



# POLICY MANUAL

Board approved as of October 26, 2020

**MAKE YOUR OWN PATH**



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POLICY MANUAL (FY 2021)  
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## **INTRODUCTION**

Tulsa Technology Center operates according to policies developed and established by the board of education. The board, which represents the local community, develops policies after careful study and deliberation. The board will regularly assess the effects of its policies and make revisions as necessary.

This manual contains the policies that govern Tulsa Technology Center. Policy development in a modern, progressive school system is a dynamic, on-going process. New problems, issues and needs create a continuing need to develop new policies and revise existing ones.

Policies are maintained and updated electronically and posted on the district's website. The board has also entered into a Negotiated Agreement applicable to individuals included by law as a part of the bargaining unit. In areas involving mandatory or permissive subjects of bargaining, the applicable provisions of the Negotiated Agreement control over policies which are inconsistent with the bargained agreement.



**AGREEMENT BETWEEN  
TULSA TECHNOLOGY CENTER  
AND  
TULSA AREA VOCATIONAL-TECHNICAL ASSOCIATION  
OF CLASSROOM TEACHERS  
(Negotiated Agreement)**

Policies related to employees may, in some instances, conflict with provisions in the Negotiated Agreement. In instances of conflict, the Negotiated Agreement shall control over the board policy with regard to those employees designated as members of the bargaining unit. In any other instance the policy shall control in determining the terms and conditions of employment for those employees not designated as members of the bargaining unit. This shall apply to mandatory and permissive subjects of bargaining but not to any agreement that is void or voidable because it is contrary to law.

The Board may provide that employees not in the bargaining unit receive specific terms or conditions of employment that are the same as those included in the Negotiated Agreement for members of the bargaining unit. In that instance and in that instance only, the Negotiated Agreement may include one or more provisions that are applicable to employees who are not members of the bargaining unit. In any instance where this is provided by the Board, the application to a non-unit employee shall be narrowly construed and limited only to the term or condition of employment specifically identified and approved by the Board.

**PHILOSOPHY**

The educational program of Tulsa Technology Center will focus on the individual. In assisting each individual to become a responsible citizen, Tulsa Technology Center is contributing to the betterment of our nation and society as a whole. Education is essential to the development of character, physical and mental health, emotional security and provides the foundation for successful living in an ever changing world.

**MISSION STATEMENT**

Tulsa Technology Center's vision and mission statement are to be the region's leader of career and technical education, resulting in a quality job for every Tulsa Tech student and a skilled workforce for every company and to educate people for success in the workplace.

**SAFETY**

The board values Tulsa Technology Center employees and is concerned for the safety of all employees. The board will establish, through the superintendent, healthful and safe working conditions, and insist on safe work practices and methods. Tulsa Technology Center employees are required to comply with all applicable regulations and laws concerning employee safety.

The superintendent is responsible for ensuring compliance with all applicable health and safety regulations, including establishing necessary procedures and positions to carry out this compliance.

## **CODE OF ETHICS**

The Board of Education has adopted statements of vision and mission, core values and beliefs, and a Code of Ethics and Business Conduct to establish the Board's commitment of integrity and responsibility to the patrons and taxpayers of the District. In concert with this commitment, it is the policy of the Board of Education that board members and staff members shall perform their duties and responsibilities in a manner which is legal, ethical and appropriate for the purpose and business of the District. In the absence of specific guidance, board members and staff members are expected to conduct themselves in a manner consistent with the highest standards of professional conduct.

Staff members should seek additional guidance from Administration or their supervisor in any situation in which the staff member is uncertain of the appropriate behavior. Board members should seek additional guidance from fellow board members, the Superintendent, the District's legal counsel or the Oklahoma State School Board Association.

For the purposes of this policy, the term "staff member(s)" shall include all regular full-time employees, regular part-time and non-regular employees (part-time employees, substitute employees and temporary or adjunct employees) of the District. The term "board member(s)" shall include all members of the Board of Education.

The following statements support the core components of the ethical foundation for the Oklahoma Career Tech System and Tulsa Technology Center. To this end, the following statements are standards for the Code of Ethics and Business Conduct for board members:

- A. Student and Client Success** - We will focus on the success of students and clients as the fundamental value upon which all decisions are made.
- B. Accountability** - We believe that the Oklahoma CareerTech System and the District's board members and staff members are accountable to the taxpayers and patrons of the Tulsa Technology Center School District and the State of Oklahoma.
- C. Role of Board of Education** - We understand that the role of the Board of Education is to set policy and direction for the school district, and the role of the superintendent is to implement the policies and procedures of the Board in a fair and consistent manner.

- D. Conflict of Interest and Use of Position for Personal Gain** - Board members and staff members will not use their position or influence for any personal gain, will avoid actions that create a conflict of interest, and will strive to avoid actions that might appear to create a conflict of interest.
- E. Honesty, Integrity and Professional Responsibility** - Board members and staff members will fulfill their duties and responsibilities with honesty and integrity.
- F. Support of the Constitutions and Laws of The United States of America and the State of Oklahoma** - Board members and staff members will obey and support the Constitutions of the United States and the State of Oklahoma, and obey all federal, state and local laws.
- G. Professional Effectiveness and Professional Development** - Board members and staff members will improve their professional effectiveness through continuing professional development.
- H. Communication** - Board members and staff members will encourage and support effective communication between the Board, staff members and all elements of the community.
- I. Ethics Checklist** - Board members and staff members are encouraged to utilize the following checklist to guide them in making decisions:

- ✓ Is it legal? Does it violate our vision, mission or core beliefs and values?
- ✓ Does it violate our Code of Ethics and Business Conduct, or our policies and procedures?
- ✓ Would you want to see this decision in tomorrow's local or national headlines? How would you feel after you execute this decision?
- ✓ Would you want your family to know?
- ✓ Would you want this decision levied on you or a family member?

The Board recognizes that it is not possible to define and prescribe each circumstance related to the conduct required for every board member and staff member. The areas listed below are given special emphasis and appropriate examples are provided. They are not intended to be all inclusive.

- I. Equal Treatment with Dignity, Respect and Courtesy** - Tulsa Technology Center has a strong commitment to equal opportunity and fairness in the workplace and within our community.

All board members and staff members are expected to (a) exemplify ethical behavior in their relationships with students, patrons, and fellow board members and staff members, and (b) treat all persons with respect, courtesy and dignity, consistent with the highest standards of professional conduct.

Current and prospective staff shall not be denied equal and impartial access to programs, services and information.

Board members and staff members shall not act or behave in a manner, whether specifically listed herein or not, that detracts from a positive and appropriate learning and working environment.

**A. Supervisor and Staff Relationships** – The exploitation by a supervisor of a subordinate staff member is improper and prohibited. In particular, all supervisors and all staff members are prohibited from engaging in any commercial, business, romantic, sexual or other similar type of a personal relationship with any staff member who is or may be subordinate to the supervisor. The prohibited relationships do not include normal commercial transactions that would be conducted routinely by the general public.

**B. Board Member Behavior** - All board members and staff by their actions, knowingly or otherwise, represent to students and customers the level of professionalism that exists in the District.

The use of vulgar or obscene language and inappropriate conduct in the presence of students or clients or fellow board members and staff members is unprofessional and therefore prohibited.

Similarly, discussion with students of issues personal to any staff member, such as sexual issues, marital or divorce issues, or other highly personal topics is inappropriate and is a violation of this policy.

The use of alcohol, tobacco products or illegal or illicit drugs in the presence of students during school or school related activities is unconditionally prohibited.

