

This policy is adopted by the Board of Education in the interest of protecting the safety of the district's school children by detection and deterrence of the use of alcohol or controlled substances by employees occupying safety-sensitive positions, in conformity with the requirements of federal law, including U.S. Department of Transportation (DOT) regulations.

I. DEFINITIONAL INFORMATION

Employees in safety-sensitive positions are those whose work directly involves transportation of students for the district, whether serving as a to-and-from bus driver/aide or as an activity bus driver. For the purposes of this policy, all employees in this category are referred to as either "bus driver" or "driver."

The requirements of this policy pertain to that period of time during which a driver is performing a "safety sensitive function", which is defined as:

1. All time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.
2. All time at an employer's facility or property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
1. All time inspecting equipment as required by 49 CFR 392.7 and 392.8, or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time.
2. All time spent at the driving controls of a commercial motor vehicle in operation.
3. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeping berth.
6. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
1. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

The transportation director will be the contact person for all questions related to the drug and alcohol testing program for Lordsburg Municipal Schools.

II. PROHIBITIONS

Any unauthorized or illicit use of controlled substances is specifically prohibited to bus drivers. Drivers are likewise prohibited from appearing on school property, appearing for work, or performing their duties,

- 1. while using controlled substances, as authorized by a licensed physician's prescription, which significantly impair the employee's ability to safely perform his/her duties;**
- 2. while having a breath-alcohol concentration of 0.02 percent or more, as indicated by a breath-alcohol test;**
- 3. while using alcohol; or**
- 4. within six hours after ingesting alcohol.**

No driver shall report for duty or remain on duty while using any controlled substances unless used in accordance with the prescription of a licensed physician who has advised that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers shall be required to report any prescribed drug use to their immediate supervisor.

II. TESTING

The circumstances in which testing shall be conducted, and the manner in which such tests will be conducted, shall be as set forth in United States Department of Transportation regulations, 49 CFR Parts 382, 391, and 40.

As used in this policy, drug and alcohol testing involves the driver or applicant making himself/herself available at a place and time specified by the Superintendent or his/her designee, and providing a sample of body fluid, tissue or breath, as requested, to be analyzed for the presence of alcohol or controlled substances, as those terms are defined by DOT regulations.

School bus drivers, whether serving as employees of the district or pursuant to independent contract, shall be subject to alcohol or drug testing on the following bases:

- 1. Upon the determination of the superintendent, or his/her designee, that there is reasonable cause to believe that a driver has been using or is under the influence of alcohol or a controlled substance, on the basis of observation by a school administrator or the driver's employing contractor. The administrator or contractor involved will have been trained in the identification of actions, appearances, or conduct of a commercial motor vehicle driver which are indicative of such use;**

- a. The costs for reasonable cause testing will be assumed by the Lordsburg Municipal Schools.
2. Upon employment by a contractor or by the district, following an offer of employment that is subject to such testing, but prior to commencing duties as a driver;
 - a. The costs for pre-employment testing will be assumed by the driver's hiring employer.
3. By selection pursuant to a random selection process in which at least 50 percent of the average number of bus drivers annually providing service to the district are subjected to drug testing, and at least the number of drivers equal to the minimum annual percentage rate for random alcohol testing determined by the Federal Highway Administration (currently 25 percent) are subjected to alcohol testing;
 - a. The costs for random testing will be assumed by the Lordsburg Municipal Schools.
4. An alcohol test shall be administered within 2 hours and a drug test shall be administered within 32 hours of any reportable vehicular accident in which a driver has been involved while on duty, or following any incident for which the driver has received a citation for a moving traffic violation while on duty. The use of alcohol within 8 hours after an accident is prohibited unless testing has been completed.
 - a. The costs for post-accident and post-citation testing will be assumed by the driver's employer.

Random alcohol testing must be conducted just before, during, or just after a driver's performance of safety-sensitive duties. For both drug and alcohol random testing, the driver will be randomly selected for testing from a pool of all the drivers serving the district. Random selection will be done by a contracted drug testing facility using a computer program. The random selection will be kept confidential and will not be announced until just prior to the actual test. The testing dates and times will be unannounced and will be with unpredictable frequency throughout the school year. The testing facility will determine the testing dates.

