

The Board of Education of the Lordsburg School District recognizes that it has the responsibility to ensure the safe and efficient operation of all school district vehicles or equipment, when used in connection with school district business or operations, but not for the transportation of students. The Board further acknowledges that setting qualifications and instituting training requirements for school district employees driving school district vehicles must be included in the school district's policy to ensure the safe and efficient operation of its vehicles.

I. GENERAL REQUIREMENTS

A. The Superintendent or designee is authorized to determine when the needs of the School District warrant the use of school-owned vehicles with a designed seating capacity of nine persons or less or to operate heavy or potentially dangerous motorized school equipment in order to address the needs of the District's educational programs, activities, functions or events.

B. In carrying out this authority, the Superintendent or designee may authorize school employees to drive school-owned vehicles or to operate heavy or potentially dangerous school equipment for such purposes, so long as the use is consistent with state law (i.e. the circumstances do not require the use of a school bus under state regulation) and the requirements of this policy are met.

C. This policy shall be interpreted in a manner which is consistent with applicable statutes and regulations adopted by the federal and state governments. In the event of inconsistency, the federal or state-adopted requirements shall prevail.

II. DRIVER QUALIFICATIONS

A. The Superintendent or designee shall verify the current qualifications and training records on each driver authorized to drive a school-owned vehicle or to operate school equipment under this policy, and verify that record checks are made in accordance with applicable laws.

B. In carrying out this responsibility, the Superintendent or designee shall adhere to all applicable federal and state requirements relating to qualifications and training of individuals authorized to drive school-owned vehicles or operate school equipment covered by this policy. The School District shall maintain records verifying completion of the following procedures in its files:

1. For all employees who drive school-owned vehicles, the following shall be completed:

a. A check of the employee's driving record through the New Mexico Motor Vehicle Division, the National Driver Register, other states' Motor Vehicle Divisions, or the New Mexico Public Schools Insurance Authority. This check shall be conducted at least annually and may occur as frequently as necessary, as determined by the Superintendent or his designee.

b. Verification or submission of documentation that the driver is properly licensed as a driver by the New Mexico Motor Vehicle Division (or another state's equivalent).

C. Drivers of school vehicles, including activity drivers, are not required to obtain a Commercial Drivers License (CDL) unless they operate a vehicle that is designed to carry ten or more passengers, including the driver.

### III. DRIVER/OPERATOR TRAINING REQUIREMENTS

A. All drivers authorized to use school-owned vehicles in connection with school district business or operations, but not to transport students, shall complete a nationally-recognized or state-approved defensive driving course within the first year of driving a school-owned vehicle. Current employees driving school-owned vehicles for such purpose prior to the adoption of this policy shall complete the defensive driving course within one year of the adoption of this policy in order to continue use of such vehicles.

B. Employees who are authorized to operate heavy or potentially dangerous motorized school equipment shall receive such training in the use and operation of the equipment as is recommended by its manufacturer and such additional safety training as determined by the Superintendent or designee.

### IV. REVIEW OF DRIVER RECORD

A. Upon employment, the driver shall furnish the School District with a complete release or authorization consenting to access by the School District to all records relating to the driver's license(s) to operate motor vehicles, as well as any citations, convictions, suspensions, or revocations, including any actions resulting in deferred or suspended sentences, and records of any juvenile, municipal, magistrate or district court actions arising from the driver's operation of a motor vehicle, wherever or whenever such records are located. Such release shall expressly authorize School District access to records which may not be disclosed by a usual driving record check.

B. Current employees, in order to maintain authorization to drive school-owned vehicles, shall complete a release or authorization (as in IV.A above) within thirty (30) days of the adoption of this policy.

C. Upon receipt of the driver's driving record, or on periodic review thereafter, the School District shall be authorized to withdraw an offer of employment, to suspend the driver's driving privileges, or to initiate termination procedures if driving is a regular and essential job function of the employee, if the record discloses convictions of the driver for:

1. Vehicular homicide, manslaughter or other death involving operation of a motor vehicle.

2. Hit and run, or failure to report property damage or personal injury which occurs while operating a motor vehicle.
3. Reckless driving.
4. Driving under the influence of alcohol or controlled substances (DWI, DUI).
5. Assault on a police officer, resisting arrest or evading an officer in connection with operation of a motor vehicle.
6. Illegal transport of weapons, controlled substances or explosives.
7. Other categories of moving violations prohibited by the New Mexico traffic laws, NMSA 1978 Sections 66-7-1 to 66-7-512 and 66-8-1 to 66-8-141, or provisions of the New Mexico Criminal Code imposing criminal sanctions for offenses committed while operating a motor vehicle.
8. Repeated or multiple citations and convictions of moving violations or other driving offenses, which indicate a pattern of unsafe operation of vehicles or disregard for traffic laws.

V. DUTY TO REPORT

- A. All drivers operating school-owned vehicles pursuant to this policy shall have a duty to report the following to the Superintendent and Transportation Director as soon as such event occurs:
  1. the receipt of a citation for a moving violation received by the employee while operating a school-owned vehicle;
  2. conviction of a moving violation received by the employee in connection with operation of non-school vehicle, but during a time period when the employee is authorized to drive school-owned vehicles;
  3. any incident which a student or other authorized person being transported by the school employee is injured during such transport;
  4. any incident in which a school-owned vehicle is damaged while in custody or control of the employee for school-authorized purposes, or in which a school-owned vehicle causes damage to another vehicle or property; or
  5. any action suspending or revoking the driver's license to operate motor vehicles.
- B. Any driver operating a school-owned vehicle involved in a traffic accident must immediately report the accident to law enforcement and remain at the scene of the accident until law enforcement authorizes the driver to leave the scene.

C. All persons operating heavy or potentially dangerous motorized school equipment pursuant to this policy shall have a duty to immediately report any and all accidents to their immediate supervisor. Any such accidents that result in injury requiring medical attention or in death shall also be reported to the Superintendent.

D. Failure to report any matter as addressed within this section, or employee conduct in connection with such matters, may, upon investigation and review by the school administration, result in suspension of driving privileges, or termination or discharge of the employee's job duties.

## VI. DRUG AND ALCOHOL TESTING

A. All persons authorized to drive school-owned vehicles or who operate heavy or potentially dangerous motorized school equipment shall be subject to post-accident and reasonable-suspicion testing for alcohol or drug use in accordance with the School Board's policy for such testing applicable to school bus drivers (see Board Policy 1018).

B. At the discretion of the Superintendent, each person authorized to drive school-owned vehicles or who operates heavy or potentially dangerous motorized school equipment may be subject to random testing for alcohol or drug use in accordance with the School Board's policy for such testing applicable to school bus drivers (see Board Policy 1018). The Superintendent may determine a person's participation in random testing only upon criteria of (1) which vehicles or equipment the person utilizes in the performance of his/her duties, and (2) the frequency in which a person utilizes vehicles or motorized equipment.

C. Any authorized non-employee driver/operator who fails to submit him or herself to testing per these requirements shall be permanently barred from operating vehicles and equipment owned by the School District.

## VII. DELEGATION OF AUTHORITY

A. The Superintendent or designee shall maintain and keep current a list of all employees who are authorized to drive school-owned vehicles or operate school equipment.

B. The Superintendent is hereby delegated the authority and responsibility to adopt and distribute such administrative regulations as the Superintendent deems necessary to carry out the provisions of this policy and to assure the establishment of a program of safe operation of all school-owned vehicles and equipment.