



SECTION: OPERATIONS  
TITLE: TRANSPORTATION PERSONNEL - DRUG AND ALCOHOL TESTING  
ADOPTED: January 10, 1996  
REVISED:

# Lackawanna Trail School District

## 810.1 TRANSPORTATION PERSONNEL - DRUG AND ALCOHOL TESTING

1. Purpose

This policy is adopted to comply with federal regulatory mandates and to establish programs and practices designed to help prevent accidents and injuries resulting from the misuse of alcohol or controlled substances by school bus drivers.

2. Authority

SC 510

The authority granted to Boards by the Pa. Public School Code of 1949, as amended, permits the Board to adopt reasonable rules and regulations regarding the management of school district affairs. This policy will apply to employees of any transportation company or bus contractor that the school district contracts with to provide transportation services. Acceptance of such policy will be required as a condition of the contract.

All drivers are required to be in compliance with this policy while engaged in district activities.

3. Policy

A. Driver Prohibitions

1. No covered school bus driver shall report for duty or remain on duty while:
  - a. having a blood alcohol concentration of 0.02 or greater;
  - b. possessing alcohol or any beverage, substance or medication containing alcohol;
  - c. ingesting alcohol or other types of alcohol such as isoprophyl or rubbing alcohol;

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d. using alcohol within four (4) hours prior to performing safety-sensitive duties.

2. No covered school bus driver shall report for duty or remain on duty when the driver uses any controlled substance (except when the use is pursuant to the written instructions or prescription of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate the school bus) or tests positive for controlled substances.

3. No covered school bus driver required to take a post-accident alcohol test under this policy shall use alcohol for eight (8) hours following the accident, or until s/he undergoes a post-accident alcohol test, whichever occurs first.

4. No covered school bus driver shall refuse to submit to a post-accident alcohol or controlled substances test required under this policy, a random alcohol or controlled substances test required under this policy, a reasonable suspicion alcohol or controlled substances test required under this policy, or a return-to-duty or a follow-up alcohol or controlled substances test required under this policy.

Refusal to submit to alcohol or drug tests means that a driver:

a. fails to complete the drug and alcohol testing forms, or

b. fails to provide a specimen or the required amount of specimen without a valid medical explanation, after receiving notice that the test is required under the FHWA's drug and alcohol rules, or

c. fails to cooperate in the testing process in a way that prevents the completion of the test, or



d. is not readily available for testing after an accident (except as necessary to obtain assistance and/or medical care).

5. Unlawful or unauthorized presence of drugs is prohibited. Drivers are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, sale or possession of drugs at all times.

6. Performing safety-sensitive functions is prohibited if a driver tests positive for drugs or alcohol.

7. No individual shall be hired by the transportation contractor or transferred into a covered school bus driver position after December 31, 1995 unless:

a. s/he has undergone and passed pre-employment testing for controlled substances in accordance with this policy; and

b. past employers have been contacted to determine if any prior drug or alcohol abuse has occurred.

8. Any covered school bus driver shall be deemed to have consented to such testing and the possible consequences for violation of this policy as is required of him/her by this policy and the DOT regulations. Consent is implied by agreeing to continue to drive a covered school bus after notification of this policy.

B. Duties of Covered School Bus Drivers

1. Covered school bus drivers shall comply with all mandates and prohibitions in this policy and all other rules and regulations regarding DOT/FHWA Drug and Alcohol Testing.

2. Covered school bus drivers shall cooperate fully with all required testing and shall promptly report to all required testing as required.



3. Covered school bus drivers are required to notify the transportation contractor if they are taking any therapeutic drugs and shall supply a written certification from the physician prescribing the drug(s) that the substance(s) will not adversely affect the driver's ability to safely operate a bus or motor vehicle.

C. Consequences for Drivers Engaging in Substance Use-Related Conduct

1. Consistent with contractual, legal and constitutional requirements, a determination shall be made as to the appropriate disciplinary action, if any, to be imposed upon any covered school bus driver who violates any of the prohibitions or mandates set forth in this policy. Nothing in this policy shall be construed to limit the authority of the transportation contractor or school district to impose discipline, including discharge, as they shall determine.

