



Drug and Alcohol Abuse Prevention Program

Standards of Conduct

FTTC prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol or controlled substances by any students or employees on its property or as part of any of its activities except as they may be prescribed by a qualified physician or other person licensed, registered, or otherwise permitted to distribute, dispense, or administer a controlled substance to treat an individual's physical or mental condition. Controlled substances are listed in Schedules I through V of Section 202 of the Controlled Substances Act found in 21 U.S.C. 812 and as further defined by regulations found at 21 CFR 1300.11 through 1300.15.

This program is adopted to and in compliance with the Drug Free Schools and Communities Act of 1989.

Legal Sanctions

Local, state, and federal laws provide for a variety of legal sanctions for the unlawful possession and distribution of illicit drugs and alcohol. These sanctions include, but are not limited to, incarceration and monetary fines.

The Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended and adopted by the United States Congress, provides penalties including imprisonment ranging up to life in prison, fines up to four million dollars, and forfeiture of property for the unlawful possession or distribution of controlled substances.

Oklahoma law provides that any person convicted of distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense a controlled substance or a counterfeit substance shall be guilty of a felony and may be imprisoned up to 20 years and fined up to \$100,000 depending on the type of controlled substance involved. Subsequent convictions shall be punishable by twice the imprisonment and info otherwise authorized.

FTTC cooperates with all police authorities and may employ all methods of drug detection available to eliminate illegal trafficking and use of controlled substances. Enforcement agencies may be enlisted to thwart illegal drug activity by the use of agent investigations, canine (dog) searches, and sophisticated means of electronic surveillance, photography and recording.

County and city laws are similar to federal and state laws. If drugs are involved, the city will most likely defer to the state or federal authorities because their penalties are more severe. If alcohol is involved, you may be convicted of violating both local and state law and punished according to both laws.

Health Risks

The illegal use of controlled substances has a substantial and detrimental effect on the health and general welfare of the American people. More than 25,000 people die each year from drug-related accidents or health problems. With most drugs, it is probable that users will develop psychological and physical dependence. The health risks associated with the unlawful use of controlled substances depend on the combination used and the individual using them. The following are general categories of drugs and their effects.

Narcotics: Also known as opioids, this includes drugs such as fentanyl, methadone, and OxyContin. These drugs can create psychological and physical dependence. Negative effects include slowed physical activity, constriction of the pupils, flushing of the face and neck, constipation, nausea, vomiting, and slowed breathing.

Depressants: This drug class includes barbiturates, downers, roofies, and tranquilizers. Individuals may abuse these drugs to experience euphoria, to enhance a drug high, to deal with the side effects of other drugs, or to facilitate sexual assault. Depressants can affect the mind by causing amnesia, reduce reaction time, impair mental functioning and judgment, and cause confusion. They impact the body by causing slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing.

Stimulants: This includes amphetamines, Ritalin, diet aids, methamphetamine, and cocaine, among others. These drugs produce a sense of exhilaration, enhance self-esteem, and extend wakefulness for a prolonged period. Chronic, high-dose use is often associated with agitation, hostility, panic, aggression, paranoia, and suicidal or homicidal tendencies. Physical symptoms may include dizziness, tremors, headache, flushed skin, chest pains and palpitations, excessive sweating, vomiting, and abdominal cramps.

Hallucinogens: One of the oldest groups of drugs, hallucinogens are known for their ability to alter human perception and mood. Some forms include acid, mushrooms, LSD, and MDMA (ecstasy). The drugs cause perception distortions, flashbacks, elevated heart rate, increased blood pressure, and dilated pupils.

Anabolic Steroids: This is a synthetically produced variant of the naturally occurring male hormone testosterone that is abused in an attempt to promote muscle growth, enhance athletic or other physical performance, and improve physical appearance. High doses can cause mood and behavioral effects, such as mood swings, hostility, impaired judgment, increased aggression. They can stunt height in adolescents; cause early sexual development, acne, and stunted growth in boys; induce permanent physical changes, such as deepening of the voice and/or menstrual irregularities in females; and high cholesterol levels in both men and women.

Alcohol: Short term effects include behavioral changes, impairment of judgment and coordination, greater likelihood of aggressive acts, respiratory depression, irreversible physical and mental abnormalities in newborns (fetal alcohol syndrome) and death. Long-term effects of alcohol abuse include damage to the liver, heart and brain, ulcers, gastritis, malnutrition, delirium tremors and cancer. Alcohol combined with other barbiturates/depressants can prove to be a deadly mixture.

Cannabis (marijuana, hashish, hash, etc.): Cannabis impairs short-term memory, comprehension, concentration, coordination, and motivation. May also cause paranoia and psychosis. Marijuana smoke

contains more cancer-causing agents than tobacco smoke. The way in which marijuana is smoked, deeply inhaled, and “held” in the lungs for a long period, enhances the risk of getting cancer. Combined with alcohol, marijuana can produce a dangerous multiplied effect.

