

SIMULATED WORKPLACE DRUG-FREE POLICY

McDowell County Career & Technology Center

The McDowell County Schools Board of Education, in compliance with the West Virginia Department of Education's Simulated Workplace Operational Manual and an effort to protect the health and safety of its Simulated Workplace students from illegal drug use and abuse, and to prepare these students to be effective members of the workforce, proposes to adopt the following policy for the voluntary drug testing of Simulated Workplace Students.

1.0 Statement of Purpose and Intent

Members of the McDowell County Board of Education understand the growing demand businesses have for work-ready employees. The focus on preparing students capable of solving problems, who possess necessary skills in Science, Technology, Engineering, and Mathematics, (STEM), must be expanded to include characteristics of cooperation, attendance, a drug-free life style, and a commitment for self-improvement. Students participating in the Simulated Workplace Program at McDowell County Technical Education Center will be provided with rigorous training while developing values and skills necessary to be work-ready and productive employees after program completion.

Participation in the Simulated Workplace Program is voluntary. No student is required to be a part of the Simulated Workplace Program. Drug testing is a requirement of all participants in the Simulated Workplace Program. Students must voluntarily agree to be drug tested before entering the program and agree to random sampling thereafter. Discovery and prevention of drug-related problems and the establishment of procedures that will ensure students are drug-free and prepared for work are necessary.

Although the Board of Education, administration, and staff desire that every student in the district refrain from using or possessing illegal drugs, school officials realize that their power to restrict the possession or use of illegal drugs is limited. Therefore, this policy governs only illegal drug use by students participating in the Simulated Workplace. This policy supplements and complements all other policies, rules, and regulations of the district regarding possession or use of illegal drugs.

Participation in the Simulated Workplace is a privilege. Students participating in the Simulated Workplace have a responsibility for the safe operation of equipment and machinery in the CTE setting.

The purposes of this policy are:

- A. to educate students on the serious physical, mental, and emotional harm caused by illegal drug use;
- B. to alert students with possible substance abuse problems, and their parent/guardian, of the potential harms that drug use poses for their physical, mental, and emotional well-being and offer them the privilege of participation as an incentive to stop using such substances;
- C. to ensure that students adhere to a training program that bars the intake of illegal drugs;
- D. to prevent injury, illness, and harm to students that may arise as a result of using illegal drugs;

1.0 Definitions

- A. "Simulated Workplace Student" as related to this policy means a student of any district high school who is participating in the Simulated Workplace.

- B. "Simulated Workplace student" means a student of any district high school who is a member of any CTE class program participating in the West Virginia Department of Education pilot program.
- C. "Drug use test" means a scientifically substantiated method to test for the presence of illegal drugs or the metabolites thereof in a person's urine sample (also referred to as "specimen").
- D. "Illegal drugs" means any substance which an individual may not sell, possess, use, distribute, or purchase under either Federal or West Virginia law. "Illegal drugs" includes, but is not limited to, all scheduled drugs as defined by the West Virginia Uniform Controlled Substances Act, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose.
- E. "Participating student" means all students included in the random testing pool. The testing pool is to be maintained by programmatic level and consequences remain in effect for the programmatic level, meaning that consequences are carried over year to year for the time the students are in the high school grades or unless they are removed from the testing pool.
- F. "Positive" when referring to a drug use test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal drug or the metabolites thereof using the standards customarily established by the testing service administering the drug use test.
- G. "Random selection basis" means a mechanism for selecting participating students for drug testing that:
 - 1. results in an equal probability that any participating student from the total pool of Simulated Workplace Students (those participating in Simulated Workplace) subject to the selection mechanism will be selected; and
 - 2. does not give the School District discretion to waive the selection of any participating student selected under the random selection mechanism.
- H. "Reasonable suspicion" means a suspicion of illegal drug use based on specific observations made by administrators/sponsors of the appearance, speech, or behavior of a participating student; the reasonable inferences that are drawn from those observations; and/or information of illegal drug use by a participating student supplied to school officials by other staff members.

2.0 Procedures

- 2.1 Any student participating in a Workplace Simulation Program shall comply with any and all procedures in this policy.
- 2.2 Students must complete and submit the "Student Drug Testing Consent Form" to be eligible to participate in the Simulated Workplace Program. Incomplete forms will be returned to the student and placement in the program will be halted.
- 2.3 Students interested in the Simulated Workplace Program will receive a copy of this policy.

