Inquiries for alcohol and controlled substances information from previous employers.

Employers shall request alcohol and controlled substances information from previous employers in accordance with the requirements of §40.25 of this title.

§ 40.25 Must an employer check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties?

(a) Yes, as an employer, you must, after obtaining an employee's written consent, request the information about the employee listed in paragraph (b) of this section. This requirement applies only to employees seeking to begin performing safety-sensitive duties for you for the first time (i.e., a new hire, an employee transfers into a safety-sensitive position). If the employee refuses to provide this written consent, you must not permit the employee to perform safety-sensitive functions.

(b) You must request the information listed in this paragraph (b) from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer:

(1) Alcohol tests with a result of 0.04 or higher alcohol concentration;

(2) Verified positive drug tests;

(3) Refusals to be tested (including verified adulterated or substituted drug test results);

(4) Other violations of DOT agency drug and alcohol testing regulations; and

(5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), you must seek to obtain this information from the employee.

(c) The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under this section or other applicable DOT agency regulations.

(d) If feasible, you must obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, you must obtain and review the information as soon as possible. However, you must not permit the employee to perform safety-sensitive functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless you have obtained or made and documented a good faith effort to obtain this information.

(e) If you obtain information that the employee has violated a DOT agency drug and alcohol regulation, you must not use the employee to perform safety-sensitive functions unless you also obtain information that the employee has subsequently complied with the return-to-duty requirements of Subpart O of this part and DOT agency drug and alcohol regulations.

(f) You must provide to each of the employers from whom you request information under paragraph (b) of this section written consent for the release of the information cited in paragraph (a) of this section.

(g) The release of information under this section must be in any written form (e.g., fax, e-mail, letter) that ensures confidentiality. As the previous employer, you must maintain a written record of the information released, including the date, the party to whom it was released, and a summary of the information provided.

(h) If you are an employer from whom information is requested under paragraph (b) of this section, you must, after reviewing the employee's specific, written consent, immediately release the requested information to the employer making the inquiry.

(i) As the employer requesting the information required under this section, you must maintain a written, confidential record of the information you obtain or of the good faith efforts you made to obtain the information. You must retain this information for three years from the date of the employee's first performance of safety-sensitive duties for you.

(j) As the employer, you must also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, you must not use the employee to perform safety-sensitive functions for you, until and unless the employee documents successful completion of the return-to-duty process (see paragraphs (b)(5) and (e) of this section).

§ 40.333 What records must employers keep?

(a) As an employer, you must keep the following records for the following periods of time:

(1) You must keep the following records for five years:

(i) Records of alcohol test results indicating an alcohol concentration of 0.02 or greater;

(ii) Records of verified positive drug test results;

(iii) Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results);

(iv) SAP reports; and

(v) All follow-up tests and schedules for follow-up tests.

(2) You must keep records for three years of information obtained from previous employers under §40.25 concerning drug and alcohol test results of employees.

(3) You must keep records of the inspection, maintenance, and calibration of EBTs, for two years.

(4) You must keep records of negative and cancelled drug test results and alcohol test results with a concentration of less than 0.02 for one year.

(b) You do not have to keep records related to a program requirement that does not apply to you (e.g., a maritime employer who does not have a DOT-mandated random alcohol testing program need not maintain random alcohol testing records).

(c) You must maintain the records in a location with controlled access.

(d) A service agent may maintain these records for you. However, you must ensure that you can produce these records at your principal place of business in the time required by the DOT agency. For example, as a motor carrier, when an FMCSA inspector requests your records, you must ensure that you can provide them within two business days.

(e) If you store records electronically, where permitted by this part, you must ensure that the records are easily accessible, legible, and formatted and stored in an organized manner. If

electronic records do not meet these criteria, you must convert them to printed documentation in a rapid and readily auditable manner, at the request of DOT agency personnel.

Indicator(s) of Legal Adherence 4B

1. Compliance with FMCSA Regulations regarding drug & alcohol records being maintained by a 3rd party administrator or maintained locally

Evidence 4B

Statement of Compliance

Requirement 4C [Drug and Alcohol Testing Administrator (who draws your names)]

§ 382.305 Random testing

(j)(2) As an employer, you may use a service agent (e.g., a C/TPA) to perform random selections for you, and your covered drivers may be part of a larger random testing pool of covered employees. However, you must ensure that the service agent you use is testing at the appropriate percentage established for your industry and that only covered employees are in the random testing pool.

(k)(1) Each employer shall ensure that random alcohol and controlled substances tests conducted under this part are unannounced.

(2) Each employer shall ensure that the dates for administering random alcohol and controlled substances tests conducted under this part are spread reasonably throughout the calendar year.

(l) Each employer shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the employer shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

(m) A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

Indicator(s) of Legal Adherence 4C

1. Compliance with FMCSA Regulations regarding the individual, company/3rd party group who administers the Drug/Alcohol program (who draws the names)

Evidence 4C

Statement of Compliance

Requirement 4D (Company or Group that Administers the Collection/Test)

Subpart C - Urine Collection Personnel

§ 40.31 Who may collect urine specimens for DOT drug testing?

(a) Collectors meeting the requirements of this subpart are the only persons authorized to collect urine specimens for DOT drug testing.

(b) A collector must meet training requirements of §40.33.

(c) As the immediate supervisor of an employee being tested, you may not act as the collector when that employee is tested, unless no other collector is available and you are permitted to do so under DOT agency drug and alcohol regulations.

(d) You must not act as the collector for the employee being tested if you work for a HHS-certified laboratory (e.g., as a technician or accessioner) and could link the employee with a urine specimen, drug testing result, or laboratory report.

§ 40.33 What training requirements must a collector meet?

To be permitted to act as a collector in the DOT drug testing program, you must meet each of the requirements of this section:

(a) Basic information. You must be knowledgeable about this part, the current “DOT Urine Specimen Collection Procedures Guidelines,” and DOT agency regulations applicable to the employers for whom you perform collections, and you must keep current on any changes to these materials. The DOT Urine Specimen Collection Procedures Guidelines document is available from ODAPC (Department of Transportation, 400 7th Street, SW., Room 10403, Washington DC, 20590, 202–366–3784, or on the ODAPC web site (<http://www.dot.gov/ost/dapc>).

(b) Qualification training. You must receive qualification training meeting the requirements of this paragraph. Qualification training must provide instruction on the following subjects:

(1) All steps necessary to complete a collection correctly and the proper completion and transmission of the CCF;

(2) “Problem” collections (e.g., situations like “shy bladder” and attempts to tamper with a specimen);

(3) Fatal flaws, correctable flaws, and how to correct problems in collections; and

(4) The collector's responsibility for maintaining the integrity of the collection process, ensuring the privacy of employees being tested, ensuring the security of the specimen, and avoiding conduct or statements that could be viewed as offensive or inappropriate;

(c) Initial Proficiency Demonstration. Following your completion of qualification training under paragraph (b) of this section, you must demonstrate proficiency in collections under this part by completing five consecutive error-free mock collections.

(1) The five mock collections must include two uneventful collection scenarios, one insufficient quantity of urine scenario, one temperature out of range scenario, and one scenario in which the employee refuses to sign the CCF and initial the specimen bottle tamper-evident seal.