Tobacco/nicotine: Tobacco causes some 170,000 people in the United States to die each year from smoking-related coronary heart disease. Thirty percent of the 130,000 cancer deaths each year are linked to smoking, lung, larynx, esophagus, bladder, pancreas, and kidney cancers strike smokers at increased rates. Emphysema and chronic bronchitis are ten times more likely among smokers.

Drug Prevention

The following are drug prevention activities:

- Wellness brochure rack maintained in the Career Planning Center
- A list of drug abuse and prevention hotline telephone numbers in the career advisors’ offices.
- The Francis Tuttle school district provides a licensed Employee Assistance Program at no cost to the employee through Chance to Change
- The Call SAM (Student Assistance by Mercy) hotline 1-855-225-2726 provides crisis counseling and treatment resource referrals for students, staff, and their families. The hotline is staffed with mental health professionals 24 hours per day, 7 days per week.
- The Francis Tuttle website will include a student resource page that provides students with resources for drug abuse, available at <https://www.francistuttle.edu/student-experience/resources/counseling-services>.
- The Francis Tuttle school district provides two part-time licensed counselors to their employees.
- The Career Planning Center will add drug and alcohol prevention to the Canvas course that they provide students during the re-enrollment process.
- The district implemented MindWise, a mental health screening tool, available at <https://screening.mentalhealthscreening.org/Francis-Tuttle>.

FTTC does not sponsor any drug or alcohol counseling, treatment or rehabilitation or re-entry programs. Students needing referral will receive a list of community agencies that provide counseling assistance for chemical dependency.

Violations

Student Policies and Procedures

POLICY:

It is policy that any teacher who has reasonable cause to suspect that a student may be under the influence of or said student has in his/her possession any of the following as they are now defined by law shall immediately notify the appropriate administrator or his/her designee of such suspicions:

1. Non-intoxicating beverages (i.e., 3.2 beer, wine coolers);
2. Alcohol beverages;
3. Controlled dangerous substances; and/or

4. Imitation controlled dangerous substances.

The administrator shall immediately notify the Superintendent or his/her designee. A high school student's parent(s)/guardian(s) will be notified immediately.

PROCEDURES:

Any student suspected of being under the influence of or in the possession of beer or alcohol or under the influence of or in the possession of a controlled dangerous substance on school grounds or during school activities will immediately be referred to an administrator. The administrator shall then immediately notify the parent(s)/guardian(s) of said student of the matter except in the case of an adult student.

The administrator shall suspend a student found to have violated these provisions for a minimum of five (5) days. Depending on the circumstances of the violation, the administrator may recommend a long-term suspension up to the remainder of the semester and the next succeeding semester for a high school student. In the case of an adult student, the administrator may recommend dismissal. The student may be required to seek assessment and/or counseling from a person trained in the treatment of chemical abuse. The student will be responsible for providing verification of compliance with the assessment recommendations.

Any student in possession of imitation controlled dangerous substances will be liable for the same penalty. Counterfeit drugs, drug paraphernalia, and chemicals that provide a mood-altering effect are included as controlled substances.

A second offense will result in long-term suspension for the high school student or dismissal for the adult student. Any such disciplinary action may be appealed in accordance with the appropriate high school or adult method of appeal found in this section.

Conspiracy/Chain/Sale/Distribution/Delivery of Drugs/Alcohol

A high school student found to be in the chain of distribution/sale/delivery of drugs or alcohol will incur a long-term suspension for the remainder of the current semester and the next succeeding semester. An adult student will be dismissed.

Seizure and Removal of Controlled Dangerous Substance(s)

A school authority shall immediately deliver any controlled dangerous substance(s), removed or otherwise seized from any minor or other person, to a law enforcement authority for appropriate disposition (§70-24-132)

Students on Individualized Education Program (IEP) in Possession

If a high school student is attending the District with an Individualized Education Program (IEP), a meeting of the student's IEP committee will be convened prior to considering imposing long-term suspension. A meeting will also be held with the student's IEP committee to review the results of any required assessment or counseling as discussed in the above sections.

Staff Responsibilities of Students in Possession

No officer or employee of the District or any member of the Board of Education shall be subject to any civil liability for any statement, report, or action taken in assisting or referring for assistance, to any medical treatment or social service agency or facility or any substance abuse prevention and treatment program, any student reasonably believed to be abusing or incapacitated by the use of non-intoxicating beverages, alcoholic beverages or a controlled dangerous substance unless such assistance or referral was made in bad faith or with malicious purpose. No office or employee of the District shall be responsible for any treatment costs incurred by a student as a result of any such assistance or referral to any medical treatment, social service agency or facility, or substance abuse prevention and treatment program.

NOTE: A student is defined as any individual who is currently enrolled part-time or full-time in any instructional program at Francis Tuttle.