Breath testing will be done using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA) as published periodically in the Federal Register. Two breath tests will be required to determine if a person has a prohibited alcohol concentration. A screening test will be conducted first. Any result less than 0.02 alcohol concentration will be considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. The driver and the individual conducting the breath test (the breath alcohol technician) will complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. The confirmation test results determine any actions taken.

The controlled substances for which drug testing is required are marijuana, cocaine, opiates, amphetamines and phencyclidine.

Testing for controlled substances will occur through the collection of a urine specimen under the direction of a trained technician employed by the contracted testing facility. Drug tests will be reviewed by a medical review officer (MRO) employed by the contracted testing facility. The MRO will afford a tested individual the opportunity to discuss a positive test result with the MRO before reporting the positive test result to the district or employing contractor.

The district is responsible for implementing and conducting the testing program. The district will use contracted services for scheduling, conducting, and analyzing the drug and alcohol testing. Law enforcement officers will not conduct the tests as part of roadside or other inspections. However, under certain circumstances, post-accident tests conducted by law enforcement personnel will be acceptable. Any individual who conducts the testing must be trained to operate the EBT and be proficient in the breath testing procedures.

III. RESULTS/CONSEQUENCES

Positive results of drug and/or alcohol testing, or a refusal to cooperate in such testing, shall be grounds for discharge, termination, or refusal to hire.

No driver shall refuse to submit to a post-accident, random, or reasonable suspicion drug or alcohol test. The following constitute a refusal to submit to testing:

1. Failure to provide adequate breath for testing without a valid medical explanation by a licensed physician.
2. Failure to provide adequate urine for testing within a reasonable time without a valid medical explanation from a licensed physician.

3. Failure to sign the alcohol breath testing certification form and/or initial the log book entry for the screening and/or confirmation test, as required by the contracted testing agency.
4. Attempts to alter or substitute the specimen provided for either the drug or alcohol test when required.
5. Engaging in any conduct that clearly obstructs the testing process.

Drivers who are subject to post-accident testing shall remain readily available for the testing or may be deemed to have refused the tests. Drivers shall not be prohibited from leaving the scene of the accident for the period of time necessary to obtain assistance or necessary emergency medical care.

Drivers who engage in prohibited drug and/or alcohol conduct will be immediately removed from performing safety sensitive functions and will be terminated from employment with the district or removed from the Board-approved list of drivers eligible for employment with contractors, as applicable. A breath-alcohol concentration of 0.02 or greater will be considered a positive result. In the event a driver resigns after a positive drug or alcohol test, the results of the test will become part of the driver's personnel file.

The district will terminate the contract of any school bus operator who continues to utilize as a driver someone who has been removed from the Board-approved list of drivers due to their engagement in prohibited drug and/or alcohol conduct.

V. CONTINGENCIES

All contracts with school bus operators are subject to such operators providing the superintendent with test results for their employees and applicants for employment pursuant to the criteria set forth in Section III Paragraph 3.b of this policy.

To the extent application of the federal regulations hinges on the school bus operating in interstate commerce, or requires that it be subject to regulation by the Department of Transportation, or otherwise incorporates definitional phrases which are based on interstate activity or obligations to federal agencies, it is the intent of this policy that such testing requirements and procedures shall also apply to drivers not operating in interstate commerce or being subject to such federal regulation. To the extent any other portion of the federal regulations referred to above require reasonable modification to make them applicable to the operation of public school districts, it is the intent of this policy to effectuate such reasonable modifications on a case-by-case basis, and it is not the intention to make such regulations inapplicable.

The reporting requirements which arise under 49 CFR Parts 382, 383, 390 and 40 are an element of this policy. To the extent such reporting requirements hinge on operations in interstate commerce or application of United States Department of Transportation regulations or require reporting to federal agencies, such reporting requirements may not be applicable where operations are in an intrastate environment. Such reporting requirements will be implemented to the degree to which they apply.