(2) Another person must monitor and evaluate your performance, in person or by a means that provides real-time observation and interaction between the instructor and trainee, and attest in writing that the mock collections are “error-free.” This person must be a qualified collector who has demonstrated necessary knowledge, skills, and abilities by—

i) Regularly conducting DOT drug test collections for a period of at least a year;

ii) Conducting collector training under this part for a year; or

iii) Successfully completing a “train the trainer” course.

(d) Schedule for qualification training and initial proficiency demonstration. The following is the schedule for qualification training and the initial proficiency demonstration you must meet:

(1) If you became a collector before August 1, 2001, and you have already met the requirements of paragraphs (b) and (c) of this section, you do not have to meet them again.

(2) If you became a collector before August 1, 2001, and have yet to meet the requirements of paragraphs (b) and (c) of this section, you must do so no later than January 31, 2003.

(3) If you become a collector on or after August 1, 2001, you must meet the requirements of paragraphs (b) and (c) of this section before you begin to perform collector functions.

(e) Refresher training. No less frequently than every five years from the date on which you satisfactorily complete the requirements of paragraphs (b) and (c) of this section, you must complete refresher training that meets all the requirements of paragraphs (b) and (c) of this section.

(f) Error Correction Training. If you make a mistake in the collection process that causes a test to be cancelled (i.e., a fatal or uncorrected flaw), you must undergo error correction training. This training must occur within 30 days of the date you are notified of the error that led to the need for retraining.

(1) Error correction training must be provided and your proficiency documented in writing by a person who meets the requirements of paragraph (c) (2) of this section.

(2) Error correction training is required to cover only the subject matter area(s) in which the error that caused the test to be cancelled occurred.

(3) As part of the error correction training, you must demonstrate your proficiency in the collection procedures of this part by completing three consecutive error-free mock collections. The mock collections must include one uneventful scenario and two scenarios related to the area(s) in which your error(s) occurred. The person providing the training must monitor and evaluate your performance and attest in writing that the mock collections were "error-free."

(g) Documentation. You must maintain documentation showing that you currently meet all requirements of this section. You must provide this documentation on request to DOT agency representatives and to employers and C/TPAs who are using or negotiating to use your services.

§ 40.81 What laboratories may be used for DOT drug testing?

(a) As a drug testing laboratory located in the U.S., you are permitted to participate in DOT drug testing only if you are certified by HHS under the National Laboratory Certification Program (NLCP) for all testing required under this part.

(b) As a drug testing laboratory located in Canada or Mexico which is not certified by HHS under the NLCP, you are permitted to participate in DOT drug testing only if:

(b)(1) The DOT, based on a written recommendation from HHS, has approved your laboratory as meeting HHS laboratory certification standards or deemed your laboratory fully equivalent to a laboratory meeting HHS laboratory certification standards for all testing required under this part; or

(b)(2) The DOT, based on a written recommendation from HHS, has recognized a Canadian or Mexican certifying organization as having equivalent laboratory certification standards and procedures to those of HHS, and the Canadian or Mexican certifying organization has certified your laboratory under those equivalent standards and procedures.

(c) As a laboratory participating in the DOT drug testing program, you must comply with the requirements of this part. You must also comply with all applicable requirements of HHS in testing DOT specimens, whether or not the HHS requirements are explicitly stated in this part.

(d) If DOT determines that you are in noncompliance with this part, you could be subject to PIE proceedings under Subpart R of this part. If the Department issues a PIE with respect to you, you are ineligible to participate in the DOT drug testing program even if you continue to meet the requirements of paragraph (a) or (b) of this section.

Indicator(s) of Legal Adherence 4D

1. Compliance with FMCSA Regulations regarding the company/group who does the Drug/Alcohol collection/test

Evidence 4D

Statement of Compliance

Requirement 4E (Medical Review Officer)

Subpart G - Medical Review Officers and the Verification Process

§ 40.121 Who is qualified to act as an MRO?

To be qualified to act as an MRO in the DOT drug testing program, you must meet each of the requirements of this section:

(a) Credentials. You must be a licensed physician (Doctor of Medicine or Osteopathy). If you are a licensed physician in any U.S., Canadian, or Mexican jurisdiction and meet the other requirements of this section, you are authorized to perform MRO services with respect to all covered employees, wherever they are located. For example, if you are licensed as an M.D. in one state or province in the U.S., Canada, or Mexico, you are not limited to performing MRO functions in that state or province, and you may perform MRO functions for employees in other states or provinces without becoming licensed to practice medicine in the other jurisdictions.

(b) Basic knowledge. You must be knowledgeable in the following areas:

(1) You must be knowledgeable about and have clinical experience in controlled substances abuse disorders, including detailed knowledge of alternative medical explanations for laboratory confirmed drug test results.

(2) You must be knowledgeable about issues relating to adulterated and substituted specimens as well as the possible medical causes of specimens having an invalid result.

(3) You must be knowledgeable about this part, the DOT MRO Guidelines, and the DOT agency regulations applicable to the employers for whom you evaluate drug test results, and you must keep current on any changes to these materials. The DOT MRO Guidelines document is available from ODAPC (Department of Transportation, 400 7th Street, SW., Room 10403, Washington, DC 20590, 202-366-3784, or on the ODAPC web site (<http://www.dot.gov/ost/dapc>)).

(c) Qualification training. You must receive qualification training meeting the requirements of this paragraph (c).

(1) Qualification training must provide instruction on the following subjects:

(i) Collection procedures for urine specimens;

(ii) Chain of custody, reporting, and recordkeeping;

(iii) Interpretation of drug and validity tests results;
(iv) The role and responsibilities of the MRO in the DOT drug testing program;
(v) The interaction with other participants in the program (e.g., DERs, SAPs); and
(vi) Provisions of this part and DOT agency rules applying to employers for whom you review test results, including changes and updates to this part and DOT agency rules, guidance, interpretations, and policies affecting the performance of MRO functions, as well as issues that MROs confront in carrying out their duties under this part and DOT agency rules.

(2) Following your completion of qualification training under paragraph (c)(1) of this section, you must satisfactorily complete an examination administered by a nationally-recognized MRO certification board or subspecialty board for medical practitioners in the field of medical review of DOT-mandated drug tests. The examination must comprehensively cover all the elements of qualification training listed in paragraph (c)(1) of this section.

(3) The following is the schedule for qualification training you must meet:

(i) If you became an MRO before August 1, 2001, and have already met the qualification training requirement, you do not have to meet it again.

(ii) If you became an MRO before August 1, 2001, but have not yet met the qualification training requirement, you must do so no later than January 31, 2003.

(iii) If you become an MRO on or after August 1, 2001, you must meet the qualification training requirement before you begin to perform MRO functions.

(d) Continuing Education. During each three-year period from the date on which you satisfactorily complete the examination under paragraph (c)(2) of this section, you must complete continuing education consisting of at least 12 professional development hours (e.g., Continuing Education Medical Units) relevant to performing MRO functions.

(1) This continuing education must include material concerning new technologies, interpretations, recent guidance, rule changes, and other information about developments in MRO practice, pertaining to the DOT program, since the time you met the qualification training requirements of this section.

(2) Your continuing education activities must include assessment tools to assist you in determining whether you have adequately learned the material.

(3) If you are an MRO who completed the qualification training and examination requirements prior to August 1, 2001, you must complete your first increment of 12 CEU hours before August 1, 2004.