Biennial Review

FTTC conducts a review of its drug prevention program every two years. The review is used to determine the effectiveness of the program and as a toll for implementing changes to the program. The review is conducted with representatives from the Student Administrative Services and Career Planning Center. The Francis Tuttle Board of Education must approve any changes to the Francis Tuttle policies and procedures manual through their annual review.



Book Policy Manual
Section 3000 - Employment
Title Drug and Alcohol Free Workplace
Code 3011 BP
Status Active

DRUG AND ALCOHOL FREE WORKPLACE

Policy:

The Francis Tuttle Board of Education adheres to the following policy regarding work-related effects of drug and/or alcohol use and the unlawful possession of controlled substances on the technology center's premises.

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is the intent and obligation to provide a drug and alcohol free, healthful, safe and secure work environment.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on school premises or while conducting school business off school premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination and may have legal consequences.

Francis Tuttle recognizes drug and/or alcohol dependency as an illness and a major health problem. The technology center also recognizes drug and/or alcohol abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to participate in a drug and/or alcohol abuse assistance or rehabilitation program as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job, and will not be noted in any personnel record.

Procedures:

Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off Francis Tuttle's premises while conducting school business. A report of a conviction must be made within five (5) days after the conviction to the Superintendent. This requirement is in compliance with the Drug-Free Schools and Communities Act Amendment of 1989 (P.L. 101-226)



Book	Policy Manual
Section	3000 - Employment
Title	For Cause and Post Accident Drug Testing
Code	3012 BP
Status	Active

FOR CAUSE AND POST ACCIDENT DRUG TESTING

Policy:

Francis Tuttle reserves the right to require employee drug testing for cause.

Procedure:

Francis Tuttle may require an employee to undergo drug or alcohol testing at any time the superintendent, or designee, reasonably believes that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances:

- Drugs or alcohol on or about the employee's person or in the employee's vicinity,
- Conduct on the employee's part that suggests impairment or influence of drugs or alcohol,
- A report of drug or alcohol use while at work or on duty,
- Negative performance patterns, or
- Excessive or unexplained absenteeism or tardiness.

Post-accident testing: Francis Tuttle may require an employee to undergo drug or alcohol testing if the employee or another person has sustained an injury while at work or property has been damaged while at work, including damage to equipment. Francis Tuttle may require post-accident drug or alcohol testing if there is a reasonable possibility that employee drug use could have contributed to the reported injury or illness.



Book	Policy Manual
Section	8000 - Safety and Emergency
Title	Alcohol and Drug Testing for Bus Drivers
Code	8017 BP
Status	Active
Adopted	October 11, 2021

ALCOHOL AND DRUG TESTING FOR BUS DRIVERS

Policy:

The District will comply with the mandatory obligations under regulations issued by the United States Department of Transportation ("DOT").

Definition of Terms:

Certain terms used in this policy have the following meaning unless the context plainly shows otherwise:

1. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.
2. "Alcohol concentration" means the number of grams of alcohol (for example: 0.04) in 210 liters of expired deep lung air.
3. "Alcohol confirmation test" means a subsequent test using an EBT (a breath testing device), following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration.
4. "Alcohol screening device" ("ASD") means a breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration ("NHTSA") and appears on the Office of Drug & Alcohol Policy & Compliance's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids" because it conforms to the model specifications from NHTSA.
5. "Alcohol use" means the drinking or swallowing any beverage, mixture or preparation, including any medication, containing alcohol.
6. "BAT" means a qualified breath alcohol technician.
7. "Cancelled test" means a drug or alcohol test that has a problem identified and cannot be or has not been corrected. A cancelled test is neither a positive or a negative test.
8. "CDL" means commercial driver's license.
9. "Clearinghouse" means the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License Drug and Alcohol Clearinghouse.
10. "Collection site" means a place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.
11. "Confirmatory drug test" means a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.
12. "Confirmed drug test" means a confirmatory drug test result received by a MRO from a laboratory.
13. "Controlled substance" means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), opioids, or a metabolite of any of these substances.
14. "Designated employer representative" ("DER") means an employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer.
15. "Dilute specimen" means a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

16. "Driver" means: (i) a technology center employee who is required to have a CDL to perform the employee's duties; (ii) employees of independent contractors who are required to have CDLs; (iii) owner-operators; (iv) leased drivers; and (v) occasional drivers.
17. "EBT" means a device that is approved by NHTSA for the evidential testing of breath at the .02 and .04 alcohol concentrations, and appears on the Office of Drug & Alcohol Policy & Compliance's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids" because it conforms to the model specifications available from NHTSA.
18. "Federal Act" means the Omnibus Transportation Testing Act of 1991 and the regulations issued by the United States Department of Transportation pursuant to that Act.
19. "Oklahoma Act" means the Oklahoma Standards for Workplace Drug and Alcohol Testing Act.
20. "Initial drug test" means the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.
21. "Initial validity test" means the first test used to determine if a specimen is adulterated, diluted, or substituted.
22. "Invalid drug test" means the result reported by an HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.
23. "Medical review officer" ("MRO") means a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.
24. "Safety-sensitive function" means 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.
25. "Screening Test Technician" ("STT") means a person who instructs and assists employees in the alcohol testing process and operates an ASD.
26. "Service agent" means any person or entity, other than an employee of the employer, who provides services to employers and/or employees in connection with DOT drug and alcohol testing requirements.
27. "Split specimen" means a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.
28. "Stand-down" means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed a verified test.
29. "Substance Abuse Professional" ("SAP") means a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.
30. "Substituted specimen" means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.
31. "Verified test" means a drug test result or validity testing result from a United States Department of Health and Human Services certified laboratory that has undergone review and final determination by the MRO.

