



SECTION IV: STUDENTS

POLICY 4310

STUDENT ALCOHOL AND DRUG USE TESTING

The Board of Education, with the intent that all students have notice and knowledge of the ramifications concerning alcohol and illegal chemical substance use, possession, purchase, sale or distribution when the student is on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event hereby adopts the following policy.

Statement of Purpose and Intent

1. The safety of students and employees of the School District is of paramount concern to the School Board.
2. Students who are under the influence of alcohol or an illegal chemical substance when the student is on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event pose serious safety risks to students, employees and the public.
3. The use of alcohol and illegal chemical substances by students has a direct and adverse effect on the safety, personal health, attendance, productivity and quality of education of all students.
4. The Board recognizes that all students have certain personal rights guaranteed by the Constitutions of the United States of America and the State of Oklahoma. This Policy will not infringe on those rights.
5. Due to the devastating impact that the use by students of alcohol and illegal chemical substances can have on the safety of students and employees and their adverse effect on a student's ability to perform as a student, the Board will not tolerate students who use, possess, distribute, purchase, sell or are under the influence (as defined in the Policy) of alcohol or illegal chemical substances while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event.
6. This Policy will apply to all students of the School District.
7. Violations of this Policy will subject the student to disciplinary action, including out-of-school suspension.

Definitions

1. "Illegal chemical substance" means any substance which an individual may not sell, possess, use, distribute or purchase under either Federal or Oklahoma law. "Illegal chemical substance" includes, but is not limited to, all scheduled drugs as defined by the Oklahoma Uniform Controlled Dangerous Substances Act, all prescription drugs obtained without authorization and all prescribed drugs and over the counter drugs being used for an abusive purpose. By way of example only, the drugs which may be tested for are: amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or any metabolite of any of these substances.



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2. "Alcohol" means ethyl alcohol or ethanol and includes "low point" beer.
3. "Under the influence" means any student of the School District who has any alcohol or illegal chemical substance or the metabolites thereof present in the student's body in any amount which is considered to be "positive" for such alcohol or drug or drug metabolites using any scientifically substantiated alcohol or drug use screen test and alcohol or drug use confirm test.
4. "Positive" when referring to an alcohol or drug use test administered under this Policy means a toxicological test result which is considered to demonstrate the presence of alcohol or an illegal chemical substance or the metabolites thereof using the cutoff standards or levels determined by the State Board of Health for drug or alcohol testing of students or in the absence of such State Board cutoff levels, the cutoff levels customarily established by the testing laboratory administering the alcohol or drug use test.
5. "School property" means any property owned, leased or rented by the School District, including but not limited to school buildings, parking lots and motor vehicles.
6. "Drug or alcohol use test" means a chemical test administered for the purpose of determining the presence or absence of alcohol or illegal chemical substances or their metabolites in a student's blood, bodily tissue, fluids, products, urine, breath or hair.
7. "Reasonable suspicion" means a belief that a student is using or has used alcohol or drugs in violation of this Policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in the light of experience, and may be based upon, among other things:
 - Observable phenomena, such as:
 - The physical symptoms or manifestations of being under the influence of alcohol or a drug while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event, or
 - The direct observation of alcohol or drug use while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event;
 - A report of drug or alcohol use while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event, provided by reliable and credible sources;
 - Evidence that a student has tampered with an alcohol or drug test;
 - Evidence that a student is involved in the use, possession, sale, solicitation or transfer of alcohol or drugs while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event.

Procedure for Alcohol or Illegal Chemical Substance Testing

1. Any alcohol or drug use test administered under the terms of this Policy will be administered by or at the direction of a professional laboratory licensed by the Oklahoma



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State Department of Health and using scientifically validated toxicological methods that comply with rules promulgated by the State Department of Health. The professional laboratory shall be required to have detailed written specifications to assure chain of custody of the samples, proper labeling, proper laboratory control and scientific testing, with all samples to be taken under the supervision of appropriate laboratory or school employees at a school site or site designated by the district or the laboratory. All aspects of the alcohol and drug use testing program, including the taking of samples, will be conducted so as to safeguard the personal and privacy rights of students to the maximum degree possible and shall be conducted under reasonable sanitary conditions. The test sample shall be obtained in a manner which minimizes its intrusiveness.