Racial, ethnic, or sexual slurs constitute unprofessional conduct. Comments or statements, even in jest, reflecting adversely on any person or group with reference to race, religion, sex, national origin, sexual orientation, age, or physical disabilities are prohibited.

**C. Student Relationships** - Exploitation of student relationships is inconsistent with obligations owed to students. Commercial and business dealings between secondary (high school) or adult students and board members is prohibited. The prohibited dealings do not include normal commercial transactions that would be conducted routinely by the general public.

A board member or staff member may not use a relationship with a student, or a relationship that a teacher has with a student for

personal gain or use student owned or district owned property for personal gain.

Exploitation of a student may result from an improper personal relationship with a student. Gestures and physical conduct, even though innocent and properly motivated, may be misinterpreted by students or parents.

Conduct that might be characterized as evidencing an improper or unprofessional attachment toward a student must be avoided. Sexual or romantic relationships with secondary students are strictly prohibited.

Personal relationships between adult students and board members can unintentionally create workplace and classroom problems for all parties. While not expressly prohibited by this policy, board members should carefully consider the implications of any personal relationship with an adult student.

Board members and staff members can be held accountable for the negative outcomes in the workplace, even if unintentional, that may result from these relationships.

**II. Legality** - A board member or staff member who violates the law in the conduct of his or her responsibilities, or who violates the law in a manner that affects the employment relationship, will be in violation of this policy.

**A. Compliance with All Laws** - An honest and trusting relationship with customers, clients, board members, staff members, vendors, taxpayers, accreditation agencies and organizations, and governmental regulators is essential to the District's long-term success. Accordingly, board members shall follow all applicable laws (Federal, State and local), rules and regulations, and legal requirements relative to the performance of his or her duties.

As legal issues can be very complex, if in doubt, board members are to seek guidance from other members of the Board of Education. The District may provide access to legal counsel through the Superintendent or his/her designee or the Board of Education.

To maintain and uphold the District's accountability standards, the offering or accepting of bribes, kickbacks or other payoffs designed to influence the recipient's judgment is a violation of this policy. Specifically, payment or receipt of money, gifts, loans or other favors whether intended or not to compromise the ability to make objective and fair business decisions is prohibited.

**B. Board of Education Policy and Procedures** - Policy and procedures of the Board of Education are intended to provide appropriate guidance and limitations concerning the conduct of District business, both internally and externally by board members and staff members. Therefore, it is an expectation that the professional conduct of board members and staff members shall include adherence to all Board



policies and procedures.

- C. Fraudulent Conduct** - Tulsa Technology Center is committed to transacting its business in an honest and non-fraudulent manner. All authorized information provided to any person or entity must be free from deliberate misrepresentation. A board member or staff member who makes intentionally false statements to the public, a fellow board member or staff member, students, clients or customers is in violation of this policy. Plagiarism to any degree is unprofessional and will not be tolerated. Likewise, cheating by or for students, or knowing and condoning the cheating of others, is a violation of this policy.

**III. Protecting Company Assets** - Security of and care for the assets of the District is a critical part of accountability to taxpayers. Board members and staff members are responsible for safeguarding the District's resources.

- A. Use of Company Assets** - Board members and staff members may not take, loan, donate, sell, damage or use District assets for unauthorized purposes.

- B. Proper Recording of Data** - The proper management and recording of information and data required in individual position responsibilities or generally required of all board members and staff members is expected. Falsification of information of any type or entry of intentionally erroneous or misleading data, including time sheet information, cash audits, equipment inventory, or any other required data recording is strictly prohibited.

- C. Confidential Information** - While much of the information held within the District is considered public information, the Oklahoma Open Records Act does not apply to records specifically required by law to be kept confidential. These include certain enumerated personnel records and other records where disclosure would constitute an unwarranted invasion of a person's privacy. Examples are employee evaluations and payroll deductions.

Student information is also highly regulated. All board members and staff members who deal with student records must be familiar with Family Educational Rights and Privacy Act (FERPA). In general, disclosure of District-held information should be restricted pending approval by the immediate supervisor or the next succeeding level of supervision. Requests for release of information to the public should be handled through the District's Open Records Act policy and procedures.

- D. Fiscal Management** - It is imperative that sound fiscal management procedures be followed to ensure maximum benefit for each dollar received and expended. Board members and staff members must adhere to accepted principles of accounting, reporting, and

purchasing practices. Accordingly, misuse of district property and/or funds constitutes unacceptable behavior.

## **Procedures**

- I. General** - Complaints or reports of concern for which specific resolution procedures are provided by law or by other Board policy or procedure shall be directed through those prescribed channels. This includes public concerns and complaints, grievances as defined in the collective bargaining agreement, and complaints regarding sexual harassment or discrimination.

Each board member and staff member is responsible for promptly reporting any conduct or behavior which they believe is unauthorized, unlawful, unethical or in violation of this or other Board policies.

Supervisors are directly responsible for providing their employees with resources necessary to resolve problems or concerns. A staff member should first consider reporting a suspected violation to his or her supervisor. In the event the problem is not handled to the staff member's satisfaction or the staff member is not comfortable discussing it with the immediate supervisor, the matter should be discussed with the next level(s) of supervision.

Other reporting channels, including other supervisors, the Human Resources Department or the office of the Associate Superintendent of Operations.

Anonymous reports frequently provide no avenue for response or redress of the complaint. Individuals making a report are encouraged to provide all relevant information including the identity of the person making the report of suspected violation. It is the responsibility of Administration to evaluate the complaint and conduct whatever investigation is possible with the information provided.

No adverse action shall be taken or threatened against anyone as a reprisal for making a complaint or disclosing information unless the complaint was made or the information was disclosed with the knowledge that it was false or with the complainant's intentional disregard for its accuracy or truthfulness.

Any board member or staff member who is found to have violated this policy may be disciplined. The sanctions imposed for violations will depend upon the severity of the violation and may be progressive unless the violation is determined to be so serious as to warrant more severe action. Penalties for staff members will be administered in accordance with the district's policies and procedures, up to and including termination. The Board of Education shall be responsible for imposing any penalties on members of the Board of Education.

- II. Reporting Violations.** Alleged violations may be reported:

- A. For complaints about staff members, alleged violations may be reported in the following ways:

1. Directly to any member of the Board of Education.
  2. Directly to a third-party reporting agency contracted with by Tulsa Technology Center via a toll-free telephone line, 1-800-673-0128.
  3. By district e-mail, telephone, in writing or in person to the office of the Superintendent, Associate Superintendent, Associate Superintendent of Operations, Chief Human Capital Officer or the employee's immediate supervisor.
- B. For complaints about Board members, alleged violations may be reported in the following ways:
1. Directly to any member of the Board of Education.
  2. Directly to a third-party reporting agency contracted with Tulsa Technology Center via a toll-free telephone line, 1-800-673-0128.

**III. Investigation of Alleged Violations** - The nature of the violation being reported shall determine the manner in which it shall be investigated and resolved. Reports shall be investigated by the Superintendent's designee or an independent third party. The Board of Education does not investigate complaints or reports of alleged violations.

Anonymous reports or complaints will be investigated to the fullest extent possible given the information provided in the complaint. Retaliation against anyone who reports a suspected violation will not be tolerated. Both retaliation and frivolous reporting are violations of this policy.

**IV. Report Form** - The "Suspected Violation Report Form" is available on the District website and the District's Intranet. Completion of the form will assist the investigation, but is not required in order for a complaint or report to be submitted. The form may be copied and mailed, e- mailed, hand delivered or used to provide the information via telephone.