Required Testing & Consent

The following testing is required of all drivers:

Pre-Employment Testing and Consent

A driver must pass an alcohol and controlled substance test prior to performing a safety-sensitive function. The test will be conducted during the hiring process or immediately before the driver first performs a safety-sensitive function.

1. Alcohol Testing

A driver may not commence the performance of duties unless the test shows a concentration of less than 0.04. If the test shows a concentration of between 0.02 and 0.04, no safety-sensitive duties may be performed for at least 24 hours.

A pre-employment alcohol test will not be required if:

- i. The driver has undergone an alcohol test required by the Federal Act within the previous six weeks and tested under 0.04; and
- ii. The driver provides evidence that no prior employer of the driver has any record of alcohol misuse by the driver within the previous six months.

2. Controlled Substances

The driver must receive a confirmed negative controlled substance test result from a medical officer, except that no testing is required if:

- i. The driver has participated within the previous 30 days in a drug testing program meeting the requirements of the Federal Act; and
- ii. While participating in the program, the driver either (a) was tested for controlled substances within six months prior to the date of employment application or (b) participated in a random controlled substance testing program for the 12 months prior to the date of the employment application; and
- iii. The employer ensures that no prior employer of the driver of whom the employer has knowledge has records of a violation of this part or the controlled substance use rule of another DOT agency within the previous six months.

3. Preemployment Consent

The technology center shall comply with the query requirements of the FMCSA, including participation in the Clearinghouse. This participation is described in detail in the technology center's policy on Compliance with Regulations regarding the FMCSA Clearinghouse. As part of this compliance, until January 6, 2023 the technology center shall request the driver's written consent to obtain the following information from DOT-regulated employers who have employed the driver during the three (3) years before the date of the driver's application to a position requiring safety-sensitive duties:

- i. Alcohol tests with a result of 0.04 or higher alcohol concentration;
- ii. Verified positive drug tests;
- iii. Refusals to be tested (including verified adulterated or substituted drug test results);
- iv. Other violations of DOT agency drug and alcohol testing regulations; and
- v. Documentation of the driver's successful completion of return-to-duty requirements (for those drivers who have violated a drug or alcohol regulation). If the previous employer does not have this documentation, the technology center shall request that the driver produce it.

A driver may not perform safety-sensitive functions if s/he refuses to consent in writing to the release of the above information.

This records check shall be in addition to any queries conducted on the Clearinghouse website. After January 6, 2023, the technology center shall continue to seek records from employers to the extent required by FMCSA and DOT regulations and shall seek consents when such records checks are required.

Drivers are responsible for furnishing the technology center with accurate information regarding their employment history, including accurate identification of all former DOT-regulated employers.

The technology center shall maintain a written, confidential record of the information obtained or of the good faith efforts made to obtain the information. This record shall be maintained for three years from the date of the driver's first performance of safety-sensitive functions.

Prior to the driver's first performance of safety-sensitive functions, the technology center shall ask the driver whether s/he has tested positive, or refused to test, on any pre-employment drug or alcohol test (1) administered by a DOT-regulated employer, (2) in connection with a position for which the driver applied, (3) involving the driver's failure to obtain safety-sensitive transportation work, and (4) over the period of three years preceding the date of the employee's application for employment with the technology center. If the driver admits to a positive test or a refusal to test within the past two years, the technology center shall not allow the driver to perform safety-sensitive functions until and unless the driver documents successful completion of the return-to-duty process.

4. Consequences Associated with Preemployment Testing

The technology center may decline to employ an applicant who fails drug testing, provides false information, or who fails to cooperate with the technology center in procuring testing and test results. To the extent the applicant has been offered employment or placed in an alternate position pending the receipt of test results, the offer may be withdrawn and alternate employment terminated in accordance with the technology center's policies and procedures applicable to employee termination.

Post-Accident Testing

1. Alcohol

As soon as practical following an accident, an alcohol test will be administered to the following drivers:

- i. Each surviving driver who was performing safety-sensitive functions with respect to the vehicle, if the accident involves loss of life.

- ii. Each surviving driver who received a moving traffic violation arising from the accident within eight hours of the occurrence, if the accident involved:
 - a. bodily injury to any person that necessitated immediate medical treatment away from the scene of the accident; or
 - b. at least one vehicle incurred disabling damage as a result of the accident that required the vehicle to be transported away from the scene by a tow truck or other vehicle.