(e) Documentation. You must maintain documentation showing that you currently meet all requirements of this section. You must provide this documentation on request to DOT agency representatives and to employers and C/TPAs who are using or negotiating to use your services.

Indicator(s) of Legal Adherence 4E

1. Compliance with FMCSA Regulations regarding the Medical Review Officer

Evidence 4E

Statement of Compliance

Requirement 4F (Written DOT Drug and Alcohol Testing Policy)

§ 382.601 Employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances.

(a) General requirements. Each employer shall provide educational materials that explain the requirements of this part and the employer's policies and procedures with respect to meeting these requirements.

(1) The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

(2) Each employer shall provide written notice to representatives of employee organizations of the availability of this information.

(b) Required content. The materials to be made available to drivers shall include detailed discussion of at least the following:

(1) The identity of the person designated by the employer to answer driver questions about the materials;

(2) The categories of drivers who are subject to the provisions of this part;

(3) Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with this part;

(4) Specific information concerning driver conduct that is prohibited by this part;

(5) The circumstances under which a driver will be tested for alcohol and/or controlled substances under this part, including post-accident testing under §382.303(d);

(6) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by §382.303(d);

(7) The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this part;

(8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;

(9) The consequences for drivers found to have violated subpart B of this part, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under part 40, subpart O, of this title;

(10) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;

(11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.

(c) Optional provision. The materials supplied to drivers may also include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled

substances level, that are based on the employer's authority independent of this part. Any such additional policies or consequences must be clearly and obviously described as being based on independent authority.

(d) Certificate of receipt. Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

160-5-3-.15 Alcohol and controlled substances testing

(1) Definition.

(a) Employee engaged in safety-sensitive function--an employee of a local school system who holds a Commercial Driver's License (CDL) and who also operates or has reason to move a school bus or other commercial vehicle. Employees engaged in safety-sensitive functions include, but are not limited to, mechanics, school bus drivers, substitute school bus drivers, maintenance workers, coaches, teachers and administrators.

(2) Requirement.

(a) Local boards of education shall adopt a policy concerning the testing for alcohol and controlled substance abuse by employees who are engaged in safety-sensitive functions as mandated by federal law. Local boards shall also communicate to employees the dangers of alcohol and controlled substance use and the requirements specified in federal law and regulations.

(b) This rule shall become effective January 1, 1995, for local school systems with 50 or more licensed drivers holding Commercial Driver's Licenses on March 17, 1994. This rule shall become effective January 1, 1996, for systems with fewer than 50 licensed drivers holding Commercial Driver's Licenses on March 17, 1994.

Indicator(s) of Legal Adherence 4F

1. The local school system has a written policy/procedure concerning the testing for alcohol and controlled substance abuse by employees who are engaged in safety-sensitive functions as mandated by federal law

Evidence 4F

Documentation of the local written policy/procedure

Requirement 4G (Documentation for all Occasional Drivers on File)

All employees who are required to hold a CDL as part of their school system assigned duties/position must comply with the drug and alcohol testing requirements of Part 382—they must be in the random testing pool at all times.

§382.107 Definition of “driver”

Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

§ 382.103 Applicability

- (a) This part applies to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any State, and is subject to:
- (1) The commercial driver's license requirements of part 383 of this subchapter;
 - (2) The Licencia Federal de Conductor (Mexico) requirements; or
 - (3) The commercial drivers license requirements of the Canadian National Safety Code.
- (b) An employer who employs himself/herself as a driver must comply with both the requirements in this part that apply to employers and the requirements in this part that apply to drivers. An employer who employs only himself/herself as a driver shall implement a random alcohol and controlled substances testing program of two or more covered employees in the random testing selection pool.
- (c) The exceptions contained in §390.3(f) of this subchapter do not apply to this part. The employers and drivers identified in §390.3(f) of this subchapter must comply with the requirements of this part, unless otherwise specifically provided in paragraph (d) of this section.

160-5-3-.15 Alcohol and controlled substances testing.

(1) Definition.

(a) Employee engaged in safety-sensitive function--an employee of a local school system who holds a Commercial Driver's License (CDL) and who also operates or has reason to move a school bus or other commercial vehicle. Employees engaged in safety-sensitive functions include, but are not limited to, mechanics, school bus drivers, substitute school bus drivers, maintenance workers, coaches, teachers and administrators.

(2) Requirement.

(a) Local boards of education shall adopt a policy concerning the testing for alcohol and controlled substance abuse by employees who are engaged in safety-sensitive functions as mandated by federal law. Local boards shall also communicate to employees the dangers of alcohol and controlled substance use and the requirements specified in federal law and regulations.

(b) This rule shall become effective January 1, 1995, for local school systems with 50 or more licensed drivers holding Commercial Driver's Licenses on March 17, 1994. This rule shall become effective January 1, 1996, for systems with fewer than 50 licensed drivers holding Commercial Driver's Licenses on March 17, 1994.

Indicator(s) of Legal Adherence 4G

- 1. Compliance with FMCSA Regulations regarding drug & alcohol records on all full time and all occasional drivers (mechanics, bus drivers, substitutes, coaches, teachers, administrators, maintenance workers, other system employees etc. requiring a CDL) being maintained by a 3rd party administrator or maintained locally

Evidence 4G

Statement of Compliance

LOCAL SCHOOL SYSTEM PREPARATION FOR ASSESSMENT REVIEW

For On-Site Review of Section 4 the Local School System Should – Based on the Primary Assessment findings, if there were issues then you should put together a packet for Section 4 made up of **applicable** folders labeled for items #1, 2, 3, 4, 5, 6, 7 & 8 below (ex. “Section 4 – Folder #1”) that contains the following:

1. **If there was an issue in the Primary Assessment with any item in Section 4 then place in “Section 4 – Folder #1”** a current master list/spreadsheet (same as Section 3 - may utilize GaDOE electronic template) of all employees in your Drug/Alcohol Pool who in the course of their local school system employment, drive a vehicle requiring a CDL [in alphabetical order by last name which contains the following information (in order)]-

- Last name
- First name
- Date placed in Drug & Alcohol Pool
- District employment – date hired full time
- Position title
 - Regular driver
 - Substitute driver
 - Attendant (if trained to drive)
 - Teacher
 - Coach
 - Principal
 - Administrator
 - Mechanic
 - Transportation staff
 - Facility maintenance staff
 - Others requiring a CDL
 - Etc.