**RELATIONSHIP WITH  
THE TULSA TECHNOLOGY CENTER EDUCATION FOUNDATION, INC.  
("FOUNDATION")**

Tulsa Technology Center ("Tulsa Tech"), recognizing the importance of the Foundation, as well as the financial benefits which it, as a "local foundation" provides to Tulsa Tech, and further recognizing the distinct separateness of the Foundation as an entity separate and distinct from Tulsa Tech, sets forth the following policy with respect to the interrelationship between the Foundation and Tulsa Tech.

Pursuant to the provisions of applicable Oklahoma law,

- No employee of Tulsa Tech shall serve as a voting member of the Foundation's Board of Directors.
- Employees of Tulsa Tech may serve in an ex officio capacity on the Foundation's Board of Directors, if requested to do so by the Foundation, provided that (i) the total number of ex officio members of the Foundation's Board of Directors shall be less than the number of the voting members of the Foundation's Board of Directors, and (ii) no ex officio member of the Foundation's Board of Directors, nor any employee of Tulsa Tech, shall receive any compensation from the Foundation for services.
- Members of the Tulsa Tech's Board of Education may serve, at the request of the Foundation, on the Foundation's Board of Directors provided that such Board of Education members shall not at any time constitute a majority of the members of the Foundation's Board of Directors, nor shall any such individuals be compensated by the Foundation.
- No member of Tulsa Tech's Board of Education nor any employee of Tulsa Tech shall perform services for the Foundation unless such services are pursuant to a written contract between the Foundation and Tulsa Tech and the Foundation makes adequate payment or reimbursement to Tulsa Tech for the services so rendered.
- Tulsa Tech shall not provide items of value (other than office space as set forth in this policy) to the Foundation without receiving documented adequate payment therefor, according to a written contract.
- Upon prior approval of the Board of Education, as noted in the minutes of the meeting at which approval is given, Tulsa Tech may provide to the Foundation, space in any of Tulsa Tech's buildings for any amount of rent (including \$1) as mutually agreed upon by Tulsa Tech and the Foundation.

Appropriate members of Tulsa Tech's administrative staff are encouraged to serve as liaisons to the Foundation so as to share information and ideas with the Foundation to assist the Foundation to fulfill its goals as a local foundation for the benefit of Tulsa Tech.

No member of Tulsa Tech's Board of Education nor any employee of Tulsa Tech, including but not limited to administrative, certified and clerical employees shall direct the activities or functions of the Foundation.

No member of Tulsa Tech's Board of Education nor any employee of Tulsa Tech, including but not limited to administrative, certified and clerical employees, shall direct the activities or functions of the Foundation, nor unilaterally prepare or submit grant applications to philanthropic organizations. Any grant applications which are, at the request of the Foundation, prepared in whole or in part by a member of Tulsa Tech's Board of Education, or an employee of Tulsa Tech shall be reviewed and, if applicable, approved, signed and submitted by an officer of the Foundation.

### **PRIVACY AT SCHOOL**

The board expects all actions and activities associated with the school to be conducted within the confines of the law and with the best interests of students and staff in mind.

To (a) ensure compliance with state and federal privacy laws,(b) reduce the risk of stifling the free exchange of ideas, (c) shield young people from potential embarrassment, and (d) otherwise limit the disruption of the educational environment for students and staff, the district does not permit the audio or visual recording of communications or activities occurring in classrooms, offices, or common areas during the regular school day without prior written consent of a district administrator and upon such terms and conditions deemed appropriate by the district administrator. Any person who believes that that consent has been unreasonably withheld may appeal the decision to the superintendent of schools, whose decision shall be final.

**PUBLIC INFORMATION AND NEWS RELEASES**

The Board of Education welcomes the presence of news media representatives and other interested parties to its regularly scheduled and special meetings and at other school district events. Although the news media may not interrupt the Board proceedings, the board president and his/her designee, and the superintendent or his/her designee, will remain after the meeting to answer any questions or clarify points of discussion or action. While on campus/district sites, members of the news media will be escorted by a campus/site administrator or representative of the marketing communications department.

The board president shall serve as the spokesperson for the board. In the absence of the board president, the presiding officer of the board shall serve as the spokesperson for the board. Members of the board may give individual statements to the news media as long as it is made clear that this is not necessarily the position or intent of the board as a whole.

The superintendent is the official spokesperson for the district. In the absence of the superintendent the appropriate administrative officer whose functional area is most involved in the issue shall serve as the spokesperson in order to provide timely information to the news media.

The information given, by any of the aforementioned, shall not include any information which the law requires to be kept confidential.

All news releases will be developed through the marketing communications department and distributed to the appropriate news outlets so that the district will speak in a consistent manner. All employees will be briefed to refer all media inquiries to the marketing communications department.

For communications procedures in the event of a crisis situation, refer to the district Crisis Response Plan and its accompanying Crisis Communication Plan. The marketing communications department acts as the liaison between the school and representatives of the news media and coordinates crisis communications, promotions/publicity activities and community relations involving the news media. All phone calls, e-mails and personal inquiries about district activities from the news media should be directed to the marketing communications department. In the event that district operations may be disrupted by crises or emergency situations, the marketing communications department and the superintendent's office in coordination with the affected site administration will handle the release of information to the Board, staff, students, parents, community and the media.

**BOARD OF EDUCATION**  
**LEGAL STATUS**

The board of education is comprised of seven (7) members elected by a vote of Tulsa Tech. The board of education derives its authority from state law. The board's power is judicial and legislative, and the superintendent selected by the board serves as its chief executive officer. When not in legal session, a board member has no legal authority whatsoever – except as may be conferred by the board of education.

The legislative function of the board is to make plans and policies, select the superintendent and delegate to him or her the responsibility to place plans and policies into operation, and provide the financial means for their achievement.

The judicial function of the board is to hear and resolve hearings, grievances, disciplinary appeals, public complaints and other actions of a judicial nature.



**ELECTION OF BOARD MEMBERS**

Board members shall be elected to serve a term of seven (7) years or until such time as their successors are duly appointed or elected and have qualified as prescribed by law. Terms of office shall be staggered so that one (1) member shall retire from the board each year.

### **BOARD VACANCIES**

The board of education shall determine if and when a vacancy occurs on the board. Such vacancy shall be filled by appointment, and the appointee shall serve until the next regular election if the person is appointed to fill such vacancy in the first half of the term of office for the board position. If the person is appointed to fill such vacancy after the first half of the term of office for the board position, then the appointee shall serve for the balance of the unexpired term. If no one is appointed within sixty (60) days of the date the board declared the seat vacant, a special election shall be held and the elected member shall fill the vacancy for the unexpired term.

Each board member is expected to attend all board meetings. If an emergency situation should arise which will prevent a board member from attending a scheduled meeting, the board member should notify the board president or the superintendent. Three or more consecutive unexcused absences from board meetings may constitute abandonment of office, and the board may declare the position vacant and fill the vacancy as prescribed by law.

## **CONTINUING EDUCATION FOR BOARD MEMBERS**

### Instruction for New and Incumbent Board Members:

Except as provided below, at the time a school district elector files a notification and declaration of candidacy for the office of board of education membership, the elector shall agree and pledge in writing that, upon election or appointment as a member of the board, he or she will attend a two-day workshop to be held by the State Department of Education or, upon approval of the State Board of Education, attend 12 hours of other workshops held by another organization or association representing Oklahoma school district boards of education, for study and instruction concerning school finance, the Oklahoma School Code and related laws, and the ethics, duties and responsibilities of board of education members. If elected, the elector must complete the workshop(s) within 15 months following or preceding his or her election.

When an incumbent board member files a notification and declaration of candidacy for reelection to the board of education, the incumbent shall not be required to comply with the statutory requirement described above if the incumbent produces a certificate of completion showing that he or she has completed the workshop described above. However, the member will be required to agree and pledge in writing that, upon reelection, he or she will attend a six-hour workshop emphasizing changes in school law, within 15 months following his or her election.