If the test is not administered within two hours of the accident, the employer must prepare and maintain a record of why the test was not administered. If the test is not administered within eight hours of the accident, the driver's supervisor shall cease attempts to administer an alcohol test and shall prepare a written report explaining why a test was not given.

Drivers shall remain readily available for testing. A driver leaving the scene of an accident without a valid reason prior to submission to the test may be deemed to have refused to submit to testing.

A breath or blood alcohol test conducted by a law enforcement agency will be considered to meet these requirements if the test meets the requirements of the Federal Act and the test results are obtained by the technology center.

2. Controlled Substances

As soon as practical following an accident, a test for controlled substances will be administered to the following drivers:

- i. Each surviving driver who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life.
- ii. Each surviving driver who received a moving traffic violation arising from the accident, if the accident involved:
 - a. bodily injury to any person that necessitated immediate medical treatment away from the scene of the accident; or
 - b. at least one vehicle incurred disabling damage as a result of the accident that required the vehicle to be transported away from the scene by a tow truck or other vehicle.

The test is to be administered within thirty-two (32) hours of the accident. If no test is made within that time period, then no test will be made and the driver's supervisor will prepare a written report stating the reasons for not administering a prompt test.

Drivers shall remain readily available for testing. A driver leaving the scene of an accident without a valid reason prior to submission to the test may be deemed to have refused to submit to testing.

A urine test for controlled substances administered by a law enforcement agency will be considered to meet these requirements if the test meets the requirements of the Federal Act and the results are obtained by the technology center.

Random Testing

Random alcohol and controlled substances testing of drivers will be conducted throughout the year. Selection of the drivers to be tested will be made by a scientifically valid method, such as random-number table or a computer based random-generator matched with drivers' social security numbers, payroll identification numbers or other comparable identifying numbers. Dates for administering unannounced testing shall be unpredictable and spread reasonably throughout the calendar year.

Drivers are to be tested while performing safety-sensitive functions, just before performing those functions, or just after ceasing those functions. A driver who is notified of selection for random alcohol or controlled substances testing must proceed to the test site immediately, unless the driver is performing a safety-sensitive function other than driving, in which case the driver must cease performing the safety-sensitive function and proceed to the test site as soon as possible.

The minimum annual percentage rate for random alcohol testing will be ten percent (10%) of the average number of driver positions, subject to adjustment of the percentage by the Federal Highway Administration. The minimum annual percentage rate for random testing for controlled substances will be fifty percent (50%) of the average number of driver positions.

Reasonable Suspicion Testing

Alcohol and controlled substance testing will be conducted when there is reasonable suspicion to believe that a driver has violated a provision in this policy. Reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. Reasonable suspicion for controlled substance use may also be based on indications of the chronic and withdrawal effects of controlled substances.

Alcohol testing is authorized only if the observations are made during, just preceding, or just after the period of the work day that the driver is performing a safety-sensitive function. A written record must be made as to why an alcohol test was not made within two hours following a determination of reasonable suspicion of misuse. No test is to be made if eight hours passed after the determination.

Persons designated to determine whether reasonable suspicion exists shall receive at least sixty (60) minutes of training on performance indicators of probable alcohol misuse. The required observations shall be made by a supervisor who has received training in detecting the symptoms of alcohol/controlled substance misuse. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the alcohol test.

A written record will be made of the observations leading to a controlled substance reasonable suspicion test. The record will be signed by the supervisor who made the observations. The record will be made within twenty four (24) hours of the observed behavior or before the test results are received, whichever is earlier.

Return to Duty Testing

1. Returning after Reasonable Suspicion of Alcohol Abuse Determination

A driver suspected of being under the influence of or impaired by alcohol will not be permitted to perform a safety-sensitive function until:

- i. an alcohol test shows a concentration of less than 0.02; or
- ii. 24 hours have elapsed following a determination that there was reasonable suspicion to believe the driver has violated the rules in this policy against alcohol misuse.

2. Returning after Violation of Prohibitions in this policy

A driver who has engaged in conduct prohibited by this policy shall not be permitted to perform safety-sensitive functions until s/he first passes a controlled substance test and/or an alcohol test with an alcohol concentration of less than 0.02.

A driver who has violated a provision in this policy cannot again perform any safety-sensitive duties for any employer until and unless the driver completes the SAP evaluation, referral, and education/treatment process.

Follow-up Testing

A driver who has been identified by a SAP as needing assistance in resolving problems with alcohol misuse or controlled substance use and who has returned to duty involving the performance of a safety-sensitive function will be subject to a minimum of six (6) unannounced follow-up alcohol and/or controlled substance tests over the following twelve (12) months. The SAP is the sole determiner of the number and frequency of follow-up tests, as well as whether the tests will be for drugs, alcohol or both. The SAP can direct additional testing during this period or for an additional period up to a maximum of sixty (60) months. The technology center must carry out the SAP's follow-up testing requirements.