In the case of urine samples, the samples must be collected in a restroom or other private facility behind a closed stall; a sample shall be collected in sufficient quantity for splitting into two (2) separate samples, pursuant to rules of the State Board of Health, to provide for any subsequent independent confirming analysis of the first sample; the test monitor shall not observe any student while the sample is being produced but the test monitor may be present outside the stall to listen for the normal sounds of urination in order to guard against tampered samples and to insure an accurate chain of custody; and the test monitor may verify the normal warmth and appearance of the sample. If at any time during the testing procedure the test monitor has reason to believe or suspect that a student is tampering with the sample, the test monitor may stop the procedure and inform the test coordinator. The test monitor shall be of the same gender as the student giving the sample.

If a student is determined to have tampered with any specimen or otherwise engaged in any conduct which disrupts the testing process of any student, then the student will be deemed to have violated this policy and will be subject to disciplinary action, including out-of-school suspension from school.

The test monitor shall give each student a form on which the student may, but shall not be required to, list any medications he has taken or any other legitimate reasons for his/her having been in recent contact with alcohol or illegal chemical substances.

2. If the initial drug use test is positive for the presence of an illegal chemical substance or the metabolites thereof, the initial test result will be subject to confirmation by a second and different test of the same sample. The second test will use an equivalent scientifically accepted method of equal or greater accuracy as approved by rules of the State Board of Health, at the cutoff levels determined by Board rules. A student will not be subject to disciplinary procedures unless the second test is positive for the presence of illegal chemical substances or the metabolites thereof.
3. If an initial alcohol use test is positive for the presence of alcohol, the initial test result will be subject to confirmation by a second test using any scientifically accepted method approved by rules of the State Board of Health, at the cutoff levels determined by Board rules.



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4. Upon written request, the student will be furnished with a free copy of all test results performed under this Policy. All test records and results will be confidential and kept in files separate from the student's cumulative records. All tests required of a student by the School District under this Policy shall be at School District expense.
5. Any student who is subject to disciplinary action as a result of being under the influence of alcohol or an illegal chemical substance while on school property, at a school sponsored event, in school vehicles or going to or from a school sponsored event will be given a reasonable opportunity, in confidence, to explain or rebut the alcohol or drug use test results. If the student asserts that the positive test results are caused by other than consumption of alcohol or an illegal chemical substance by the student, then the student will be given an opportunity to present evidence that the positive test result was produced by other than consumption of alcohol or an illegal chemical substance. The School District will rely on the opinion of the District's laboratory which performed the tests in determining whether the positive test result was produced by other than consumption of alcohol or an illegal chemical substance.
6. The laboratory reports and results of alcohol and drug use testing will be maintained on a confidential basis except as otherwise required by law. The laboratory performing alcohol or drug use tests for the School District will not report on or disclose to the School District any physical or mental condition affecting a student which may be discovered in the examination of a sample other than the presence of alcohol or illegal chemical substances or the metabolites thereof. The use of samples to test for any other substances will not be permitted.

Student Alcohol and Drug Use Tests - When Required

1. Any student whose behavior while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event creates a reasonable individualized suspicion that the student is under the influence of alcohol or an illegal chemical substance may be required to take an alcohol and/or drug use test. Nothing in this policy shall require alcohol and/or drug use testing of any student nor prohibit the School District from disciplining any student in the absence of an alcohol or drug use test of the student.
2. ANY STUDENT WHO REFUSES TO TAKE AN ALCOHOL OR DRUG USE TEST WHEN SO REQUIRED UNDER THE PROVISIONS OF THIS POLICY WILL BE DEEMED TO HAVE VIOLATED THIS POLICY AND WILL BE SUBJECT TO DISCIPLINARY ACTION INCLUDING OUT-OF-SCHOOL SUSPENSION TO THE SAME EXTENT AS IF THE STUDENT TESTED POSITIVE FOR THE PRESENCE OF ALCOHOL OR ILLEGAL CHEMICAL SUBSTANCES.