Upon completion of the workshop(s) described above, the member's certificate of completion will be included in the public records of the board's minutes.

Any member of the board or any individual elected, certified as the elected member by the county election board, but not sworn in and seated as a member of the board of education at the time of a workshop, who attends and successfully completes a workshop as required above, shall be reimbursed for expenses incurred, not to exceed compensation in the sum of \$25 per day and actual expenses that are itemized and documented for lodging, meals, registration fees and transportation to and from the place of the workshop, as provided in the State Travel Reimbursement Act.

### Continuing Educational Requirements

In addition to the workshop requirements described above, every member of the board shall be required to attend a minimum of 15 hours of continuing education during any full term of office of the member. The continuing education courses, local and state workshops, seminars, conferences and conventions that will satisfy these requirements will be held within the state and will be approved jointly by the State Department of Education and the State Department of Career and Technology Education. Failure by a board member to satisfy the continuing education requirements of this section shall result in the ineligibility of the member to run for reelection to the board of education. Any member of the board who attends and completes a course that satisfies in part or in full the requirements of this policy shall be reimbursed by the

district for expenses incurred. This paragraph shall not apply to those school board members who filed for reelection prior to July 1, 1991.

#### Failure to Meet the Educational Requirements

Upon receiving any notice by the State Board of Education that a board member has not completed their instructional or continuing educational requires, both the board member and the superintendent shall alert the board to such default.

Upon receiving a final certified notice by the State Board of Education, the board member shall have sixty (60) days in accordance with Oklahoma law to complete the requirements. Should a board member not complete the required instructional or continuing educational requirements within that time period, the board shall declare the board member's seat vacant in accordance with Oklahoma law. The board seat must be declared vacant within sixty (60) days of the last date the board member had to complete the instructional or continuing education requirements according to the final certified notice by the State Board of Education.

Any board member who does not obtain the required education will be ineligible, pursuant to Oklahoma law, to serve on the board of education for a period of two (2) years.

Reference: OKLA. STAT. tit. 70 §§ 5-110, 5-110.1, 5-110.2

<b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b>	<i>School Board Operations</i>  Adopted: December 11, 2017
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**BOARD  
INTERNAL ORGANIZATION**

The term of office of newly elected board members shall begin at the first regular, special or emergency board meeting after the member has been certified as elected.

The board of education shall be organized at the beginning of the first regular, special or emergency meeting following the annual school election and certification of election of new members. The board shall elect from its membership a president and vice-president, each of whom shall serve for a term of one year and until a successor is elected and qualified. The board shall also elect a clerk and, in its discretion, a deputy clerk, either of whom may be one of the members of the board, each of whom shall hold office during the pleasure of the board and each of whom shall receive such compensation for services as the board and applicable law may allow.

**BOARD OF EDUCATION OFFICERS  
PRESIDENT**

The president of the board of education serves as the presiding officer and manages routine work of the board, signs all contracts, appoints all committees, signs all warrants ordered by the board of education to be drawn upon the treasurer of school money, certifies tax levies and defends them, serves as spokesperson, and performs other duties that are delegated to him/her by state law or by order of the board of education.

In addition to performing the duties specifically imposed by the board of education, the president shall have the authority to enforce all permanent rules and regulations adopted for the governance and control of Tulsa Tech, and shall at all times take such measures and employ such means as may be proper and lawful to enforce school laws within Tulsa Tech in the interim between meetings of the board.

The president shall have authority to appoint a member or members as ex officio representatives of the board of education to other organizations of the community that request such representation.

**TULSA TECHNOLOGY CENTER**  
**BOARD OF EDUCATION POLICY**

*School Board Operations*

Adopted: December 11, 2017

**BOARD OF EDUCATION OFFICERS**  
**VICE-PRESIDENT**

It shall be the duty of the vice-president to perform all of the duties of the president in case of the president's absence or disability.

<b>TULSA TECHNOLOGY CENTER</b> <b>BOARD OF EDUCATION POLICY</b>	<i>School Board Operations</i>  Adopted: December 11, 2017
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**BOARD OF EDUCATION - TREASURER**

It is the policy of the board of education to employ a treasurer for Tulsa Tech. The treasurer shall serve at the pleasure of the board and for such compensation as the board may determine, and shall perform those duties as the board may in its discretion confer upon the treasurer, including but not limited to the duty to maintain records and files as required by law or as instructed by the board or the superintendent. The board of education shall require a minimum bonding capacity of \$100,000.00 when using an independent treasurer and may increase that amount as circumstances warrant.



**BOARD OF EDUCATION OFFICERS  
CLERK**

The board of education has established the following duties for the clerk of the board of education:

1. Attend all meetings of the board, countersign all warrants for school monies drawn upon the treasurer by the board and perform such other duties as the board may direct.
2. In addition to performing the duties specifically imposed upon him/her by the school code, cooperate with the superintendent of schools, the board treasurer and the minutes/encumbrance clerk in the management of the business affairs of Tulsa Tech.
3. Attest, in writing, the execution of all deeds, contracts, reports and other instruments that are to be executed by the board of education.
4. Furnish, whenever requested, any and all reports concerning school affairs, on such forms and in such manner as the Oklahoma Department of Career and Technology Education may require.
5. Destroy all claims, warrants, contracts, purchase orders and any other financial records or documents, including those relating to school activity funds, on file or stored in the offices of the board of education of Tulsa Tech for a period of longer than five (5) years.
6. Maintain all required school board election related filings for a period of four (4) years, including coordinating efforts with the district's technology department for including the filings on the district's website.

**BOARD OF EDUCATION - MINUTES CLERK**

The board of education has established the following duties for the minutes clerk:

1. Attend all meetings of the board and keep an accurate journal of the proceedings thereof.
2. List numbers of approved encumbrances in the minutes of the board meetings.
3. Furnish tentative minutes to newspapers requesting copies.
4. Perform such other duties as directed by the board of education.

The minute clerk will post a surety bond in the amount of \$1,000.00 before discharging any duties as minute/encumbrance clerk.

**BOARD OF EDUCATION - ENCUMBRANCE CLERK**

The board of education has established the following responsibilities for the encumbrance clerk:

1. Keep technology center books and documents.
2. Enter authorized amounts of appropriations in the appropriate accounts.
3. Charge the correct appropriation account and credit the affected encumbrance outstanding accounts with approved encumbrances after first determining that the encumbrances do not exceed the balance of the appropriation charged.
4. Receive certification from the proper technology center employee that services or merchandise billed to Tulsa Tech have been received, file bills and invoices in official records, debit the outstanding account and credit the accounts payable account for the amount of the approved bills.
5. Pay the approved bills by issuing warrants against the designated funds, charge the warrants against the appropriate accounts payable accounts and credit them to the appropriate warrants issued accounts, notify the board treasurer when bills are approved for payment in lieu of issuing warrants so that the treasurer can record payments by check, wire transfer, direct payroll deposit or make other disbursement approved by the Federal Reserve System.
6. Receive all warrants, certificates of indebtedness or bonds after the treasurer has registered the warrants in numerical order.
7. Perform other duties as assigned by the board of education or its committee, which may include completing purchase order forms.
8. Meet or exceed all encumbrance clerk training and continuing education requirements.

The encumbrance clerk will post a surety bond as required by law before discharging any duties as encumbrance clerk.