Test Procedures

Testing methodology will comply with the requirements of the Oklahoma Act, except that the requirements of the Federal Act stated in this policy supersede the provisions of the Oklahoma Act. Alcohol testing must be conducted in a location that provides visual and aural privacy to the driver, sufficient to prevent unauthorized persons from seeing or hearing the test.

Alcohol Testing Procedures

1. Initial Alcohol Screening Tests

i. Procedures for an Alcohol Screening Test Using an EBT or Non-Evidential Breath ASD

- a. When the driver enters the testing location, the BAT or STT will require the driver to provide positive identification. If the driver requests, the BAT or STT will provide positive identification. The BAT or STT will explain the testing procedure. An individually-sealed mouthpiece is opened in the view of the driver and attached to the EBT. The driver will then blow into the mouthpiece for at least six (6)

seconds or until the device indicates that an adequate amount of breath has been obtained. The BAT or STT will show the driver the displayed test result. If the EBT does not provide a printed result, the BAT or STT will record the test number, date, technician's name, location and test result in a log book. The driver will initial the log book. If the EBT provides a printed result, the result is either: (i) printed on the testing form; or (ii) affixed to the form with tamper-evident tape.

- b. If the screening test result is less than 0.02, the BAT or STT will transmit the result in a confidential manner to the technology center's DER, who is designated by the board of education or the technology center superintendent to receive and handle alcohol test results in a confidential manner.
 - c. If the breath test is 0.02 or higher, a confirmation test is required.
- ii. Procedure for an Alcohol Screening Test Using Saliva ASD
 - a. When the driver enters the testing location, the STT will require the driver to provide positive identification. If the driver requests, the STT will provide positive identification. The STT will explain the testing procedure. The STT will check the expiration date on the device and show it to the driver. An individually wrapped package containing the device will be opened in the presence of the driver, and the driver will be instructed to insert the device into his or her mouth and use it in the manner described by the manufacturer. If the driver chooses not to use the device, the STT must insert the device into the driver's mouth and gather saliva.
 - b. If the screening test result is less than 0.02, the STT will transmit the result in a confidential manner to the technology center's DER, who is designated by the board of education or the technology center superintendent to receive and handle alcohol test results in a confidential manner.
 - c. If the test result is an alcohol concentration of 0.02 or higher, a confirmation test is required.

2. Alcohol Confirmation Tests

- i. All confirmation tests must be conducted using an EBT. The confirmation test must occur no less than fifteen (15) minutes after the completion of the screening test and should occur no more than thirty (30) minutes after the completion of the screening test.
- ii. Before a confirmation test is given, the BAT must conduct a "blank" test on the EBT to obtain a reading of 0.00. The remainder of the confirmation test is identical to the screening test for EBTs described in section 1.i.a above.
- iii. If the confirmation test result is lower than 0.02, nothing further is required of the driver.
- iv. If the confirmation test result is 0.02 or higher, the driver must sign and date the ATF. The BAT will immediately transmit the result to the DER in a confidential manner.
- v. Refusal to take a required test has the same consequences as if the driver had tested 0.04 or more. The following constitutes a refusal to take a test: (1) failure to appear for any test within a time required to appear; (2) failure to provide an adequate amount of saliva or breath for testing without a valid medical explanation; (3) failure to cooperate with any part of the testing process; (4) failure to sign the alcohol testing form or ATF certification; (5) failure to remain at the testing site until the testing process is complete, unless the test is a pre-employment test; (6) failure to undergo a medical examination or evaluation due to insufficient breath sampling; (7) leaving the scene of an accident before being tested, except when reasonably necessary to receive medical treatment.

Controlled Substances Testing Procedures

1. Procedures for Collection of Urine Specimens

- i. All urine collections must be split specimen collections.
- ii. The technology center must direct an immediate urine collection under direct observation with no advance notice to the driver, if:
 - a. the laboratory reported to the Medical Review Officer ("MRO") that a specimen is invalid and the MRO has reported that there is not an adequate medical explanation for the result; or
 - b. the MRO reported that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
 - c. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation
- iii. The technology center must direct a collection under direct observation of a driver if the drug test is a return-to-duty test or a follow-up test.
- iv. A driver must receive an explanation of the reasons for a directly observed collection.
- v. If a driver declines to allow a directly observed collection, that driver will be considered to have refused to test.