2. (4A) – *Certified Drug and Alcohol Supervisor* – Place in “Section 4 – Folder #2” a list of, and the certificate/evidence of completion of training for all current local school system employees trained and certified in the area of Reasonable Suspicion
3. (4B) – *Drug and Alcohol Testing Records* – Place in “Section 4 – Folder #3” a Statement of Compliance (x2) regarding drug & alcohol records being maintained by a 3rd party administrator or maintained locally (see “STATEMENT OF COMPLIANCE, Requirement 4B – Folder #3”). These records include but are not limited to:
 - a. Pre-employment testing
 - b. Post-accident testing
 - c. Random testing
 - d. Reasonable suspicion testing
 - e. Return to duty testing
 - f. Follow-up testing
 - g. Retention of records
 - h. Access to facilities & records

- i. Check w/previous employer(s) for D & A test results
 - j. Records that are to be kept
4. (4C) – *Drug and Alcohol Testing Administrator (who draws your names)* – Place in “Section 4 – Folder #4” a Statement of Compliance (x2) regarding the individual, company/3rd party group who administers the Drug/Alcohol program (who draws the names) & compliance w/Random Testing requirements for the past calendar year (see “STATEMENT OF COMPLIANCE, Requirement 4C – Folder #4”)
 5. (4D) – *Company or Group that Administers the Collection/Test* – Place in “Section 4 – Folder #5” a Statement of Compliance (x2) regarding the company/group who does the Drug/Alcohol collection/test (see “STATEMENT OF COMPLIANCE, Requirement 4D – Folder #5”)
 6. (4E) – *Medical Review Officer* – Place in “Section 4 – Folder #6” a Statement of Compliance (x2) regarding the Medical Review Officer (see “STATEMENT OF COMPLIANCE, Requirement 4E – Folder #6”)
 7. (4F) – *Written DOT Drug and Alcohol Testing Policy* – Place in “Section 4 – Folder #7” a copy of the written local school system policy/procedure concerning the testing for alcohol and controlled substance abuse by employees who are engaged in safety-sensitive functions as mandated by federal law
 8. (4G) – *Documentation for all Occasional Drivers on File* – Place in “Section 4 – Folder #8” a Statement of Compliance (x2) regarding drug & alcohol records on all school bus drivers and others who in the course of their local school system employment, drive a vehicle requiring a CDL, to include all occasional drivers (mechanics, bus drivers, substitutes, coaches, teachers, administrators, maintenance workers, other system employees etc. requiring a CDL) being maintained by a 3rd party administrator or maintained locally (see “STATEMENT OF COMPLIANCE, Requirement 4G – Folder #8”)

CONSULTANT ASSESSMENT REVIEW

For On-Site Review of Section 4 the Consultant Should

1. Review the “Requirements” & “Indicator(s) of Legal Adherence” in Section 4. Review Folder 1 spreadsheet for required fields & confirm that all employees requiring a CDL are listed, but no one w/o a CDL is listed.
2. (4A) – *Certified Drug and Alcohol Supervisor* – Verify that supervisors are trained and certified in the area of Reasonable Suspicion. Ask questions to clarify/ensure that all employees who supervise CDL drivers are trained. (Folder #2)
3. (4B) – *Drug and Alcohol Testing Records* – Review the Statement of Compliance and collect for GaDOE files (x2). Ask questions to clarify/ensure that pre-employment, post-accident, random, reasonable suspicion, etc. testing is being performed and that checks w/previous employer(s) for D & A test results are being performed. (Folder #3)
4. (4C) – *Drug and Alcohol Testing Administrator (who draws your names)* & compliance w/Random Testing requirements for the past calendar year – Review the Statement of Compliance and collect for GaDOE files (x2). (Folder #4)

5. (4D) – *Company or Group that Administers the Collection/Test* – Review the Statement of Compliance and collect for GaDOE files (x2). (Folder #5)
6. (4E) – *Medical Review Officer* – Review the Statement of Compliance and collect for GaDOE files (x2). (Folder #6)
7. (4F) – *Written DOT Drug and Alcohol Testing Policy* – Verify that there is written local school system policy/procedure concerning the testing for alcohol and controlled substance abuse by employees who are engaged in safety-sensitive functions as mandated by federal law (Folder #7)
8. (4G) – *Documentation for all Occasional Drivers on File* – Review the current master list/spreadsheet of all employees in the Drug/Alcohol Pool [who in the course of their local school system employment, drive a vehicle requiring a CDL (includes all occasional drivers - mechanics, bus drivers, substitutes, coaches, teachers, administrators, maintenance workers, other system employees etc.)] whose records are being maintained by a 3rd party administrator or maintained locally full time and all occasional drivers. Review the Statement of Compliance and collect for GaDOE files (x2). (Folders #1 & 8)



**ON-SITE ASSESSMENT
OF RECORDS AND BEST PRACTICES
STATEMENT OF COMPLIANCE
Requirement 4B – Folder #3**

NOTE – A separate statement is to be completed by the local system Director/Head of Pupil Transportation and by the 3rd Party Administrator (as applicable - based on each party's involvement)

I,(name),(position), as the individual responsible for compliance with the Section and Item noted above, declare that(school system)

Check One

_____ Is in compliance as stated below:

_____ Is NOT in Compliance as stated below:

1. In full compliance with FMCSA Regulations regarding drug & alcohol records being maintained by a 3rd party administrator or maintained locally

Signed: _____

Date _____

Contact information for GaDOE inquiries regarding this Statement of Compliance:

Name –

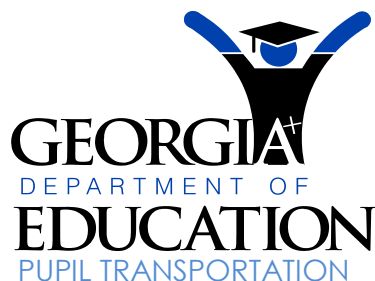
Position –

Company (if applicable) –

Address –

Phone –

E-Mail –



**ON-SITE ASSESSMENT
OF RECORDS AND BEST PRACTICES
STATEMENT OF COMPLIANCE
Requirement 4C – Folder #4**

NOTE – A separate statement is to be completed by the local system Director/Head of Pupil Transportation and by the 3rd Party Administrator (as applicable – based on each party's involvement)

I,(name),(position), as the individual responsible for compliance with the Section and Item noted above, declare that(school system)

Check One

_____ Is in compliance as stated below:

_____ Is NOT in compliance as stated below:

1. In full compliance with FMCSA Regulations regarding the individual, company/3rd party group who administers the Drug/Alcohol program (who draws the names)
 - a. (Name of individual or company who draws the names_____)
2. Is in full compliance with FMCSA Regulations for the past calendar year regarding the number of random tests performed and tests being spread reasonably throughout the year

Signed: _____ Date _____

Contact information for GaDOE inquiries regarding this Statement of Compliance:

Name –

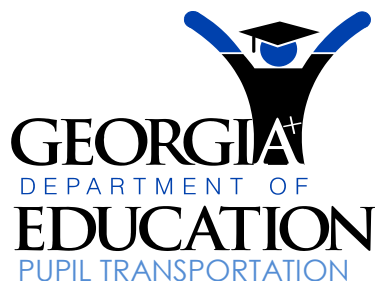
Position –

Company (if applicable) –

Address –

Phone –

E-Mail –



**ON-SITE ASSESSMENT
OF RECORDS AND BEST PRACTICES**

**STATEMENT OF COMPLIANCE
Requirement 4D – Folder #5**

NOTE – A separate statement is to be completed by the local system Director/Head of Pupil Transportation and by the 3rd Party Administrator (as applicable – based on each party’s involvement)

I,(name),(position), as the individual responsible for compliance with the Section and Item noted above, declare that(school system)

Check One

_____ Is in compliance as stated below:

_____ Is NOT in compliance as stated below:

1. In full compliance with FMCSA Regulations regarding the company/group who does the Drug/Alcohol collection/test

Signed: _____ Date _____

Contact information for GaDOE inquiries regarding this Statement of Compliance:

Name –

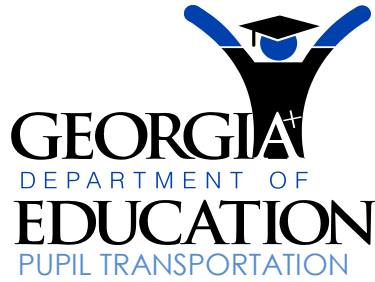
Position –

Company (if applicable) –

Address –

Phone –

E-Mail –



**ON-SITE ASSESSMENT
OF RECORDS AND BEST PRACTICES
STATEMENT OF COMPLIANCE
Requirement 4E – Folder #6**

NOTE – A separate statement is to be completed by the local system Director/Head of Pupil Transportation and by the 3rd Party Administrator (as applicable – based on each party’s involvement)

I,(name),(position), as the individual responsible for compliance with the Section and Item noted above, declare that(school system)

Check One

_____ Is in compliance as stated below:

_____ Is NOT in compliance as stated below:

1. In full compliance with FMCSA Regulations regarding the Medical Review Officer

Signed: _____

Date _____

Contact information for GaDOE inquiries regarding this Statement of Compliance:

Name –

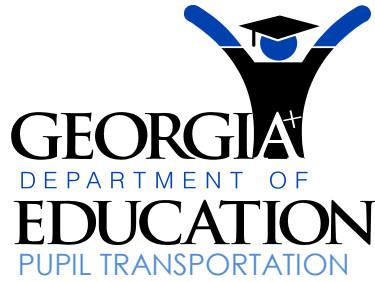
Position –

Company (if applicable) –

Address –

Phone –

E-Mail –



**ON-SITE ASSESSMENT
OF RECORDS AND BEST PRACTICES
STATEMENT OF COMPLIANCE
Requirement 4G – Folder #8**

NOTE – A separate statement is to be completed by the local system Director/Head of Pupil Transportation and by the 3rd Party Administrator (as applicable – based on each party’s involvement)

I,(name),(position), as the individual responsible for compliance with the Section and Item noted above, declare that(school system)

Check One

_____ Is in compliance as stated below:

_____ Is NOT in compliance as stated below:

In full compliance with FMCSA Regulations regarding drug & alcohol records on all school bus drivers and others who in the course of their local school system employment, drive a vehicle requiring a CDL, to include all occasional drivers (mechanics, bus drivers, substitutes, coaches, teachers, administrators, maintenance workers, other system employees etc. requiring a CDL) being maintained by a 3rd party administrator or maintained locally.

Signed: _____ Date _____

Contact information for GaDOE inquiries regarding this Statement of Compliance:

- Name –**
- Position –**
- Company (if applicable) –**
- Address –**

- Phone –**
- E-Mail –**

SECTION 5 – STUDENT SAFE RIDING INSTRUCTION

BACKGROUND

Requirement 5A (Evacuation Drills Conducted)

Local school systems shall ensure that students riding school buses receive instruction annually in emergency evacuation. GaDOE Board Rule 160-5-3-.13

Indicator(s) of Legal Adherence 5A

1. The local school system provides instruction on emergency evacuation to students riding school buses and performs emergency evacuation drills annually (simply posting rules on the bus does not meet this requirement)

Evidence 5A

Documentation of emergency evacuation training/drills

Requirement 5B [Classroom Curriculum (annual student instruction in safe riding practices)]

Local school systems shall ensure that students riding school buses receive instruction annually in safe riding practices. GaDOE Board Rule 160-5-3-.13

Indicator(s) of Legal Adherence 5B

1. The local school system provides instruction to students annually in safe riding practices (simply posting rules on the bus does not meet this requirement)

Evidence 5B

Documentation of student instruction in safe riding practices

Requirement 5C (Structured Procedure for Bus Drivers to Report Unacceptable Student Behavior)

Each student code of conduct shall contain provisions that address conduct on the school bus, in a manner that is appropriate to the age of the student. Each student code of conduct shall include comprehensive and specific provisions prescribing and governing student conduct and safety rules on all public school buses. Local school systems shall ensure that there is a progressive discipline process with due process procedures for school bus riders that promotes parents, bus drivers and administrators working together to improve and enhance student behavior. GA Laws 20-2-751.5; 20-2-735

Indicator(s) of Legal Adherence 5C

1. The local school system utilizes a school bus conduct report (discipline referral) to provide a structured procedure for bus drivers to report unacceptable student behavior

Evidence 5C

Documentation of a school bus conduct report

LOCAL SCHOOL SYSTEM PREPARATION FOR ASSESSMENT REVIEW

For On-Site Review of Section 5 the Local School System Should – Based on the Primary Assessment findings, if there were issues then you should put together a packet for Section 5 made up of **applicable** folders labeled for items #1, 2 & 3 below (ex. “Section 5 – Folder #1”) that contains the following:

1. (5A) – *Evacuation Drills Conducted* – Place in “Section 5 – Folder #1” the procedures used to instruct students riding school buses in emergency evacuation and procedures to conduct emergency evacuation drills annually. Additionally, include any documentation to support that these procedures are being performed for the past school year OR current school year (if applicable), such as LSS master check-off lists, all driver evacuation drill reports completed during/after the drill documenting that emergency evacuation drills were performed, written copy of any standard instructions given to students, procedure/form used for instruction on field/athletic trips, handouts, etc.
2. (5B) – *Annual student instruction in safe riding practices* – Place in “Section 5 – Folder #2” the description of procedures used to instruct students riding school buses annually in safe riding practices. Include any information to support that these procedures are being performed for the past school year OR current school year (if applicable), such as handouts, brochures, lesson plans, agendas, etc.
3. (5C) – *Structured Procedure for Bus Drivers to Report Unacceptable Student Behavior* – Place in “Section 5 – Folder #3” a blank copy of a school bus conduct report (discipline referral)

CONSULTANT ASSESSMENT REVIEW

For On-Site Review of Section 5 the Consultant Should

1. Review the “Requirements” & “Indicator(s) of Legal Adherence” in Section 5
2. (5A) – *Evacuation Drills Conducted* – Review the procedures along with the supporting evidence to determine if proper emergency evacuation instruction is being presented to students riding school buses and emergency evacuation drills are performed annually. May use past OR current school year (if applicable) to determine compliance. (Folder #1)
3. (5B) – *Classroom Curriculum (annual student instruction in safe riding practices)* – Review the procedures along with the supporting evidence to determine if instruction in safe riding practices is being provided to students riding school buses annually. May use past OR current school year (if applicable) to determine compliance. (Folder #2)
4. (5C) – *Structured Procedure for Bus Drivers to Report Unacceptable Student Behavior* – Verify that there is a school bus conduct report (discipline referral) to be utilized in the local school system. Discuss/ask questions to determine that student code of conduct is in place. (Folder #3)

SECTION 6 – ACCIDENT REPORTS/OTHER REQUIRED REPORTS

BACKGROUND

Requirement 6A (School Bus Accidents are Reported)

Local school systems shall report all accidents in which school buses are involved to the GaDOE on the electronic form provided by the department. An accident shall be defined as *a sequence of events which produces unintended injury, death or property damage. Any school bus incident that: (1) generates a police accident or incident report; (2) involves any amount of property damage; (3) involves operation of the bus which causes personal injury or fatality to occupants in the bus, in other vehicles or pedestrians.* GaDOE Board Rule 160-5-3-.08

Indicator(s) of Legal Adherence 6A

1. The local school system shall ensure that all accidents are electronically reported to the GaDOE within 45 days

Evidence 6A

Documentation of accidents reported

Requirement 6B (Superintendent's Transportation Annual Report)

Local school systems shall complete the GaDOE Annual Superintendent's Transportation Report each school year. GA Law 20-2-188; GaDOE Board Rule 160-5-3-.11

Indicator(s) of Legal Adherence 6B

1. The local school system completes the electronic Annual Superintendent's Transportation Report on time

Evidence 6B

Documentation that Superintendent's Report is complete

Requirement 6C (Report for Liability Insurance)

Local school systems shall complete the GaDOE School Bus Liability Insurance Report annually. GaDOE Board Rules 160-5-3-.04; 160-5-3-.11

Indicator(s) of Legal Adherence 6C

1. The local school system shall provide insurance information on cost and coverage by completing the electronic School Bus Liability Insurance Report annually during the month of November

Evidence 6C

Documentation that Liability Insurance Report is complete

Requirement 6D (Tabulation of School Bus Bids)

Local school systems shall submit the GaDOE Bus Bid Tabulation Report when school buses are purchased.