## **BOARD MEETINGS**

The board of education shall transact all business at official meetings of the board. These may be regular, continued or reconvened, special or emergency meetings, defined as follows:

1. Regular Meeting – the usual, official legal action meeting held regularly.
2. Continued or Reconvened Meeting – a meeting assembled for the purpose of finishing business appearing on an agenda of a previous meeting.
3. Special Meeting – an official legal action meeting called between scheduled regular meetings to consider specific topics.
4. Emergency Meeting – an official legal action meeting held only for dealing with situations involving either injury to persons or injury or damage to public or personal property or immediate financial loss so severe that the 48-hour notice period for a special meeting would be impractical and increase the likelihood of injury or damage or immediate financial loss.

A “meeting” is defined as the gathering of a quorum of members of Tulsa Tech to propose or take legal action, including any deliberations with respect to such action.

No meetings will be held by teleconference. However, meetings may be held by videoconference as long as the meeting conforms to the requirements of Oklahoma’s Open Meeting Act. Accordingly, any meeting conducted by videoconference must meet the following requirements:

1. A quorum must be present in person.
2. The meeting notice and agenda prepared in advance of the meeting shall indicate that the meeting will include videoconferencing locations and shall state the location, address and telephone number of each available videoconference site, the identity of each member of the body and the specific site from which each member of the body shall be physically present and participating in the meeting.
3. After the meeting notice and agenda are prepared and posted, no member of the public body shall be allowed to participate in the meeting from any location other than the specific location posted on the agenda in advance of the meeting.
4. In order to allow the public to attend and observe each board member carrying out their duties, a member of the board desiring to participate in a meeting by videoconference shall participate from a site and room from within Tulsa Tech.

5. Public bodies may provide additional videoconference sites as a convenience to the public, but additional sites shall not be used to exclude or discourage public attendance at any video at any videoconference site.
6. The public shall be allowed to participate and speak, as allowed by rule or policy set by the public body.
7. Any materials shared electronically between members of the public body, before or during the videoconference, shall also be immediately available to the public in the same form and manner as shared with members of the public body.
8. All votes occurring during any meeting conducted using videoconferencing shall occur and be recorded by roll call vote.
9. Executive sessions by videoconference are prohibited.

The regular meeting of the board of education shall be on the last Monday of each month at 12:00 p.m. at the Skyline East I Building. The board may change the meeting place and hour of the meeting by agreement of a majority of the whole number elected.

Special meetings of the board may be called by the president at any time, and he/she shall call special meetings whenever so requested, in writing, by any member of the board. Business transacted at any special meeting may be for either a specific or a general purpose.

Reference: Okla. Stat. tit. 25, §§ 304, 307.1.

**BOARD OF EDUCATION  
NOTIFICATION OF MEETINGS**

Notice of all meetings of the board of education shall be made in accordance with the Oklahoma Open Meeting Act.

Notice to County clerk

Prior to December 15 each year, the board of education shall provide the County clerk a listing of the time, date and place of all regular meetings for the coming calendar year.

Any change in the date, time or place of a regular meeting shall be provided in writing to the County clerk at least ten days prior to implementing the change.

Posting of Agenda

At least twenty-four (24) hours prior to a regular or special meeting, a meeting agenda shall be posted which shall include the date, time and place of the meeting and the business to be undertaken at the meeting. The calculation of the twenty-four (24) hour period shall exclude Saturdays, Sundays, and holidays.

Special or Emergency Meetings

Notice of the time, date and place of a special meeting shall be provided to the County clerk in person, in writing, or by telephone at least forty-eight (48) hours prior to the meeting.

Emergency meetings may be held without the required public notice if it is reasonably believed that delay would increase the likelihood of personal injury, property damage or immediate financial loss to Tulsa Tech. The person calling an emergency meeting shall give as much advance notice as is possible in person or by telephone.

Parties Requesting Notice

Written notice of the date, time and place of the meeting will be mailed or delivered to each person, newspaper, wire service, radio station and television station that has filed a written request for such notice. Such requests must be renewed annually, and an annual fee of Eighteen Dollars (\$18.00) will be charged each person or entity that requests written notification.

Continuing Meetings

In the event any meeting of the board is to be continued or reconvened, public notice of the action, including the date, time and place of the continued meeting, shall be given by announcement at the original meeting. Only matters appearing on the agenda of the meeting which is continued may be discussed at the continued or reconvened meeting.

### Internet Website

Within six (6) months of the establishment of an internet website, Tulsa Tech shall make available on its website or on a general website, if a general website is used, a schedule and information about regularly scheduled meetings of Tulsa Tech's board of education. The information shall include the date, time, place and agenda of each board meeting. When reasonably possible, Tulsa Tech shall also provide information about the date, time, place and agenda of any special or emergency meeting of Tulsa Tech's board of education.

### Videoconference

In any instance in which the board, in accordance with the Open Meetings Act, will conduct a meeting by videoconference, its meeting notice and agenda shall indicate that the meeting will include videoconferencing locations and shall state the location, address, and telephone number of each available videoconference site. The notice and agenda shall also state the identity of each member of the board of education who shall participate in the board's meeting by videoconference and the specific site from which each member of the board shall be physically present and participating in the meeting.

References: Okla. Stat. tit. 25, § 311  
Okla. Stat. tit. 74, § 3106.2

**QUORUM  
BOARD MEETING PROCEDURE**

A quorum consisting of a majority of the board membership shall be necessary to conduct business at a meeting of the board of education. In the event that a quorum is not present and a regularly scheduled board meeting cannot be convened, the meeting shall be cancelled. If a regularly scheduled board meeting is cancelled due to lack of a quorum, a notice of such cancellation shall be immediately prepared and posted with the original agenda of the cancelled meeting. A special meeting may then be called with the appropriate minimum of 48 hours' notice to the county clerk. The agenda for the special meeting shall include all of the items listed on the agenda of the regular meeting.

If a quorum is present, but the meeting needs to be relocated due to lack of space, building problem, etc., a motion to reconvene the meeting at another place will be made and voted upon. If the board decides to reconvene the meeting, the decision will be announced and a written notice will be posted with the original agenda showing the date, time and place of the reconvened meeting. The minutes of the original meeting will reflect the decision to reconvene and the full announcement.



## **PUBLIC PARTICIPATION IN BOARD MEETINGS**

### Philosophy

The board recognizes the value to school governance of public comment on educational issues and the importance of involving members of the public in board meetings. By this policy the board has established guidelines to govern public participation in board meetings necessary to conduct its meetings and to maintain order.

In order to permit fair and orderly expression of public comment, the board shall provide an opportunity at each regular meeting of the board for public comment on items listed on the agenda of the regular meeting for board action.

### Public Comments – General Guidelines

If the board determines there is not sufficient time at a meeting for public comments, the comment period may be deferred to the next regular meeting. In addition, the board has the right to expect that public discussion will be orderly and civil. If not, the board can, in its discretion, discontinue public comment.

Whenever issues identified by the participant are subject to remediation under policies and procedures of the board or district, they shall be dealt with in accordance with those policies and procedures. In particular, the board will not hear either positive or negative comments about staff members or persons connected with the district until those comments/complaints have reached the board through proper administrative procedures.

Board members will not respond to questions or comments during public participation.

No individual or group may use any agenda item as a forum for campaigning for or against a candidate for public office or ballot measure.

### Public Comments on Agenda Items

Participants must be recognized by the president or other presiding officer and must preface their comments by an announcement of their name and group affiliation, if applicable.

Comments of the speaker must relate to an item on the meeting agenda. Generally, participants shall be limited to comment of a maximum of three (3) minutes duration unless altered by the presiding officer, with the approval of the board. All public comments during any one regular meeting shall be limited to no more than fifteen (15) minutes. No participant may speak more than once during a single meeting. All statements shall be directed to the presiding officer; no participant may address or question board members individually.