2. Procedures for Testing of Urine Specimens

- i. Testing of urine samples for controlled substances shall be performed by a laboratory certified by the federal Department of Health and Human Services ("DHHS") under the National Laboratory Certification Program.
- ii. Controlled substance testing may only be performed for the following five drugs or classes of drugs: (a) marijuana metabolites, (b) cocaine metabolites, (c) amphetamines, (d) opioid metabolites, and (e) phencyclidine (PCP).
- iii. If the driver requests a test of a split specimen, the first laboratory will ship the unopened split specimen to a second DHHS-approved laboratory for testing. If the test of the split specimen fails to confirm the presence of a controlled substance, the entire test is cancelled.
- iv. The driver must request a split specimen test verbally or in writing within 72 hours of being notified of a verified positive drug test or refusal to test because of adulteration or substitution.
- v. If a driver does not make a request within 72 hours, the driver may present information to the MRO documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the driver from making a timely request.
- vi. If a driver makes a timely request for a split specimen test, the technology center must ensure that the MRO, first laboratory and second laboratory perform the split-specimen testing functions in a timely manner. If necessary, the technology center must pay for the split specimen testing and seek reimbursement from the driver.
- vii. The MRO will report split specimen test results to the DER and driver.
- viii. The laboratory will report results directly to the MRO. The laboratory will not report the results to anyone else.
- ix. When the MRO receives a confirmed positive, adulterated, substituted, or invalid test result from the laboratory, the MRO will attempt to contact the driver to determine whether the driver wants to discuss the test result. If the MRO cannot reach the driver after reasonable efforts to do so, the MRO must contact the DER but cannot tell the DER that the driver has a confirmed positive, adulterated, substituted, or invalid test result. The DER must then attempt to contact the driver. If the DER makes contact with the driver, the DER should simply direct the driver to contact the MRO immediately and inform the driver of the consequences of failing to contact the MRO within the next 72 hours. If the DER is unable to reach the driver after making three (3) attempts, spaced reasonably, over a 24-hour period, then the DER may place the driver on temporary medically unqualified status or medical leave. Documentation must be kept by the DER of any actual and/or attempted contacts with the driver, including the dates and times of the contacts. If the DER is unable to contact the driver within the 24-hour period, the DER must leave a message for the driver by voice mail, e-mail or letter to contact the MRO and inform the MRO of the date and time of this message.
- x. Confirmation testing for controlled substances will be performed in accordance with the Oklahoma Act, except when the Oklahoma Act conflicts with Federal law.
- xi. The MRO may conduct additional testing of a specimen as authorized by the DOT if doing so is necessary to verify a test result
- xii. The MRO must verify a confirmed positive test result for marijuana, cocaine, amphetamines, semi-synthetic opioids (i.e. hydrocodone, hydromorphone, oxycodone, and oxymorphone) and/or PCP unless the driver presents a legitimate medical explanation for the presence of the drug(s)/metabolite(s) in her or his system. In determining whether an employee's legally valid prescription consistent with the Controlled Substance Act for a substance in the categories constitutes a legitimate medical explanation, the MRO must not question whether the prescribing physician should have prescribed the substance.
- xiii. The MRO must verify a confirmed positive test result for opiates in the following circumstances:
 - a. The MRO must verify the test result positive if the laboratory confirms the presence of 6-acetylmorphine (6-AM in the specimen)
 - b. In the absence of 6-AM, if the laboratory confirms the presence of either morphine or codeine at 15,000 ng/mL or above, the MRO must verify the test result positive unless the employee presents a legitimate medical explanation for the presence of the drug(s)/metabolite(s) in her or his system.
 - c. For all other opiate positive results, the MRO must verify a confirmed positive test result for opiates only if they determine that there is clinical evidence, in addition to the urine test, of unauthorized use of any opium, opiate or opium derivate.
- xiv. As part of the verification decision, the MRO must conduct a medical interview that includes reviewing the driver's medical history and any other relevant biomedical factors presented by the driver, as well as directing the driver to undergo further medical evaluation.
- xv. DOT tests must be completely separate from non-DOT tests in all respects, and DOT tests must take priority over non-DOT tests. DOT tests must be completed before a non-DOT test is begun. The results of a DOT test shall not be disregarded or changed based on the results of a non-DOT test.

Prohibitions

A driver will not be permitted to report to duty or to remain on duty requiring the performance of a safety-sensitive function if:

Alcohol

1. The driver has an alcohol concentration of 0.04 or higher as measured on a breath test.
2. The driver displays behavior or appearance characteristics of alcohol misuse.
3. The driver is under the influence of or is impaired by alcohol, as shown by behavioral, speech, and performance indicators of alcohol misuse.
4. The driver possesses alcohol while on duty.
5. The driver uses alcohol during duty performance.
6. The driver has used alcohol within the four hours prior to performing duties.
7. The driver has had an accident within the last eight hours and has not taken a breath test showing clearance from prohibited alcohol levels.
8. The driver has refused to take a breath test for alcohol use.
9. The driver is taking any prescription or non-prescription medication containing alcohol, even if the driver has notified the driver's supervisor of the medication use.

Controlled Substances

1. The driver uses any controlled substance, unless the use is pursuant to a physician's written certification stating that the use does not adversely affect the driver's ability to safely operate a motor vehicle.
2. A supervisor or administrative employee has actual knowledge that a driver has used a controlled substance.
3. The driver has a verified positive test for a controlled substance.
4. The driver displays behavior or appearance characteristics of controlled substance use.
5. The driver has refused to take a controlled substance test.