VI. ASSIGNMENT OF AUTHORITY

The Board of Education hereby delegates to the superintendent the authority to adopt implementation guidelines and regulations governing testing and testing procedures as called for by this policy, to issue requests for proposals for contracting a certified testing laboratory to analyze test results, to establish the contract with said testing laboratory, and to take such other actions as may be required by DOT regulations to carry out the intent of this policy.

VII. CONFIDENTIALITY

Driver drug and alcohol testing records are confidential. Test results and other confidential information may only be released to the Lordsburg Municipal Schools Board of Education, superintendent, transportation director, employing contractor and the driver. Any other release of this information will be only with the driver's written consent or as called for in United States Department of Transportation regulations. If a driver initiates a grievance, hearing, lawsuit or other action as a result of a violation of these rules, the Lordsburg Municipal Schools and/or employing contractor may release relevant information to the decision maker.

VIII. EFFECTS OF ALCOHOL AND DRUGS

ALCOHOL

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

Health Effects

An average of three or more servings per day of beer (12 oz.), whiskey (1 oz.), or wine (6 oz.) over time may result in the following health hazards:

- Dependency
- Fatal Liver disease
- Kidney disease
- Pancreatitis
- Ulcers
- Decreased sexual functions

- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Spontaneous abortion and neonatal mortality
- Birth defects such as Fetal Alcohol Syndrome

Social Issues

- 2/3 off all homicides are committed by people who drink prior to the crime.
- 2-3% of the driving population are legally drunk at any one time. This rate doubles at night and on weekends.
- 2/3 of all Americans will be involved in an alcohol-related accident during their lifetime.
- The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- 40% of family court cases are alcohol-related.
- Alcoholics are 15 times more likely to commit suicide.
- More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related.
- Over 17,000 fatalities occurred in 1993 in highway accidents which were alcohol-related. This was 43% of all highway fatalities.
- 30,000 people will die each year due to alcohol-caused liver disease.
- 10,000 people will die each year due to alcohol-related brain disease or suicide.
- Up to 125,000 people die each year due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process and eliminate one serving of alcohol from the body.
- Impairment can be measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Alcohol's Trip Through the Body

Mouth and Esophagus: Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

Stomach and Intestines: Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis or perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B₁, vitamin B₁₂, and amino acids.

Bloodstream: 95% of the alcohol taken into the body is absorbed into the bloodstream through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reduction of red blood cell production. Alcohol slows the ability of white blood cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

Pancreas: Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin thus resulting in diabetes.

Liver: Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and the skin yellow. Each drink of alcohol increases the number of liver cells destroyed, eventually causing cirrhosis of the liver. This disease is eight times more frequent among alcoholics than among non-alcoholics.

Heart: Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.

Urinary Bladder and Kidneys: Alcohol inflames the lining of the urinary bladder, making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

Sex Glands: Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

Brain: The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing a progressive lack of coordination: confusion, distortion, stupor, anesthesia, coma, death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

DRUGS

Marijuana

Health Effects

- Emphysema-like conditions.

- One joint of marijuana contains cancer-causing substances equal to ½ pack of cigarettes.
- One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana lowers the body's immune system response, making users more susceptible to infections.
- Chronic smoking causes changes in brain cells and brain waves. The brain does not work as efficiently or effectively. Long-term brain damage may occur.
- Tetrahydrocannabinol (THC) and 60 other chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- Chronic smoking of marijuana in females causes a decrease in fertility.
- A higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life are common in pregnant marijuana smokers.
- THC causes birth defects, including damage to the brain, spinal cord, forelimbs, and liver, and water on the brain and spine in test animals.
- Prenatal exposure may cause underweight newborn babies.
- Fetal exposure may decrease visual functioning.
- User's mental function can display the following effects:
 - delayed decision making
 - diminished concentration
 - impaired short-term memory
 - impaired signal detection
 - impaired tracking
 - erratic cognitive function
 - distortion of time estimation

Workplace Issues

- THC is stored in body fat and slowly released.
- Marijuana smoking has long-term effects on performance.
- Increased THC potency in modern marijuana dramatically compounds the side effects.
- Combining alcohol or other depressant drugs with marijuana increases the impairing effects.