Note – A separate report shall be submitted for each different designed capacity/type bus that is bid meeting Georgia School Bus Specifications upon the issue of a Purchase Order (the P. O. initiates the report – not the receipt of buses). GaDOE Board Rules 160-5-3-.01; 160-5-3-.11

Indicator(s) of Legal Adherence 6D

1. The local school system shall complete the Bus Bid Tabulation Report within 10 business days of the issue of a P.O. for purchase of school buses

Evidence 6D

Documentation that Bus Bid Tabulation Report(s) is complete

LOCAL SCHOOL SYSTEM PREPARATION FOR ASSESSMENT REVIEW

For On-Site Review of Section 6 the Local School System Should – Based on the Primary Assessment findings, if there were issues then you should adhere to items #2 & 3 below as applicable. Put together a packet for Section 6 made up of **applicable** folders labeled for items #1 & 4 below (ex. “Section 6 – Folder #1”) that contains the following:

1. (6A) – *School Bus Accidents are Reported* – Place in “Section 6 – Folder #1” copies of the GaDOE accident reports for the past calendar year AND current calendar year OR have a log of those accidents with driver name and date of accident and be prepared to access/view/produce them within the portal at the time of the on-site assessment
2. (6B) – *Superintendent’s Transportation Annual Report* – Adhere (no folder required) by ensuring that the Annual Superintendent’s Transportation Report is completed on time for the current reporting period
3. (6C) – *Report for Liability Insurance* – Adhere (no folder required) by ensuring that the School Bus Liability Insurance Report is completed on time for the current reporting period
4. (6D) – *Tabulation of School Bus Bids* – Place in “Section 6 – Folder #4” a copy of any P.O. issued for the purchase of school buses and the corresponding Bus Bid Tabulation Report for the past calendar year AND current calendar year

CONSULTANT ASSESSMENT REVIEW

For On-Site Review of Section 6 the Consultant Should

1. Review the “Requirements” & “Indicator(s) of Legal Adherence” in Section 6
2. (6A) – *School Bus Accidents are Reported* – Verify that school bus accidents are electronically reported on time to the GaDOE. Accidents may be hard copy in the folder or there may be a spreadsheet/log and accidents accessed/viewed/produced as required from the portal. A determination on compliance must be made for both “CURRENT” **calendar year** AND “PAST” **calendar year**. (Folder #1 and/or GaDOE Portal)
3. (6B) – *Superintendent’s Transportation Annual Report* – Verify that the Annual Superintendent’s Transportation Report is complete on time for the current reporting period by checking within the portal (GaDOE Portal)
4. (6C) – *Report for Liability Insurance* – Verify that the School Bus Liability Insurance Report is complete on time for the current reporting period by checking within the portal (GaDOE Portal)

5. (6D) – *Tabulation of School Bus Bids* – Verify that there is a corresponding Bus Bid Tabulation Report for each different designed capacity/type bus on any P.O.s issued for the purchase of school buses. A determination on compliance must be made for both “CURRENT” **calendar year** AND “PAST” **calendar year**. (Folder #4)

SECTION 7 – SCHOOL BUS MAINTENANCE RECORDS

BACKGROUND

Requirement 7A (Monthly Inspection Forms Up to Date and Filed)

Local units of administration maintenance or service personnel shall inspect all school buses monthly and record the results on a form provided by the GaDOE or on a local form used in lieu that has been approved by the GaDOE. GaDOE Board Rule 160-5-3-.03

Indicator(s) of Legal Adherence 7A

1. All school buses should be inspected by maintenance/service personnel monthly and the results recorded on the appropriate form

Evidence 7A

Documentation of monthly school bus inspections

Requirements 7B & 7C (DPS Annual and Spot-Check Forms on File for each School Bus)

All school buses shall be inspected annually, or more frequently at the discretion of the commissioner of public safety (Department of Public Safety, Motor Carrier Compliance Division), under the supervision of an employee of the Department of Public Safety (DPS). Local units of administration shall ensure that all school buses are inspected annually by the DPS.

Note – A new bus purchased by a school system may be operated for up to 12 months following the date of purchase before an inspection is required. GA Law 40-8-220; GaDOE Board Rule 160-5-3-.03; GA Vehicle Regulations 375-6-1-.05; 375-6-1-.01

Indicator(s) of Legal Adherence 7B & 7C

1. All school buses should be inspected annually by the Department of Public Safety, Motor Carrier Compliance Division (may be inspected more frequently)

Evidence 7B & 7C

Documentation of annual and more frequent (if applicable) DPS inspections

Requirement 7D (Record of Repairs to Each Bus on File)

All vehicles shall have records on file documenting service, maintenance and repair. FMCSA § 396.3b; GA Law 50-18-99(f), (GA Archives Retention Schedules for Local Government, Property, Vehicle and Equipment Maintenance Files)

Indicator(s) of Legal Adherence 7D

1. Each vehicle should have a record of all vehicle service/maintenance/repair on file

Evidence 7D

Documentation of vehicle service/maintenance/repair

GaDOE Recommended Best Practice 7E* (Standardized Method for Drivers to Report Vehicle Problems)

There is a standardized method for drivers to report vehicle problems to the mechanical staff

Evidence 7E*

Documentation of method(s) used to report vehicle problems

Requirement 7F (State Record Retention in Place)

All vehicle service/repair/maintenance records shall be retained for the full life of the vehicle plus 5 years after the vehicle is sold or replaced. GA Law 50-18-99(f), (Retention Schedules for Local Government, Property, Vehicle and Equipment Maintenance Files)

Indicator(s) of Legal Adherence 7F

1. Each vehicle should have a record of all vehicle service/maintenance/repair on file and be retained for the full life of the vehicle plus 5 years after the vehicle is sold or replaced

Evidence 7F

Documentation of vehicle service/maintenance/repair records for the full life of the vehicle plus a Statement of Assurance regarding retaining school bus service/maintenance/repair records for 5 years after the bus is sold or replaced

GaDOE Recommended Best Practice 7G* (Bus Maintenance Records Retained Until Vehicle is Sold or Discarded)

Not applicable – see 7F

Requirement 7H (GaDOE is Notified in Writing of Material or Construction Defects in New School Buses)

The local school system superintendent shall notify the GaDOE in writing of any material or construction defect found in new school buses. GaDOE Board Rule 160-5-3-.03