2. Any covered school bus driver tested under this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall be suspended without pay at least until the start of the driver's next regularly scheduled duty period that is at least twenty-four (24) hours following administration of test. At that time s/he would be required to pass another Breath Alcohol Test with a result of less than 0.02.

3. Any covered school bus driver: (1) who reports or remains on duty while having an alcohol concentration of 0.02 or greater; possessing alcohol; using alcohol or having used alcohol within four (4) hours of reporting to work; or (2) who reports or remains on duty when the driver uses or has used any controlled substance (except when the use is pursuant to the written instructions or prescription of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely drive the bus and the



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1 driver has so advised the transportation  
2 contractor in accordance with this policy)  
3 or tests positive for controlled substanc-  
4 es; or (3) who consumes alcohol in contra-  
5 vention of a post-accident alcohol test  
6 requirement or refuses to submit to any  
7 drug or alcohol test required under this  
8 policy; and who is not to be discharged,  
9 shall be suspended and shall not be rein-  
10 stated until after the following require-  
11 ments have been met:  
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- 14 a. the driver has been advised of the  
15 resources available to the driver in  
16 evaluating and resolving problems  
17 associated with the misuse of alcohol  
18 and the use of controlled substances,  
19 including the names, addresses and  
20 telephone numbers of substance abuse  
21 professionals and counselling and  
22 treatment programs; and  
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  - 24 b. the driver has been evaluated by a  
25 substance abuse professional (S.A.P.)  
26 who shall determine what assistance,  
27 if any, the employe needs in resolving  
28 problems associated with alcohol mis-  
29 use and controlled substances use; and  
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  - 31 c. the driver has undergone a return-to-  
32 work alcohol test with a result indi-  
33 cating an alcohol concentration of  
34 less than 0.02 if the conduct involved  
35 alcohol, or a controlled substances  
36 test with a verified negative result  
37 if the conduct involved a controlled  
38 substance; and  
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  - 40 d. if the driver has been identified as  
41 needing assistance in resolving prob-  
42 lems associated with alcohol misuse or  
43 controlled substances use, the driver  
44 shall be evaluated by a substance  
45 abuse professional to determine that  
46 the driver has properly followed any  
47 rehabilitation program prescribed; and  
48 shall be subject to unannounced fol-  
49 low-up alcohol and controlled substanc-  
50 es tests following the driver's return  
51 to duty. The number and frequency of  
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such follow-up testing shall be as directed by the substance abuse professional and shall consist of at least six (6) tests in the first six (6) months following the driver's return to duty, the cost of which shall be paid by the driver or the contractor; and

e. the driver serves the length of the suspension and meets any other conditions of reinstatement that may have been imposed by the transportation contractor and/or the district.

4. The minimum suspensions without pay under section 3 above shall be as follows. The transportation contractor or district may impose discipline which exceeds the following minimums:

A driver with an alcohol concentration of 0.02 or greater but less than 0.04 shall be suspended until the next scheduled duty period that is at least twenty-four (24) hours following the administration of the test, and at that time, s/he is given a Return-to-Duty Alcohol Test under school district policy and has a BAC of less than 0.02.

5. Where alcohol testing shows a concentration of 0.10 or greater while a driver is driving and s/he continues to drive or as s/he attempts to drive, the matter shall be turned over to the police.

D. Duties of the Transportation Contractor

The transportation contractor shall take action to insure that covered school bus drivers comply with all federal regulatory mandates and shall verify such compliance to the school district on an annual basis.

1. The transportation contractor shall take action to insure that covered school bus drivers do not violate the prohibitions and mandates set forth in this policy. If the transportation contractor or his/her

75 Pa.C.S.A.  
Sec. 3731  
(a) (5), (i)



designee or school district representative has reasonable suspicion that a school bus driver has violated any prohibition or mandate, the following actions shall be taken:

- a. The employe shall be promptly contacted and an informal hearing shall be conducted. The school bus driver shall be advised of the allegations and be given an opportunity to tell his/her side of the story.
- b. If the suspicion relates to the bus driver's alcohol concentration levels or use of alcohol during or prior to reporting to work, the driver shall be required to submit to an alcohol test in accordance with the section on Reasonable Suspicion Testing of this policy.
- c. If the suspicion relates to the bus driver's use of controlled substances during or prior to reporting to work, the driver shall be required to submit to a controlled substances test in accordance with the section on Reasonable Suspicion Testing of this policy.
- d. If after investigation, testing as may be required, and consideration of the driver's input, it is determined by the transportation contractor that a driver violated any of his/her obligations, the matter shall be referred to the school Superintendent and transportation company owner for appropriate action.