Cocaine

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Health Effects

- Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's Disease could also occur.
- Cocaine causes the heart to beat faster, harder, and rapidly increases blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels, causing strokes and heart attacks.
- Strong dependency can occur with one "hit" of cocaine. Usually mental dependency occurs within days for "crack" or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- Treatment success rates are lower than other chemical dependencies.
- Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually reversible by medical intervention.

Workplace Issues

- Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- Lapses in attention and ignoring warning signals increases the probability of accidents.
- High cost frequently leads to theft and/or dealing.
- Paranoia and withdrawal may create unpredictable or violent behavior.
- Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

Opiates

Narcotic drugs which alleviate pain and depress body functions and reactions.

Health Effects

- IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles.
- Increase pain tolerance. As a result, a person may more severely injure themselves and fail to seek medical attention as needed.

- Narcotic effects are multiplied when combined with other depressants, causing an increased risk for an overdose.
- With increased tolerance and dependency combined, there is a serious financial burden for users.

Workplace Issues

- Side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the user at high risk for an accident.
- Causes impairment of physical and mental functions.

Amphetamines

Central nervous system stimulant that speeds up the mind and body.

Health Effects

- Regular use causes strong psychological dependency and increased tolerance.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to increased blood pressure.
- Chronic use may cause heart or brain damage due to severe constriction of capillary blood vessels.
- Euphoric stimulation increases impulsive and risk taking behavior, including bizarre and violent acts.
- Withdrawal may result in severe physical and mental depression.

Workplace Issues

- Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes an impairment.

Phencyclidine (PCP)

Often used as a large animal tranquilizer. Abused primarily for its mood altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.

- PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- If misdiagnosed as LSD induced and treated with Thorazine, can be fatal.
- Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

- Not common in workplace primarily because of the severe disorientation that occurs.
- There are five phases to PCP abuse:
 - Acute toxicity causing combativeness, catatonia, convulsions, and coma.
 - Distortions of size and shape, and distorted perception, are common.
 - Toxic psychosis with visual and auditory delusions, paranoia and agitation.
 - Drug induced schizophrenia.
 - Induced depression, which may create suicidal tendencies and mental dysfunction.

IX. ASSISTANCE AVAILABLE

The following agencies/facilities are available to offer you assistance at your own referral and cost. Lordsburg Municipal Schools does not offer a referral service.

Al-Anon
800-356-9996

**Drug Abuse Information and
Treatment Referral Hotline**
800-662-4357

**Alcohol & Drug Abuse
Information HELPLINE**
800-962-8963

Gila Regional Counseling Center
1264 East 32nd Street
Silver City, NM 88061
505-388-3167

Alcoholics Anonymous
505-527-1803

Mesilla Valley Hospital
3751 Del Rey Blvd.
Las Cruces, NM 88012
800-877-3500

American Council on Alcoholism
800-527-5344

Narcotics Anonymous
818-780-3951

**Behavioral Health Services Div.
Substance Abuse Bureau**
725 St. Michaels Drive
Santa Fe, NM 87504
505-827-0117

National Child Abuse Hotline
800-422-4453

National Cocaine Helpline
800-262-2463

**Border Area Mental Health Services
Counseling Center
Medical Complex
Lordsburg, NM 88045
505-542-9477**

**Rio Valle Recovery Center
800-460-1976**

**Border Area Mental Health Services
315 South Hudson
Silver City, NM 88061
505-388-4412**

**Serenity House
1050 Monte Vista Ave.
Las Cruces, NM 88005
505-522-8505**

**Broken Oak Behavioral Consulting
310 West 6th Street
Silver City, NM 88061
505-388-0919**

**Southwest Counseling Center
1480 N. Main
Las Cruces, NM 88005
505-647-2800**

**Columbia Behavioral Center
1155 Idaho
El Paso, TX 79902
800-967-3411**

**US Dept. of Health & Human Services
Center for Substance Abuse Treatment
800-662-4357**

W. SEVERABILITY

In the event that any portion of this policy or any portion of the regulations it incorporates are declared unenforceable, the remainder of this policy and such regulations shall remain in full force and effect.