Individuals or groups wishing to speak during the public comment period of the meeting must check in with the board clerk at least fifteen minutes prior to the start of the board meeting. The individual must provide the following information, in writing, in order to speak before the board:

- Name and address of the individual
- The agenda action item(s) the individual wishes to address
- The organization the individual represents or is affiliated with, if applicable

Reference: Okla. Stat. tit. 25, §§ 303, 304

**BOARD OF EDUCATION  
EXECUTIVE OFFICER – SUPERINTENDENT**

The board of education recognizes that the superintendent is the executive officer of the board of education and the administrative head of Tulsa Tech. The superintendent must hold an administrator's certificate recognized by the Oklahoma Department of Career and Technology Education. If the superintendent is employed for the first time in Oklahoma, he or she must attend training seminars as required by the Oklahoma Department of Career and Technology Education. The following duties have been established for the office of the superintendent:

1. The superintendent is the executive officer of the board and the leader of the educational forces of the community. The board shall seek the superintendent's recommendation on technology center matters.
2. The superintendent shall attend the meetings of the board (except when his/her employment is being considered) and advise the board on all technology center matters.
3. The superintendent shall make recommendations to the board of candidates for teacher and supervisory positions, as well as other employees of Tulsa Tech as the need arises. The board shall not normally employ a technology center employee against the recommendation of the superintendent. The board will direct the superintendent to make additional recommendations if necessary.
4. The superintendent shall devote him/herself to the study of educational trends, keep the board informed on conditions of the campuses/sites of Tulsa Tech, and present recommendations for the determination of policy. The superintendent shall, once policies have been established, devise ways and means for their operation and make periodic reports on the success of such policies.
5. All purchases of supplies, materials or equipment shall be made on authority of a purchase order approved by the superintendent.
6. Responsibility for the operation and maintenance of the activity funds shall be delegated to the superintendent.
7. The superintendent shall be responsible for the administration of suspensions and student exclusions for any reason.
8. The superintendent shall be responsible for providing the ways and means for teaching the subjects, as may be designated or approved by the board of education.

9. The superintendent shall have all school accounts audited each year and a copy of the audit filed with the clerk of the board of education.
10. The superintendent shall carefully observe the methods of instruction and the discipline of instructors; suggest improvements; remedy defects in their management; advise as to the best methods of instruction and discipline; and pay special attention to the classification of students, the program of studies and the apportionment of time allotted to each of the prescribed subjects.
11. The superintendent shall secure adequate plant facilities; standardize supplies, equipment and other materials used in Tulsa Tech; and formulate standard procedures for purchasing equipment in all departments of Tulsa Tech.
12. The superintendent shall prepare a well-coordinated budget by requiring the various divisions of Tulsa Tech to participate in its development.
13. The superintendent shall have the authority to close Tulsa Tech in case of emergency.
14. The superintendent shall visit other technology centers to observe developing educational trends and to suggest appropriate means for the advancement of Tulsa Tech.

The renewal of the superintendent shall be considered by the board and announced at a board meeting each year. It is the duty of the board president to notify the superintendent as soon as possible following the board's decision.

**BOARD-SUPERINTENDENT RELATIONSHIP**

Delegation by the board of its executive powers to the superintendent provides freedom for the superintendent to manage Tulsa Tech within the board's policies and frees the board to devote its time to policy making and other governance functions.

The board holds the superintendent responsible for the administration of its policies, the execution of board decisions, the operation of the internal machinery designed to serve Tulsa Tech, and for keeping the board informed about technology center operations and problems.

The board as a whole, as individual members, shall:

1. Give the superintendent full administrative authority for properly discharging his or her professional duties, holding him or her responsible for acceptable results.
2. Except under extraordinary circumstances, act only upon the recommendation of the superintendent in matters of school personnel.
3. Hold all meetings of the board in the presence of the superintendent except when the superintendent's contract, salary, or employment are under consideration.
4. Refer all complaints to the superintendent and discuss them only at a board meeting after administrative solutions fail to resolve the complaints.
5. Strive to provide adequate safeguards around the superintendent and other staff members.
6. Present personal criticisms of any employee directly to the superintendent.

**TERM OF OFFICE AND SALARY  
OF SUPERINTENDENT**

The superintendent of Tulsa Tech shall be employed for a term specified by this board and will be employed on a twelve-month basis, with vacation time to be agreed upon. The salary of the superintendent, including all fringe benefits, if any, will be determined prior to the execution of an employment contract and shall be stated therein.

It is the policy of this board to consider the issuance of the superintendent's contract each year to insure continuity and stability in the office. The renewal of the contract shall be considered in January, each year, or at some other date as determined by the board. In its discretion, the board may contract with the superintendent for a term as mutually agreed upon, but not to exceed three (3) years beyond the fiscal year in which the contract is approved by the board and accepted by the superintendent.

Prior to considering the superintendent's contract for renewal, the board shall complete and present to the superintendent an evaluation form pertaining to the superintendent's performance. The superintendent shall provide evaluation forms at least thirty (30) days prior to the superintendent's scheduled evaluation session.

The superintendent's employment contract shall include terms and conditions as agreed upon in writing by the board and the superintendent and will be filed by the superintendent with the State Department of Education within fifteen (15) days after it is signed. The board may not pay any salary, benefits or other compensation not specified in the contract on file and may not pay any amounts for accumulated sick leave or vacation leave benefits not calculated on the same formula used for determining payments for such benefits for other full-time employees of Tulsa Tech.

### **EVALUATION OF THE SUPERINTENDENT**

The board of education, in recognition of its accountability to the community and its obligations under state law, will conduct an annual formal evaluation of the superintendent of Tulsa Tech. The evaluation shall be conducted toward the goal of improving Tulsa Tech through an improving superintendency.

Members of the board will first evaluate the superintendent independently, using a written form adopted by the board for this purpose. The board will convene to discuss the assessments and to prepare a composite evaluation. The composite evaluation will be discussed by the full board and the superintendent. The board and the superintendent will each retain a copy of the written evaluation report.

Evaluation of the superintendent shall be conducted in such manner as to:

1. Provide positive and constructive feedback to the superintendent that will support and promote the superintendent's professional growth and development;
2. Help the board evaluate its work in planning the educational program in this community; and
3. Strengthen the working relationship between the board and the superintendent by providing a comprehensive vehicle of communication.

## **CHARTER SCHOOLS**

### Introduction

The board may elect to sponsor a charter school to serve any combination of grades Pre-k through 12 within the geographical boundaries of a district with a population of over 500,000 served by Tulsa Tech if it appears that the proposed charter would provide valuable opportunities for student learning. Charter schools sponsored by Tulsa Tech must be nonsectarian in all programs, including admission and employment practices. The board will not sponsor a charter school which is affiliated with a religious institution or private sectarian school.

If the charter contract is approved by both Tulsa Tech board of education and the governing board of the charter school, the charter school will be a fully recognized Oklahoma public school. The charter school will be able to serve as many students as specified in the charter contract.

### Technology Center Responsibilities / Process

The administration will promptly review all charter school proposals which are submitted in accordance with this policy and the Oklahoma Charter Schools Act, OKLA. STAT. tit. 70 § 3-130 ("Act"). The Act is incorporated herein by reference. At the conclusion of the review, the superintendent or his/her designee will prepare a written report which evaluates the proposal and makes a recommendation to the board regarding accepting or rejecting the proposed sponsorship.

The board shall either accept or reject sponsorship of a proposed charter school within ninety (90) days of receipt of the proposal. Applicants whose proposals are rejected are eligible to appeal as specified by the Act.

