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SB 193: School Bus Driver Drug Test Reporting
House Committee on Education
Jan McComb
April 24, 2013

Good afternoon Chair Gelser and members of the House Committee on Education. For the record, I am Jan McComb, Legislative Coordinator, speaking on behalf of the Oregon Education Department. I am here today to speak in favor of SB 193. SB 193 clarifies existing practice and law that when school bus drivers test positive for drugs and alcohol, the Medical Review Officer reports that finding to the Department of Motor Vehicles.

Background

Oregon law (ORS 825.410) requires that all motor carriers participate in a drug and alcohol testing program as required by federal law (Federal Motor Carrier Safety Regulations, 49 CFR 382). Motor carriers must have an in-house drug and alcohol testing program that meets federal requirements or be a member of a consortium that provides testing that meets federal requirements. These laws are in place to ensure that Commercial Driver License holders are subject to drug and alcohol testing.

Federal rule requires that a Medical Review Officer certify all test outcomes. When the Medical Review Officer determines a test is positive for the presence of drugs or alcohol, Oregon law requires the result to be reported to the Oregon Department of Transportation. ODOT has a process where that information is added to the driver's driving record. The driver has the right to review this before it is placed on their record.

When the employer of a school bus driver notifies ODE, ODE takes action against their school bus driving certificate. This keeps the driver from driving a school bus without going through the return-to-service steps outlined in federal rule. However, it would not keep the driver from being dishonest to another Commercial Driver License employer. This was the point of the original law.

ISSUE

While school buses are exempt under current Oregon motor carrier law, it has been the practice for Medical Review Officers to report when school bus drivers test positive for drugs and alcohol.

Recently, a Medical Review Officer refused to report a positive drug test for a school bus driver. ODOT supported the decision. Both the Medical Review Officer and ODOT are of the opinion that ORS 825.017(1) exempts school buses and by extension, their drivers, from the drug testing requirements of ORS chapter 825. We just want school bus drivers held to the same standard as drivers for motor carriers.

Legislation

SB 193 clarifies that because all school bus drivers hold a Commercial Drivers License, they are subject to

drug and alcohol testing and that positive results must be reported to the Department of Motor Vehicles and the Oregon Department of Education. The DMV then puts the results onto the employment driving record. ODE will continue to take the steps we already do to keep drivers who test positive for drugs or alcohol from driving school bus until they meet the requirements of the federal rule.

In the past five years, the Department of Education has become aware of, and revoked or suspended, 61 school bus certificate holders for having tested positive for drugs or alcohol. ODE is dependent on school districts and transportation providers to pass the information to us. This bill will make the information readily available to the department.

Thank you for your time.