2. The transportation contractor shall insure that the following tests are performed:

Pre-employment testing. Prior to any individual being hired as a school bus driver, the candidate shall undergo testing for controlled substances. Only individuals who have undergone such testing where the test result has indicated a negative



controlled substances result will be approved as a school bus driver.

Post-accident testing. As soon as practicable following a school bus accident involving loss of human life or where the driver receives a citation under State or local law for a moving traffic violation arising from the "accident", the covered school bus driver shall be tested for alcohol and controlled substances. For other accidents of a minor nature, the transportation contractor and district shall confer to determine the need for a drug or alcohol test.

- A driver who is subject to post-accident testing under this policy shall remain readily available for such testing or may be deemed by the district to have refused to submit to testing.

- If a post-accident alcohol test is not administered within two (2) hours following the accident, the transportation contractor or his/her designee shall prepare and maintain a record stating the reasons the test was not promptly administered. If the test is not administered within eight (8) hours following the accident, attempts to administer the alcohol test shall cease and the transportation contractor or his/her designee shall prepare and maintain the same record.

- If a post-accident controlled substances test is not administered within thirty-two (32) hours following the accident, attempts to administer the test shall cease and the transportation contractor or his/her designee shall prepare and maintain a record stating the reasons why the test was not administered within the required time.

- A breath, blood, or saliva test for the use of alcohol or a urine test for the use of controlled substances conducted by Federal, state or local officials or police having authority to conduct such testing shall be considered by the district to meet





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the requirements of this policy if the results of the test are submitted to the district.

Random testing. Random alcohol and controlled substances testing shall be conducted on that percentage of drivers as mandated from time to time by the federal government. The selection of drivers for random testing shall be by a scientifically valid method so that each driver shall have an equal chance of being tested each time selections are made. These tests shall be unannounced and the tests shall be spread reasonably throughout the year.

- Each driver who is notified of selection for random testing shall proceed to the test site immediately.

- Random alcohol testing may be conducted only while the driver is driving a school bus, just before the driver is to begin driving a school bus or just after the driver has finished driving a school bus.

Reasonable suspicion testing. A driver shall be required to submit to an alcohol and/or controlled substances test when the transportation contractor or his/her designee(s) or district representative has reasonable suspicion that the driver is using or has used alcohol or controlled substances in violation of the prohibitions or mandates of this policy.

- The determination that reasonable suspicion exists to require a driver to undergo testing 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. Reasonable suspicion as to alcohol use may be based only on observations made while the driver is driving or just before the driver begins driving or just after the driver has ceased driving.



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- Reasonable suspicion testing may not be performed by the individual who made the determination that there was reasonable suspicion for the testing.

- A written record shall be prepared and maintained setting forth the basis and observations for the controlled substances and signed by the supervisor who made the observations within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

- Reasonable suspicion alcohol testing shall be required while the driver is driving, just before the driver is to drive or just after the driver has ceased driving. If an alcohol test is not administered within two (2) hours following the determination that reasonable suspicion exists, the transportation contractor shall prepare and maintain a record stating the reasons the test was not promptly administered. If the test is not administered within eight (8) hours following the accident, attempts to administer the alcohol test shall cease and the transportation contractor shall prepare and maintain the same record. Notwithstanding the absence of a reasonable suspicion alcohol test, where there was reasonable suspicion of alcohol use, the driver shall not be permitted to drive until:

an alcohol test is administered and the driver's alcohol concentration measures less than 0.02; and

twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

Return-to-duty testing. No school bus driver may return to work after engaging in conduct prohibited by this policy until after s/he has, as appropriate, undergone an alcohol test with a result indicating an alcohol concentration of less than 0.02 or a controlled substances test with a result



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indicating a verified negative result for controlled substances use.

Follow-up testing. Any driver who is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances shall be subject to unannounced follow-up testing as directed by a substance abuse professional/transportation contractor or school district. Follow-up alcohol testing shall be conducted only when the driver is to drive or just after the driver has stopped driving.