Indicator(s) of Legal Adherence 7H

1. The superintendent (or their designee) should notify the GaDOE in writing of any material or construction defect found in a new school bus

Evidence 7H

Statement of Assurance

Requirement 7I (Driver Pre and Post Trip Records Up to Date and on File)

No school bus shall be driven unless the driver is satisfied that required parts and accessories are in good working order. Defects that are noted must be shown as repaired. GA Vehicle Regulation 375-6-1-.12

Indicator(s) of Legal Adherence 7I

1. All school buses should be inspected by school bus drivers prior to being driven, recorded on a Vehicle Inspection Report and any reported defects shown as repaired

Evidence 7I

Documentation of pre trip records

LOCAL SCHOOL SYSTEM PREPARATION FOR ASSESSMENT REVIEW

For On-Site Review of Section 7 the Local School System Should – Based on the Primary Assessment findings, if there were issues then you should adhere to items #4 & 6 below as applicable (Item #8 is not applicable). Put together a packet for Section 7 made up of

applicable folders labeled for items #1, 2, 3, 5, 7, 9 & 10 below (ex. “Section 7 – Folder #1”) that contains the following:

1. **If there was an issue in the Primary Assessment with any item in Section 7 then place in “Section 7 – Folder #1”** a current master list/spreadsheet (may utilize GaDOE electronic template) of all school buses (in order by bus number) which contains the following information (in order) -
 - Bus number
 - Year model
 - Date placed in service
 - Vehicle make
 - Body company
 - Designed capacity
 - Indicate “Spare” or “Route”
2. (7A) – *Monthly Inspection Forms Up to Date and Filed* – Place in “Section 7 – Folder #2” by bus number, the GaDOE monthly inspection forms for the past school year AND current school year (if applicable) for all school buses
3. (7B & 7C) – *DPS Annual and Spot-Check Forms on File for each School Bus* – Place in “Section 7 – Folder #3” by bus number, the DPS annual inspection forms and any other DPS inspection forms on inspections performed more frequently (if applicable) for the past school year AND the current school year (if applicable) on all school buses
4. (7D) – *Record of Repairs to Each Bus on File* – Adhere (no folder required) by placing documentation of vehicle service/maintenance/repair in the vehicle maintenance record folder for that school bus. AND/OR if vehicle maintenance records are housed in a data base, be prepared to access/view/produce them as requested at the time of the on-site assessment
5. (7E*) – *Standardized Method for Drivers to Report Vehicle Problems* – Place in “Section 7 – Folder #5” a description of the procedures used for drivers to report vehicle problems to the mechanical staff. Include any information to support that these procedures are being performed, such as forms used for monthly service, forms for walk-up repair, screen shots, instructions, etc.
6. (7F) [**If there was a Primary Assessment issue with 7F, then provide both item #6 & #7 for the Final Assessment.**] – *State Record Retention in Place* – Adhere (no folder required) by filing/maintaining school bus service/maintenance/repair records for the full life of the vehicle
7. (7F con’t.) [**If there was a Primary Assessment issue with 7F, then provide both item #6 & #7 for the Final Assessment.**] – Place in “Section 7 – Folder # 7” a Statement of Assurance regarding retaining school bus service/maintenance/repair records for 5 years after the bus is sold or replaced (see “STATEMENT OF ASSURANCE, Requirement 7F – Folder #7”)
8. (7G*) – *Bus Maintenance Records Retained Until Vehicle is Sold or Discarded* – Not applicable – see 7F

9. (7H) – *GaDOE is Notified in Writing of Material or Construction Defects in New School Buses* – Place in “Section 7 – Folder #9” a Statement of Assurance that the local school system superintendent will notify the GaDOE in writing of any material or construction defect found in new school buses (see “STATEMENT OF ASSURANCE, Requirement 7H – Folder #9”)
10. (7I) – *Driver Pre and Post Trip Records Up to Date and on File* – Place in “Section 7 – Folder #10” by bus number the original or copy of the driver Pre-Trip Inspection Reports for the past 3 months and the system check-off sheet(s) showing reports received on all buses for the same period. For those preparing to be ready by 1-1-2010, just include any 3 consecutive full months (August, September, October, etc. forward).

CONSULTANT ASSESSMENT REVIEW

For On-Site Review of Section 7 the Consultant Should

1. Review the “Requirements”, “Indicator(s) of Legal Adherence” and “GaDOE Recommended Best Practices” in Section 7. Review Folder 1 spreadsheet for required fields & confirm that all school buses are listed.
2. (7A) – *Monthly Inspection Forms Up to Date and Filed* – Cross reference the master list/spreadsheet of school buses as needed to review that monthly inspection forms are completed on school buses and forms documenting inspections are on file. A determination on compliance must be made for “CURRENT” practice only. Current practice will be determined by examination of documentation for summer preparation AND the current school year (may need to go to last year’s form for summer prep on some buses). (Folders # 1 & 2)
3. (7B & 7C) – *DPS Annual and Spot-Check Forms on File for each School Bus* – Cross reference the master list/spreadsheet of school buses as needed to review that DPS annual inspection forms are completed for the past school year AND the current school year (if applicable) on all school buses and forms are on file for annual and more frequent spot inspections (if applicable). (Folders #1 & 3)
4. (7D) – *Record of Repairs to Each Bus on File* – Cross reference the master list/spreadsheet of school buses as needed to review that service/maintenance/repair records are on file for each bus. Record of repairs may be hard copy in the vehicle maintenance record folder or if housed electronically they may be produced as required at the time of the on-site assessment (records on a vehicle may be a combination of hard copy & electronic). A determination on compliance must be based on current practice. Current practice evaluation of records should go back as far as August 2009. (Folder #1, school bus vehicle files, and/or electronic files)
5. (7E*) – *Standardized Method for Drivers to Report Vehicle Problems* – Review the procedures along with supporting evidence to determine if there is a standardized method for school bus drivers to report vehicle problems to the mechanical staff (Folder #5)

6. (7F) – *State Record Retention in Place* – Cross reference the master list/spreadsheet of school buses as needed to review that service/maintenance/repair records are on file for the full life of current vehicles (Folder #1 & school bus vehicle files)
7. (7F con't.) – Review the Statement of Assurance and collect for GaDOE files (Folder #7)
8. (7G*) – *Bus Maintenance Records Retained Until Vehicle is Sold or Discarded* – Not applicable – see 7F
9. (7H) – *GaDOE is Notified in Writing of Material or Construction Defects in New School Buses* – Review the Statement of Assurance and collect for GaDOE files (Folder #9)
10. (7I) – *Driver Pre and Post Trip Records Up to Date and on File* – Cross reference the master list/spreadsheet of school buses and the pre-trip check-off list as needed to review that driver Pre Trip Inspection Reports are utilized to determine that a school bus is not driven unless the driver is satisfied that required parts and accessories are in good working order. Check to see that if defects are noted – they are shown as repaired/corrected (any 3 consecutive full months [August, September, October, etc. forward]). (Folder #10)



**ON-SITE ASSESSMENT
OF RECORDS AND BEST PRACTICES**

**STATEMENT OF Assurance
Requirement 7F – Folder #7**

I,(name), **Director/Head of Pupil Transportation**, as the individual responsible for compliance with the Section and Item noted above, declare that
.....(school system)

Check One

_____ Will retain vehicle service/maintenance/repair records for 5 years after the bus is sold or replaced

_____ Will NOT retain vehicle service/maintenance/repair records for 5 years after the bus is sold or replaced

Signed: _____ Date _____

Contact information at School System for inquiries regarding this Statement of Assurance:

Name –
Position –
Address –

Phone –
E-Mail –



**ON-SITE ASSESSMENT
OF RECORDS AND BEST PRACTICES**

**STATEMENT OF ASSURANCE
Requirement 7H – Folder #9**

I,(name), **Director/Head of Pupil Transportation**, as the individual responsible for assurance that the(school system) Superintendent (or his designee) -

Check One

_____ WILL notify the GaDOE in writing of any material or construction defect found in a new school bus.

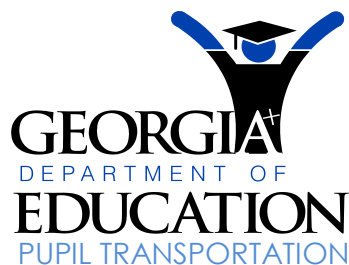
_____ Will NOT notify the GaDOE in writing of any material or construction defect found in a new school bus.

