SOUTHERN OKLAHOMA
TECHNOLOGY CENTER: DISTRICT POLICY **EL**

STUDENT DRUG TESTING

I. Alcohol and Drug Free Schools: Student safety is of paramount concern to the Board. Students under the influence of alcohol, drugs, medical marijuana, CBD products with a THC content Greater than .03% or the amount allowed by law, or controlled substances are a serious risk to themselves and to others. The Board hereby commits itself to a continuing good faith effort to maintain an alcohol and drug-free school. All student drug and alcohol testing will be performed by third parties including law enforcement or other qualified providers.

The reasons for this policy are:

1. To educate students as to the serious physical, mental, and emotional harm caused by illegal drug use.
2. To alert students with possible substance abuse problems to the potential harms that drug use poses for their physical, mental, and emotional well-being.
3. To ensure that students adhere to an education that bars the intake of illegal and performance-enhancing drugs.
4. To prevent injury, illness, and harm for students that may arise as a result from illegal and performance-enhancing drug use.
5. To offer students education and school activities free of the effects of illegal and performance-enhancing drug use.

While on school property, in school vehicles or buses, or engaged in school activities, students of the District shall not manufacture, use, possess, sell, distribute, or be under the influence of drugs, controlled substances, medical marijuana, CBD products with a THC content Greater than .03% or the amount allowed by law, or alcohol (including low-alcohol beer). Under the influence of alcohol shall be a blood or breath alcohol concentration of .08 or more at the time of the test. When it is evident that a student is under the influence of "drugs" as defined in this policy, the student shall not be allowed on school property and/or shall not be allowed to participate in school activities.

At no time will marijuana be grown or stored on school premises. School employees will not under any circumstance:

a. Assist students in obtaining or using medical marijuana or CBD products with a THC content greater than .03% or the amount allowed by law;
b. Store medical marijuana or CBD products with a THC content greater than .03% or the amount allowed by law for students;

c. Take and/or use a student's medical marijuana or CBD products with a THC content greater than .03% or the amount allowed by law;

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d. Serve as a student's designated legal guardian or caregiver, unless the student is the child or in legal custody of the employee.

When there is reasonable suspicion to believe a student has taken or is under the influence of "drugs" as defined in this policy, the student will be referred to law enforcement. Additionally, any student who participates in a work site learning program, which is considered to be on-the-job training and which is a privilege, not a right, must submit to drug testing as set forth in this policy.

Some work site facilities require students attending their facility have a current Drug Screen. The prescreening requirements are the same as those required of employees. All screens will be conducted after admission to the program and will be randomly given. Verification of the satisfactory results must be received by the program director prior to the student's work site start date, and will be honored for the duration of the student's enrollment in the work site learning program unless the site has reasonable suspicion to test the student. Southern Tech will adhere to the guidelines of the work site learning program.

The District reserves the right to discipline students who fail to adhere to Oklahoma law and/or the requirements of this policy. Any student who violates this policy will be subject to disciplinary action, up to and including termination from the student's program. Any student who refuses to take a drug test pursuant to this policy will be deemed to have violated this policy against the use of drugs, and will be subject to disciplinary action as such, up to and including suspension.

If a student has specific procedures regarding medical marijuana or CBD products with a THC content greater than .03% or the amount allowed by law that are written into the student's Individualized Education Program (IEP) and such procedures are consistent with state and federal law, those provisions will take precedent over this policy. Situations involving students on IEPs will be handled on a case-by-case basis, consistent with state and federal law.

The Board recognizes that students who have a substance abuse problem should be encouraged to seek professional assistance. A student who requests assistance shall be referred to a treatment facility or agency in the community if such facility or agency is available.

II. Alcohol and Drug Testing: Alcohol and drug testing shall be performed according to the following terms, conditions, and procedures:

Definitions:

1. "Board" means the State Board of Health;
2. "Confirmation test" means a drug or alcohol test on a sample to substantiate the results of a prior drug or alcohol test on the same sample and which uses different chemical principles and is of equal or greater accuracy than the prior drug or alcohol test;
3. "Department" means the State Department of Health;
4. "Drug" means any substance which an individual may not sell, possess, use, distribute or purchase under either Federal or Oklahoma law. "Drug" includes, but is

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not limited to, all scheduled drugs as defined by the Oklahoma Uniform Controlled Dangerous Substance Act, all prescription drugs obtained without authorization, medical marijuana, or CBD products with a THC content greater than .03% or the amount allowed by law. and all prescribed and over-the counter drugs being used for an abusive purpose, "Drug" shall also include alcohol when the student is under the age of twenty-one (21). "Drug" shall also include "*performance enhancing drugs*" which include anabolic steroids and other natural or synthetic substances used to increase muscle mass,
strength, endurance, speed or other athletic ability. The term "*performance-enhancing drugs*" does not include dietary or nutritional supplements such as vitamins, minerals and proteins which can be lawfully purchased in over-the-counter transactions;