If the board recommends that an application be approved, the board will work cooperatively to develop a charter contract with the school. Once a contract is fully approved and executed, Tulsa Tech will monitor the charter school's operation, including progress toward its goals and its fiscal operations. Tulsa Tech will also provide the Oklahoma State Department of Education a copy of the charter contract.

The board specifically retains all powers and duties granted to it by the Act.

### Applicant / Charter School Responsibilities / Process

Applicants must be familiar with the requirements of the Act and this policy and submit a charter school proposal which meets all necessary requirements. Applicants whose proposals are recommended for sponsorship must work cooperatively with Tulsa Tech's board to develop a charter contract.

The governing board of any approved charter school must work cooperatively with Tulsa



Tech's board in accordance with the terms of the charter. This includes, but is not limited to providing information, documentation, and reports required by the Act or as requested by Tulsa Tech.

### Application and Charter Contract Development Process

All charter school applications must be received in the superintendent's office by September 1 (or the next workday if the superintendent's office is closed on September 1) for a proposal to begin the following school year.

All charter school applications must utilize the template provided by the board and meet any deadlines established by the board. Any application which does not provide all required information in the prescribed format will be rejected. Any applicant which does not comply with stated timelines will be rejected.

### Term and Renewal

An initial charter contract will be for a term of five (5) years. A charter contract may be renewed for additional five (5) year terms, or less, based on the performance, demonstrated capacities and particular circumstances of a charter school. Renewal proposals must be submitted before beginning the last contract year of operation as stated in an existing charter contract. A renewal proposal must contain, at a minimum:

- a complete progress report related to the charter school's existing goals and objectives, including student achievement;
- a list of newly defined or continuing goals through the entirety of the proposed renewal period;
- any improvements the charter school has implemented or planned;
- a complete financial statement;
- copies of all annual financial audits;
- any other evidence the charter school wishes to provide to support the renewal application; and
- any other information requested by Tulsa Tech.

Failure to meet the renewal deadline will waive the renewal option, although the charter school may submit a regular application as outlined in this policy and Oklahoma law.

Prior to the beginning of the final year of the charter contract, Tulsa Tech will issue a performance report and renewal guidance which summarizes the charter school's performance to date and outlines information regarding any issues which may negatively impact the charter school's renewal. The guidance will provide information about the specific criteria which will guide Tulsa Tech's decision related to the renewal. All renewal decisions will be based on the criteria established by the Act.

### Termination

The board may terminate a charter contract during its term for any of the following reasons:

- failure to meet student performance requirements contained in the charter contract;
- breach of the charter school contract;
- failure to meet specified or required fiscal management requirements;
- legal violations; or
- other good cause.

Tulsa Tech's board will notify the charter school at least ninety (90) days prior to terminating a charter contract. If the charter school wishes to dispute the board's decision, the governing body must make a written request for an informal hearing within fourteen (14) days of receipt of the notice. If, after the hearing, Tulsa Tech's board still decides to terminate the charter contract, the charter school may pursue the remedies outlined in the Act to the extent legally permissible.

If a charter contract is terminated or not renewed, the charter school will develop a transition team to work with Tulsa Tech to close the charter school in an orderly manner. This will include but not be limited to areas such as:

- transferring students, records, and school funds;
- regular communication with families, employees, and stakeholders;
- notifications pertinent to the closure; and
- general business related to the conclusion of the charter school's work.

Regardless of the pending closure of any charter school, the charter school is required to continue to provide educational services pursuant to the terms of the charter for the duration of the school year in question.

### Teacher Rights

Teachers will not lose any salary or benefit status provided by law upon returning to Tulsa Tech after teaching at a technology center sponsored charter school. A teacher who leaves Tulsa Tech to teach at a technology center sponsored charter school will also be given employment preference if the teacher re-applies for employment within three (3) years after ending employment with Tulsa Tech, contingent upon the availability of an appropriate position.

## **BOARD OF EDUCATION COMMITTEES**

The policy of the Tulsa Technology Center Board of Education is that (a) the board shall use a system of standing committees to study issues that come before the board; (b) ad hoc committees may be appointed to address specific projects or issues; and (c) the board, acting as a committee of the whole, shall make final decisions on recommendations by board committees. The role of board of education members includes serving on board committees.

The decision-making authority of committees is limited to making recommendations to the superintendent, staff, and board of education. The decision-making authority on board committee recommendations rests with the board of education.

The president of the board of education shall appoint all committees and committee chairpersons. No more than three board of education members may attend a board committee meeting to avoid a violation of the Oklahoma Open Meeting Law. A committee member who cannot attend a committee meeting should contact the deputy board clerk who will contact the committee chair to determine appropriate actions.

### Duties and Responsibilities of Committees

#### A. Executive Committee

- i. To work with the superintendent/CEO.
- ii. To provide leadership for the board of education.
- iii. To review issues for the board of education.
- iv. To assign issues or projects to other board committees.
- v. To review personnel recommendations when needed prior to consideration by the full board of education.
- vi. To coordinate activities with other board committees.

#### B. Facilities Committee

- i. To review long-range capital improvement plan (buildings, remodels, and equipment) and make recommendations on adoption of the plan to the board of education.
- ii. To review short-range capital improvement projects and make recommendations on adoption to the board of education.
- iii. To review reports documenting financial accountability on projects.
- iv. To develop standards for space allocations, equipment, furniture, workstations, etc. and make recommendations to the board of education.
- v. To coordinate activities with other board committees.

C. Programs Committee

- i. To coordinate activities with other board committees and make any necessary recommendations to the board of education.
- ii. To review staff proposals for new career majors to be submitted for approval to ODCTE. Review, add, modify or delete programs and make recommendations to the board of education.
- iii. To review staff recommendations of instructional strategy for grouping of career clusters or career majors within an instructional location and make recommendations to the board of education.
- iv. To review staff recommendations necessary for creation or alteration of instructional delivery of career majors, courses, other program offerings and make recommendations for the board of education.

D. Policy Committee

- i. To review the district policies manuals to insure compliance with federal, state, and local requirements.
- ii. To conduct routine reviews of current policies and make recommendations for additions, deletions or changes to the board of education.
- iii. To review proposed policies and revisions to existing policies and make recommendations for adoption to the board of education.
- iv. To coordinate activities with other board of education committees.

E. Ad Hoc Committees

An ad hoc committee may be appointed by the president of the board to address a specific project or issue. The ad hoc committee shall cease to exist when a final report is presented to the board of education.

Committee Operation Guidelines

A. Committee Meetings

Committee meetings may be called by the board president, the committee chairperson or at the request of any two members of the committee or any three members of the board of education. The superintendent may request a committee meeting.

B. Agenda, Minutes and Reports to the Board of Education

An agenda shall be prepared for each committee meeting. Minutes of the meeting shall be prepared and distributed to the board of education members and appropriate staff as soon as possible, but no later than the board of education meeting when the report and/or recommendations will be presented. Reports and recommendations by committee chairpersons may be made at a regular meeting, a special meeting or an emergency meeting of the board of education.

The committee chairperson, with assistance from other committee members and appropriate staff as requested, shall make a report to the board of education when a committee recommendation is placed on the Board agenda pursuant to the Oklahoma Open Meeting Law.

C. Staff Participation

District staff participation with board of education committees will be coordinated through the superintendent including identification of staff members appropriate to attend meetings and to present information items to the committee members.

### **BOARD POLICY DEVELOPMENT**

The Tulsa Technology Center Board of Education is designated by Oklahoma law as the governing board of Tulsa Technology Center and is granted the power and duty to make rules, not inconsistent with the law or rules of the State Board of Education, governing the board and the school system of the district. It is the role of the board to set policy and direction for the school district. It is the role of the superintendent, as the executive officer of the board of education, to implement the board's policies in a fair and consistent manner.