The number and frequency of such follow-up testing shall be directed by the Substance Abuse Professional (S.A.P.) and consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. The driver may be required to submit to follow-up testing for both alcohol and drugs if the SAP determines that such testing is necessary for that particular driver. Follow-up testing will not exceed sixty (60) months from the date of the driver's return to duty.

3. The transportation director and Superintendent shall be the district's representatives for purposes of receiving and handling alcohol and drug test results that may be referred to the district by the transportation contractor to whom all testing shall initially be sent. Those results shall be handled by the transportation director and Superintendent in a confidential manner in accordance with applicable federal, state and local law and regulations.
4. The transportation contractor shall notify a driver of the results of a pre-employment controlled substance test conducted under this policy only if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application, and shall advise a driver of the results of random, reasonable suspicion and post-accident



tests if the test results show an alcohol concentration in excess of 0.02 or are verified as positive in the case of controlled substances. The driver shall be advised which controlled substance or substances were verified as positive. In cases where the Medical Review Officer (MRO) is unable to contact the driver, the transportation contractor shall (1) make all reasonable efforts to contact and request the driver who submitted a positive specimen under this policy, to contact and discuss the results of the controlled substances test with the medical review officer, and (2) notify within twenty-four (24) hours the medical review officer that the driver has been notified to contact the medical review officer. If more than five (5) days have elapsed since the date the employe was contacted by the transportation contractor and the employe has not contacted the MRO, the MRO may verify the test as positive.

5. The transportation contractor shall develop and implement procedures for the preparation, maintenance, retention and disclosure of records as required by law.
6. The transportation contractor shall verify to the school district that the transportation contractor has arranged for the testing described in this policy and has the services of a qualified medical review officer, a qualified substance abuse professional, and a certified laboratory. Also a certified Breath Alcohol Technician performing the alcohol tests must be available as needed for the various types of tests.
7. The transportation contractor shall develop and provide educational materials that explain the requirements of this policy and the school district's policies and procedures with respect to meeting said requirements. Materials in compliance with law shall be distributed to each driver prior to the start of the school year and prior to testing required by this policy and to each driver subsequently hired or

49 CFR Sec.  
382.601



transferred into a school bus driving position.

8. The transportation contractor shall ensure that access is provided to all facilities utilized in complying with the requirements of the Federal Highway Administration, the Secretary of Transportation, any Department of Transportation agency, or any state or local official with regulatory authority over the school district or any of the transportation contractor's drivers.

E. Drug Testing Procedures

A driver is subject to drug testing at any time while the driver is at work for the school district. The driver need not be performing safety-sensitive functions at the time the employe is notified that he or she must submit to a drug test.

The drugs specifically being tested for include, but are not limited to: marijuana, opiates, amphetamines, cocaine, and phencyclidide (PCP). The transportation contractor shall establish a chain of custody procedure for both drug sample collection and testing that will verify the identity of each sample and test result. All drug testing and collection procedures will be in accordance with the DHHS guidelines and in compliance with applicable federal DOT/FHWA requirements under Title 49 Code of Federal Regulations Part 40. All drug tests conducted pursuant to this policy shall be performed by laboratories which are DHHS/SAMHSA certified.

1. Confirmation and review of drug test results

- a. All positive drug test results will be confirmed by gas chromatography and mass spectrometry (GC/MS). All confirmed positive drug test results will be reviewed by a MRO to determine whether there is any legitimate explanation for the positive test result. This review may include a medical interview, review of the driver's medical history, or review of any other relevant biomedical factors and



all medical records made available by the tested drivers.

b. Drivers testing positive will be given the opportunity to discuss with the MRO any legitimate explanation for the positive test result. If the MRO determines that there is a legitimate medical explanation for the confirmed positive test results, the MRO will report the test result to the transportation contractor and to the school district as negative. If the MRO determines that there are no legitimate explanations for the confirmed positive test result, the results will be verified by the MRO and reported to the school district and the transportation contractor.

c. Upon request by the employe or applicant (within seventy-two (72) hours of being notified results), any applicant or employe testing positive for controlled substances will be given a reliable confirmatory urinalysis retest of the split sample by a D.H.H.S. Certified Lab. Retest will include a confirmatory test using the gas chromatography/mass spectrometry (GC/MS) methodology. Confirmed positive test results shall be reported to the Medical Review Officer.

d. Inability to provide adequate amount of urine specimen.