5. "Drug test" means a chemical test administered for the purpose of determining the presence or absence of a drug or its metabolites in a person's bodily tissue, fluids or products;
6. "Reasonable suspicion" means a belief that a student is using or has used drugs or alcohol drawn from specific objective and articulated facts and reasonable inferences drawn from those facts in light of experience, and may be based upon, among other things:
   A. observable phenomena, such as:
      (i) the physical symptoms or manifestations of being under the influence of a drug or alcohol while at school or at school activities or,
      (ii) the direct observation of drug or alcohol use while at school or at school activities,
   B. a report of drug or alcohol use while at school or at school activities, provided by reliable and credible sources.
   C. evidence that an individual has tampered with a drug or alcohol test or
   D. evidence that a student is involved in the use, possession, sale, solicitation or transfer of drugs while at school or at school activities.
7. "Review officer" means a person, qualified by the State Board of Health, who is responsible for receiving results from a testing facility which have been generated by this drug testing program, and who has knowledge and training to interpret and evaluate an individual's test results together with the individual's medical history and any other relevant information;
8. "Sample" means tissue, fluid or project of the human body chemically capable of revealing the presence of drugs in the human body; and
9. "Testing facility" means any person, including any laboratory, hospital, clinic or facility, either off or on the District's premises, which provides laboratory services to test for the presence of drugs in the human body.

Students shall be required to submit to drug and/or alcohol testing when reasonable suspicion or probable cause exists. Probable cause shall include a student's participation in a work site learning program. Prior to requiring such testing, the student's teacher or Principal or the Superintendent shall articulate the basis for reasonable suspicion or probable cause to the

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student. Prior to the testing, if the student is a minor, the student's parent or legal guardian shall be contacted and permission obtained for the testing. If necessary, the student may be transported to an appropriate facility for a drug and/or alcohol test.

III. Payment of Costs: The District shall pay all costs of testing for alcohol and drugs. Provided, however, an individual who requests a retest of a sample in order to challenge the results of a positive test shall pay all costs of the retest, unless the retest reverses the findings of the challenged positive test. In such case, the District shall reimburse the individual for the costs of the retest.

IV. Procedures for Testing: All sample collection and testing for alcohol and/or drugs pursuant to the provisions of this policy shall be conducted in accordance with the following conditions:

1. All aspects of the drug use testing program, including the taking of specimens, will conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen must be collected in a restroom or other private facility behind a closed stall. The test monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall to listen for the normal sounds of urination in order to guard against tampered specimens and to insure an accurate chain of custody.
2. Samples shall be collected and tested only by individuals deemed qualified by the State Board of Health and may be collected on the District's premises;
3. Only samples deemed appropriate by the State Board of Health for alcohol and/or drug testing shall be collected;
4. The collection of samples shall be performed under reasonable and sanitary conditions;
5. A sample shall be collected in sufficient quantity for splitting into two separate specimens, pursuant to rules of the State Board of Health, to provide for any subsequent independent analysis in the event of challenge of the test results of the main specimen;
6. Samples shall be collected and tested with due regard to the privacy of the individual being tested. In the instances of urinalysis, no employer or representative, agent or designee of the District shall directly observe an applicant in the process of producing a urine sample; provided, however, collection shall be in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable sample;
7. Sample collection shall be documented, and the documentation procedures shall include:
   A. labeling of samples so as reasonably to preclude the probability of erroneous identification of test results, and
   B. an opportunity for the student or student's parent to provide notification of any information which the student or student's parent considers relevant to the test, including identification of currently or recently used prescription or non-

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prescription drugs, or other relevant information;

8. Sample collection storage and transportation to the testing facility shall be performed so as reasonably to preclude the probability of sample contamination or adulteration;
9. Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by Board rule, at the cutoff levels as deter- mined by Board rule, before the result of any test may be used as a basis for
disciplinary action concerning any student.
10. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required.

V. Records: The District shall maintain all alcohol and/or drug tests results and related information, including, but not limited to, interviews, reports, statement and memoranda, as confidential records, separate from other records. Such records, including the records of the testing facility, shall not be used in any criminal proceeding, or any civil or administrative proceeding, except in those actions taken by the District or in any action involving the individual tested and the District or unless such records are ordered released pursuant to a valid court order.

The records shall be the property of the District and, upon the request of the student or the student's parent tested, shall be made available for inspection and copying to the student or the student's parent. The District shall not release such records to any person other than the student or the student's parent or the District's review officer unless the student or the student's parent has expressly granted written permission for the District to release such records following receipt of the test results, or pursuant to a valid court order.

A testing facility, or any agent, representative or designee of the facility, or any review officer, shall not disclose to the District, based on the analysis of a sample collected from any student for the purpose of testing for the presence of alcohol and/or drugs, any information relating to:

- the general health, pregnancy, or other physical or mental condition of the student; or
- the presence of any drug other than the drug or its metabolites that the District requested be identified and for which a medically acceptable explanation of the positive result, other than the use of drugs, has not been forthcoming from the student.

However, a testing facility shall release the results of the drug test, and any analysis and information related thereto, to the student tested upon his request or to the parent of a student tested upon the parent's request.

VI. Appeal: Any student who has been determined by the administration to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her designee(s). Such request for a review must be submitted to the Superintendent in writing within five (5) calendar days of notice of disciplinary action. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision will be provided and his/her decision shall be conclusive in all

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respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion results in suspension from school or termination from a program, the student may appeal that determination as provided by District policy for disciplinary suspension.

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