Refusal to Test

A driver has refused to take an alcohol or controlled substance test if s/he:

1. Fails to appear for any test as directed by the technology center.
2. Fails to remain at the testing site until the testing is complete.
3. Fails to provide a urine specimen.
4. Fails to provide a sufficient amount of urine when there is no adequate medical explanation for the failure.
5. Fails to permit a directly observed or monitored collection.
6. Fails or declines to take a second test the technology center or collector has directed.
7. Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process or as directed by the DER when the urine sample was insufficient.
8. Fails to cooperate with any part of the testing process (e.g. refuses to empty pockets when directed to do so, behaves in a confrontational way that disrupts the collection process).
9. Has a verified adulterated or substituted test result.

Standing Down Employees

Stand-down is "the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result."

1. DOT regulations prohibit employers from standing employees down, before the MRO has completed verification of the test result.
2. A verified test is a drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.
3. The technology center may assign a driver non-driving duties pending the receipt of a verified test result when the technology center has reasonable suspicion to believe the employee is impaired.
4. When the technology center does remove an employee from service, following verification of the drug test result, it will do so consistent with the confidentiality requirements, within its control, imposed by law.

Referral and Treatment

A driver who violates any of the prohibitions in this policy shall be advised of the resources available to the driver for evaluating and resolving problems associated with the misuse of alcohol or use of controlled substances, including the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs.

A driver who violates any of the prohibitions in this policy must be evaluated by a SAP who shall determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse or controlled substance use. The driver will not be permitted to perform safety-sensitive duties for any employer until and unless he or she completes the SAP evaluation, referral, and education/treatment process.

If the driver is identified as needing assistance in resolving problems associated with alcohol misuse or controlled substance use, the driver must be evaluated by a SAP to determine if the driver has properly followed the prescribed rehabilitation program. The driver must be subject to unannounced follow-up alcohol and/or controlled substance tests upon return-to-duty.

The SAP will provide a written report directly to the DER highlighting the SAP's specific recommendations for a course of education and treatment with which the driver must comply prior to returning to the performance of safety-sensitive functions. Neither the driver nor the technology center shall seek a second SAP's evaluation in order to obtain another recommendation. Only the SAP who made the initial evaluation may modify his or her initial recommendations.

If the SAP recommends that the driver continue treatment, aftercare or support group services after returning to safety-sensitive duties, the technology center may require the driver to participate in the recommended treatment or services as part of the return-to-duty agreement.

These requirements do not apply to drivers refusing to be tested or drivers having a preemployment test of 0.04 or more.

The technology center is not required to return a driver to safety-sensitive duties just because the driver complies with the SAP's recommendations.

Educational Materials

Each driver shall receive educational materials that explain: (1) the alcohol misuse prevention requirements; (2) the technology center's policies and procedures; (3) the identity of a contact person knowledgeable about the materials; (4) factual information on the effects of controlled substance use and alcohol misuse on personal life, health and safety; (5) where help can be obtained, including information regarding the technology center's Employee Assistance Program; (6) categories of employees subject to testing; (7) a description of prohibited conduct and the circumstances that trigger testing; (8) testing procedures and safeguards; (9) what constitutes a refusal to submit to testing and the consequences; (10) signs and symptoms of an alcohol or controlled substance problem; (11) consequences for drivers with an alcohol test level of 0.02 or more but less than 0.04; and (12) the consequences of violating the rules in this policy. The technology center's staff will prepare and distribute appropriate educational materials as provided for in this section.

Maintenance of Records

Upon written request, a driver is entitled to obtain copies of any technology center records concerning the driver's use of alcohol or controlled substances, including test results.

The technology center shall not release individual test results or medical information about a driver to third parties without the employee's specific written consent to the release of a particular piece of information to a particular person or organization. Notwithstanding this prohibition, the technology center may release information pertaining to a driver's drug or alcohol test without the employee's consent in certain legal proceedings.

Disciplinary Action

Employees who violate any prohibition in this policy will be subject to disciplinary measures, including employment termination. Likewise, employees whose test results are positive for alcohol or controlled substances are subject to disciplinary actions, including employment termination. The same disciplinary consequences face individuals who provide false information in connection with the testing process or who fail to cooperate with the technology center's efforts to fulfill its testing obligations.

Clearinghouse Participation

The technology center shall report to the Clearinghouse in any situation required by 49 C.F.R. §382.705(b) and shall supply all required information. MROs and SAPs shall also be required to report to the Clearinghouse any situation to which they are required to provide information under 49 C.F.R §382.705. The situations where reporting is required are described in detail in the technology center's policy on Compliance with Regulations regarding the FMCSA Clearinghouse.

Other Policies

This policy does not supersede any other technology center policy pertaining to alcohol misuse or controlled substance use by technology center employees, except to the extent that this policy is specific to drivers performing safety-sensitive functions. To the extent permitted by federal law, this policy is to be interpreted consistent with Oklahoma's Act regarding drug and alcohol testing of personnel.