The driver must provide at least 45 milliliters of urine for the drug test. If the driver is unable to provide such a quantity of urine, then the driver will be instructed to drink a set amount of fluid and after a period of up to two (2) hours, again attempt to provide a complete specimen. If an applicant is still unable to provide an adequate specimen this will constitute a refusal to test and the applicant will be considered ineligible for employment with the



1 school district. For all other types  
2 of drug testing, if the driver is  
3 still unable to provide an adequate  
4 specimen, the MRO will refer the  
5 driver for a medical evaluation. If  
6 the MRO determines that there is no  
7 legitimate medical explanation for the  
8 driver's failure to provide an ade-  
9 quate amount of urine, this will  
10 constitute a refusal to test and be  
11 handled in the same manner as a pos-  
12 itive test.  
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15 F. Alcohol testing procedures  
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17 A driver shall only be alcohol tested while  
18 the driver is performing safety-sensitive  
19 functions as defined by 49 CFR Sec. 395.2  
20 (1)-(7) or just before, or just after  
21 performing safety-sensitive functions. A  
22 safety-sensitive function includes when the  
23 driver is: (1) waiting to be dispatched,  
24 (2) performing required inspections of  
25 equipment, (3) driving, (4) in or upon the  
26 commercial motor vehicles, except resting  
27 time, (5) loading or unloading a vehicle,  
28 (6) performing driver requirements relating  
29 to accidents, and (7) repairing, obtaining  
30 assistance, or remaining in attendance upon  
31 a disabled vehicle.  
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33 G. Miscellaneous  
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- 35 1. A "covered school bus driver" under this  
36 policy shall mean any person who is an  
37 employe of the transportation contractor  
38 (who contracts with the school district)  
39 and who drives or operates a motor vehicle:  
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41 a. with a gross vehicle weight rating of  
42 26,001 or more pounds; or  
43  
44 b. designed to transport sixteen (16) or  
45 more passengers, including the driver.  
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47 2. The phrase includes drivers and mechanics  
48 who operate such vehicles, including full-  
49 time, regularly employed individuals; casual,  
50 intermittent or occasional individuals;  
51 and hired drivers and independent owner-op-  
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erator contractors who are directly contracted by the district.

3. This policy shall not be construed to limit the authority of the district to conduct drug or alcohol testing on individuals not covered by this policy or to conduct such testing on individuals covered by this policy at times other than stated in this policy.

H. Testing expenses and compensation for tests

The transportation contractor shall pay for all drug and/or alcohol tests required by this policy; including confirmation tests for substitute drivers, random, pre-employment, post-accident, reasonable suspicion, or follow-up testing.

Any test taken at the driver's request will be at his or her own expense, including analysis of the split specimen for drug testing.

Any travel costs and all time spent providing a breath and/or urine sample, including travel time to and from the collection site in order to comply with random, post-accident, reasonable suspicion or follow-up testing will not be reimbursed by the school district.

I. Access to records and confidentiality of test results

A driver, upon written request, may obtain copies of any records pertaining to the driver's drug and alcohol use, including test records. The transportation contractor will promptly provide the records requested by the driver. The school district shall not release such information to any outside party except as required by law or expressly authorized by the driver. The transportation contractor shall report the results of alcohol test with a concentration exceeding .02 and any positive drug test results directly to the Superintendent of the district immediately upon receipt of such results.





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J. Consent of applicants and employes

All applicants and employes of the transportation contractors are required to consent to drug and alcohol testing and/or inspections pursuant to these policies as a condition of employment and continued employment. Consent to drug and alcohol testing and searches includes an applicant's or employe's obligation to fully cooperate. Upon request, such person must promptly complete the required forms and releases and promptly provide a sample for testing. A refusal to sign the consent and acknowledgment forms will result in disqualification for such a position or disciplinary action, up to and including immediate termination.

K. Employe assistance program

Each driver who violates this policy will be advised of the resources available to the driver in evaluating and resolving problems associated with alcohol misuse and drug use including the names, addresses and telephone numbers of substance abuse professionals and counselling and treatment programs.

Any questions about the policy should be directed to the transportation contractor, Transportation Director or the Superintendent.