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3. If, when directed, a student is unwilling, unable or fails to provide a specimen amount sufficient for testing, the laboratory monitor will initiate the laboratory's "Shy Bladder" protocol. The monitor will explain to the student that they will have up to ninety (90) minutes to produce an adequate sample, and encourage the student to drink fluids, per the protocol, while remaining at the collection site. If the student refuses to remain at the collection site until he/she has provided an adequate specimen or until the ninety minutes has elapsed, it is a "Refusal to Test." If the student does not produce an adequate specimen within the allowed time period, and the time period has elapsed, the monitor will discontinue the collection process and record that no specimen was provided. At this point the student must obtain, at their own expense and as soon as possible, a medical evaluation from a qualified, licensed physician concerning the student's inability to provide an adequate specimen. A written report concerning the examining physician's findings must be provided to the laboratory's Medical Review Officer for review and final determination. If the student fails to obtain the required medical exam in a timely manner, or if it is determined through the required medical exam that there is no satisfactory medical explanation for the inability to provide an adequate specimen, it is deemed a "Refusal to Test."

Medical Marijuana

1. Pursuant to OKLA. STAT. tit. 63, § 420 et, seq., unless failure to do so would cause the school district to imminently lose a monetary or licensing related benefit under Federal law or regulations, the school district will not discriminate against a student in enrollment or otherwise penalize a student solely on the basis of the student's status as a medical marijuana holder.
2. The school district will not subject a student holding a valid medical marijuana license to disciplinary action based solely on a positive drug test for marijuana or the metabolites thereof. Students who use, possess, sale, distribute, purchase or are under the influence of medical marijuana or medical marijuana product may be subject to discipline pursuant to this policy regardless of license holder status.
3. As used in this section, a determination of whether a student is "under the influence of medical marijuana or medical marijuana product" shall be based on the totality of circumstances. Circumstances that may contribute to a determination that the student is under the influence may include, but are not limited to:
 - A. Observation of any of the conduct or phenomenon described below:
 1. the smell of marijuana on around the individual;
 2. disorganized thinking;
 3. paranoia and/or confusion;
 4. bloodshot eyes;
 5. increased heart rate;
 6. increased appetite; or
 7. loss of coordination and
 - B. Any circumstance that would permit the school district to engage in "reasonable suspicion" drug or alcohol testing of the student under this policy.

Student Use, Sale, Possession, Distribution, Purchase or Being under the Influence of Alcohol or Illegal Chemical Substances

Any student who possesses, uses, distributes, purchases, sells or is confirmed by alcohol or drug use tests to be under the influence (as defined by this Policy) of alcohol or an illegal chemical substance while on school property, at a school sponsored event, in school vehicles, or going to or from a school sponsored event or as a result of alcohol or drug use tests conducted under this Policy will be subject to disciplinary action, including out-of-school suspension.

Persons Authorized to Order Alcohol or Drug Testing

The following persons have the authority to require alcohol or drug use testing of students under this Policy:

1. The Superintendent of Schools;
2. Any employee designated for such purposes by the Superintendent or the School Board.

Out-of-School Suspension Due Process Procedures

Any student who is subject to an out-of-school suspension for the violation of this Policy shall be afforded appropriate due process procedures allowed by the School District's policy on student behavior.

Source: *Broken Arrow Board of Education policy adoption, February 15, 1999.*
Broken Arrow Board of Education policy revised, July 13, 2009.
Broken Arrow Board of Education policy revised, June 8, 2015.
Broken Arrow Board of Education policy revised, November 12, 2018.
Broken Arrow Board of Education policy revised, November 4, 2019.
Broken Arrow Board of Education policy revised, October 11, 2021.