- 2.4 Prior to commencement of drug testing, students in the Simulated Workplace Program and their parents will have an opportunity to meet with instructors who will discuss the testing procedures and answer questions from students and/or parents.
- 2.5 The testing method to be administered will be urinalysis. Appropriate steps will be taken to respect the privacy of students while, simultaneously, preventing falsification of testing. Initial drug testing will be completed after the student:
 - Has been admitted to the CTEWPS program
 - Has returned signed consent forms.
- 2.6 When teachers or the administration have reasonable suspicion of drug use by a particular student, a drug test may be required.
- 2.7 Any drug use test shall be administered by a drug testing service/facility chosen by the McDowell County Board of Education.
- 2.8 All aspects of the drug testing program will follow industry standards.
- 2.9 Any participating student who uses a prescription drug or an over-the-counter substance which may contain alcohol, cause drowsiness, or otherwise impair his/her ability to perform normal functions shall inform the instructor on any/every instructional day on which the substance is used.
- 2.10 In the event of a positive drug test result, the drug testing service shall notify the director. The director shall notify the student and the parents or guardians.

3. Consequences

- 3.1. Any participating student who tests positive in a drug or alcohol test under this policy shall be subject to the consequences outlined in Appendix A. These consequences and requirements shall begin immediately and be consecutive in nature, unless a review appeal is filed following the receipt of a positive test. However, a student who on his or her own volition informs (self-refers) the school of illegal drug use before being notified to submit to a drug test will be allowed to remain in his/her program, but only completing classroom activities until a negative test is achieved. Such student will, however, be considered to have committed his/her first offense under the policy and will be required to re-test as would a student who has tested positive. A student will be allowed to self-refer only once during the time he/she spends in the District.
- 3.2. Any adult student in a secondary program will fall under the policy in the adult handbook.

4. Administration

- 4.1. Regardless of a positive test or not, parents will be notified through a letter that their child was randomly tested that school day.
- 4.2. The director will be notified with results of all drug testing and shall then notify the student and the parents or guardians.
- 4.3. The results of the drug test will only be used to determine eligibility to participate in the Workplace Simulation Program and/or for submitting referrals to the school counselor for assistance. The results will

not be used to suspend or expel a student from school, will not be included in the student's disciplinary record, and will not be communicated to any other party. Notwithstanding, any student who violates the McDowell County Expected Behavior in Safe and Supportive Schools Policy 11-028 and WV Code by the illegal use of medications or drugs or any kind while on school grounds, or by being under the influence of medications, drugs or alcohol on schools grounds will be subject to disciplinary action as outlined in Policy 11-028, up to and including expulsion.

- 4.4. Students having a positive drug screen shall be referred to the school's principal and counselors who will provide information on treatment programs and other resources available in the community and encourage them to seek treatment.
- 4.5. The home school counselors and CTE counselor will provide information on treatment programs and other available resources in the community.
- 4.6. Test results shall be kept confidential and will be kept separate from the student's regular school files.
- 4.7. Test results will not be communicated to any outside agency or person by the school system unless it is required to do so by lawful subpoena or court order.

5. Severability

If any portion of this policy or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect or provisions or applications of this policy.

Authority: W.Va. Constitution, Article XII, § 2, and W.Va. Code §§ 7A-1-1, I8-2-5, 18-2-5a, I8-2-9, I8-5-1, I8-5-13, I8A-1-1, I8A-5-1, I8A-5-1a and 60A-1-101 et seq.; West Virginia Department of Education Simulated Workforce Operational Manual.

Adoption Date: May 18, 2015

Revision: December 16, 2019

Appendix A

Consequences: Procedures

First Offense Participating Student. After a positive drug screen, the student is to be removed from the classroom and/or shop, on-the-job training or clinical site for one week (five school days) at which time the student may return but may be limited to classroom activities. The parent or guardian will be contacted, and a private conference will be scheduled to present the test results to the parent or guardian. In order to continue participation in the program, the student will be required to successfully complete a substance abuse education/counseling provided by the school. After the first offense, the student must voluntarily submit to all regularly scheduled drug screenings within the current school years, following the provisions of this policy. If the parent/guardian and the student agree to these provisions, the student will continue to participate in the activity. Should the student and parent/guardian not agree to these provisions, the consequences listed in this policy for the second offense will be imposed.

Second Offense Participating Student (same school year): A participating student who commits a second offense under this policy will not be able to continue in the classroom, shop, on-the-job training or clinical site. The student will be scheduled into an online course to be completed at a location to be determined in order to complete Career and Technical Education credits. At the end of the semester, the student will be provided with a schedule change. Parents/guardians should also consider seeking additional assistance, including the possibility of drug treatment centers.

Participating Student Refusal to Submit to Drug Test. A participating student refusing to test will have his/her parents notified immediately, allowing them to talk to their student. The student will have an opportunity to change his/her mind. If the student still refuses, it will be treated as first offense. Students not able to provide an adequate specimen at testing time will not be allowed to participate in any workplace performance (hands-on) task per CTE concentration until a proper specimen is provided. If at any time during the testing procedure the screening agency's monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor will stop the procedure and inform the principal who will then determine if a new sample should be obtained.