Signed: _____ Date _____

Contact information at School System for inquiries regarding this Statement of Assurance:

Name –
Position –
Address –

Phone –
E-Mail –



ON-SITE FINAL ASSESSMENT SUMMARY CHECKLIST

School systems will only need to produce information/folders pertaining to the area(s) where deficiencies/issues were discovered in the primary assessment. Place this completed checklist document in the very 1st folder in the file box. Label “On-Site FINAL Assessment Summary Checklist”. This checklist is designed to simply be a tool for use to organize your files for the On-Site FINAL Assessment. Be advised that the detail contained here IS NOT ADEQUATE for you to have the understanding necessary to know the essential full detail necessary to place proper documentation in each folder. You will find that detail within the FINAL Assessment Manual in each section under “Requirements”, “Indicators of Legal Adherence”, “For On-Site Review of Section ___ the Local System Should” & “For On-Site Review of Section ___ the Consultant Should”.

KEY -“O” in the box = No related issue noted on Primary Assessment and **NO** information/folder provided for Final Assessment
 -“X” in the box = Related issue on Primary Assessment and information/folders provided for Final Assessment

SECTION 1 – DRIVER TRAINING

1. School Bus Driver (all) master spreadsheet.....folder 1
2. (1A-1C) – a. Evidence of 12-6-6 training program.....folder 2
3. (1A-1C Cont.) - Adhere by placing initial training records in each driver folder no folder
4. (1D) - DOE Safety Meeting roster (past school year AND current school year if applicable).....folder 4
5. (1E*) - Evidence of other in service training (past school yr. AND current school yr. if applicable).....folder 5
6. (1F*) - Copy of written and 2 skill examinationsfolder 6
7. (1F* Cont.) - Adhere by placing written and 2 skill exams in driver folder no folder

SECTION 2 – SCHOOL BUS DRIVER TRAINER CERTIFICATION

- 1. (2A) - GaDOE Certified Instructor/Trainer master spreadsheetfolder 1
- 2. (2A Cont.) - Copy of each GaDOE Instructor/Trainer Certificatefolder 2
- 3. (2A Cont.) - Statement of Compliance on classroom instruction and supervision of hands-on instructionfolder 3

SECTION 3 – EMPLOYEE RECORDS

- 1. Employee CDL driver master spreadsheet.....folder 1
- 2. (3A) - Blank school bus driver application form (F.T./P.T.).....folder 2
- 3. (3A Cont.) - Statement of Compliance regarding bus driver applications on file somewherefolder 3
- 4. (3B) - Copy of all MVRs OR access to database to view/produce.....folder 4
- 5. (3C) - Original or copy of all school bus driver physicals (current sch. year).....folder 5
- 6. (3D) - Statement of Compliance from H.R. on criminal record checkfolder 6
- 7. (3E) - Copy of blank school bus driver annual performance evaluation form.....folder 7
- 8. (3E Cont.) - Statement of Compliance on school bus driver annual performance evaluationfolder 8
- 9. (3F*) - Copy of annual driving skill evaluation formfolder 9
- 10. (3F* Cont.) - Statement of Compliance on driving skill evaluations.....folder 10
- 11. (3G) - Copy of all CDL licenses OR access to spreadsheet to view/producefolder 11

SECTION 4 – DRUG AND ALCOHOL TEST RECORDS

- 1. Drug testing pool (CDL) master spreadsheetfolder 1
- 2. (4A) – Current list of & proof of reasonable suspicion training for all those supervising CDL driversfolder 2

- 3. (4B) - Statement of Compliance on Drug & Alcohol records (x2).....folder 3
- 4. (4C) - Statement of Compliance on who draws the names for random tests & number of random tests/tests being spread reasonably throughout the previous year (x2).....folder 4
- 5. (4D) - Statement of Compliance company/group who does Drug/Alcohol collection/test (x2).....folder 5
- 6. (4E) - Statement of Compliance on Medical Review Officer (x2).....folder 6
- 7. (4F) - Copy of local system drug testing policy/procedure.....folder 7
- 8. (4G) - Statement of Compliance on tests/records of CDL drivers to include occasional drivers (x2) folder 8

SECTION 5 – STUDENT SAFE RIDING INSTRUCTION

- 1. (5A) - Procedures for & copies of driver evacuation drill sheets when drills were performed, etc. (past school yr. OR current school yr. if applicable).....folder 1
- 2. (5B) - Procedures for & supporting evidence of annual student safe riding instruction (past school yr. OR current school yr. if applicable).....folder 2
- 3. (5C) - Copy of blank school bus conduct report (discipline referral) folder 3

SECTION 6 – ACCIDENT REPORTS/OTHER REQUIRED REPORTS

- 1. (6A) - Copy of accident reports (past calendar yr. AND current calendar yr. if applicable) OR access to portal to view/produce accident reports..... folder 1
- 2. (6B) - Adhere by completing Superintendent’s Annual Report on timeno folder
- 3. (6C) - Adhere by completing School Bus Liability Insurance Report on timeno folder
- 4. (6D) - Copy of any P.O. (past calendar yr. AND current calendar yr. if applicable) for bus purchase & copy of corresponding Bus Bid Tabulation Report..... folder 4

SECTION 7 – SCHOOL BUS MAINTENANCE RECORDS

- 1. School bus master spreadsheet folder 1
- 2. (7A) - GaDOE school bus monthly inspection forms for **the past school year AND current school year (if applicable)** folder 2
- 3. (7B & C) - DPS inspection forms (past school yr. AND current school yr. if applicable) folder 3
- 4. (7D) - Adhere by placing service/maintenance/repair records in each vehicle folder AND/OR provide access to database to view/produce records.....no folder
- 5. (7E*) - Description of procedures for & evidence of method for drivers to report problems folder 5
- 6. (7F) - Adhere by placing maintaining vehicle records for the full life of the veh.no folder
- 7. (7F Cont.) - Statement of Assurance on retaining vehicle records for 5 yrs. after sold/replaced folder 7
- 8. (7G*) - N/Ano folder
- 9. (7H) - Statement of Assurance on reporting new school bus defects to GaDOE folder 9
- 10. (7I) - Original or copy of **any 3 consecutive full months (August, September, October, etc. forward)** of pre-trips w/check-off sheets folder 10