In accord with the Technology Center Code of Ethics Guidelines approved by the State Board of Career and Technology Education on April 29, 2004, the district shall maintain and enforce up-to-date policies and procedures. To that end, the president of the board shall annually designate three board members to serve as a committee whose primary responsibility is to develop draft policy statements for recommendation to the full board. The committee will work through the superintendent to consider input from staff, students, parents and other community members as it deems appropriate.

The following policy development process will be utilized:

1. The committee will hold work sessions to consider recommendations and draft policy statements. The committee will also conduct periodic reviews of all policies to ensure that they are current. The schedule for meetings will be at the discretion of the committee chair. The superintendent or his/her designee will attend all committee meetings and will schedule attendance of others as necessary and appropriate.
2. Ordinarily, the policy draft will first be presented by the committee chair to the full board at an official meeting of the board as an information item. The policy will then be placed on the next succeeding board meeting agenda for formal action by the board. Any comments received from the board members or the public after the first reading of the policy will be considered prior to the second presentation of the policy for formal action.
3. Any time circumstances dictate, the superintendent may request formal board action at the first presentation of the policy to the full board.

The superintendent is responsible for maintaining the policies in published form available to employees and patrons.

Reference: Okla. Stat. tit. 70, § 5-117

**TULSA TECHNOLOGY CENTER  
BOARD OF EDUCATION POLICY**

*School Board Operations*

Adopted: December 15, 1986  
Revised: August 9, 2004; October 22, 2007

### **COMPENSATION OF BOARD MEMBERS**

It is the policy of the Board of Education of Tulsa Technology Center that each member of the board is to be paid from the districts' general fund a per diem of Twenty-five Dollars (\$25.00) for each regular special and adjourned meeting of the board that he/she attends, but not for more than four meetings in any calendar month.

Reference: Okla. Stat. tit. 70, § 5-118

## **MANAGEMENT AND INVESTMENT OF FUNDS**

This investment policy is adopted in accordance with the provisions of applicable law by the board of education of Tulsa Tech. This policy sets forth the investment policy for the management of the public funds of Tulsa Tech. The policy is designed to ensure prudent management of public funds, the availability of funds when needed, and reasonable investment returns.

### Investment Authority:

Tulsa Tech treasurer is required by the board of education to invest technology center monies in the custody of the treasurer in those investments permitted by law. The treasurer shall, to the extent practicable, use competitive bids when purchasing direct obligations of the United States Government or other obligations of the United States Government, its agencies, or instrumentalities.

Tulsa Tech treasurer shall limit investments to:

1. Direct obligations of the United States Government to the payment of which the full faith and credit of the Government of the United States is pledged; provided Tulsa Tech treasurer, after completion of an investment education program in compliance with applicable law, may invest funds in the investment account in other obligations of the United States Government, its agencies or instrumentalities;
2. Obligations to the payment of which the full faith and credit of this state is pledged;
3. Certificates of deposits of banks when such certificates of deposit are secured by acceptable collateral as in the deposit of other public monies;
4. Savings accounts or savings certificates of savings and loan associations to the extent that such accounts or certificates are fully insured by the Federal Savings and Loan Insurance Corporation;
5. Repurchase agreements that have underlying collateral consisting of those items specified in paragraphs 1 and 2 above including obligations of the United States, its agencies and instrumentalities, and where the collateral has been deposited with a trustee or custodian bank in an irrevocable trust or escrow account established for such purposes;
6. County, municipal or technology center direct debt obligations for which an ad valorem tax may be levied or bond and revenue anticipation notes, money judgments against such county, municipality or technology center ordered by a court of record or bonds or bond and revenue anticipation notes issued by a



public trust for which such county, municipality or technology center is a beneficiary thereof. All collateral pledged to secure public funds shall be valued at no more than market value;

7. Money market mutual funds regulated by the Securities and Exchange Commission and which investments consist of obligations of the United States, its agencies and instrumentalities, and investments in those items and those restrictions specified in paragraphs 1 through 6 above;
8. Warrants, bonds or judgments of Tulsa Tech;
9. Qualified pooled investment programs through an interlocal cooperative agreement formed pursuant to applicable law and to which the board of education has voted to be a member, the investments of which consist of those items specified in paragraphs 1 through 8 above, as well as obligations of the United States agencies and instrumentalities;
10. Investment programs administered by the state treasurer; or
11. Any other investment that is authorized by law.

#### Investment Philosophy:

This policy shall be based upon a “prudent investor” standard. The board of education recognizes that those charged with the investment of public funds act as fiduciaries for the public, and, therefore the treasurer is directed to exercise the judgment and care that persons of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs as to the permanent non-speculative disposition of their funds, with due consideration of probable income earnings and probable safety of capital. In investing Tulsa Tech’s funds, the treasurer shall place primary emphasis on safety and liquidity of principal and earnings thereon.

#### Liquidity:

Available funds will be invested to the fullest extent practicable in interest-bearing investments or accounts, with the investment portfolio remaining sufficiently liquid to meet reasonably anticipated operating requirements.

#### Diversification:

The investment portfolio will be reasonably diversified so as to avoid any one investment having a disproportionate impact on the portfolio. Provided this restriction will not apply to securities of the United States Treasury backed by the full faith and credit of the United States Government.

#### Safety of Principal:

Although investments are made to produce income for Tulsa Tech, investments will be made in a manner that preserves principal and liquidity.

Yield:

The portfolio will be designed to attain maximum yield within each class of investment instrument, consistent with the safety of the funds invested and taking into account investment risk and liquidity needs.

Maturity:

Investments may have maturities extending to thirty-six (36) months, provided sufficient liquidity is available to meet major outlays, and except that general fund investments may not exceed twelve (12) months.

Quality of the Instrument and Capability of Investment Management:

The superintendent shall be responsible for seeing that the treasurer and any assistant treasurer are qualified and capable of managing the investment portfolio and satisfactorily complete any investment education programs required by state law or by the board of education.

Safekeeping and Custody:

The treasurer will maintain a list of the financial institutions and pooled investment programs governed by an interlocal cooperative agreement formed pursuant to OKLA. STAT. tit. 70, § 5-117b which are authorized to provide investment services, and will maintain a separate list of financial institutions with collateral pledged in the name of Tulsa Tech.

Securities purchased from a bank or dealer, including any collateral required by state law for a particular investment, shall be placed under an independent third-party custodial agreement. The Trust Department of a financial institution will be considered to be independent from the financial institution.

All securities will be in book entry form, and physical delivery of securities will be avoided.

Telephone transactions may be conducted, but such transactions must be supported by written confirmation, which may be made by way of a facsimile or email on letterhead with authorized signatures of the safekeeping institution.

Written transactions and confirmations of transactions by computer connections will be kept in the treasurer's office.

Reporting and Review of Investments:

The treasurer will prepare an investment report to be submitted to the board of education on at least a monthly basis. The report will include:

1. A list of individual securities held at the end of the reporting period.
2. The purchase and maturity dates of these securities.
3. The name and fund for these securities.

4. The yield rate of these securities.
5. Any collateral pledged by a custodian.

The board of education shall review the treasurer's investment performance on a regular basis that is no less frequent than monthly.

Depositing of Interest:

Unless otherwise directed by the board of education through policy or by special directive, by the Oklahoma Constitution, or by the federal government, income earned from the investment of non-activity funds shall be deposited in the general fund or building fund, dependent on fund that earns the interest, and income earned from the investment of activity funds shall be deposited as directed by the board of education.

### **EMPLOYEE FUNDRAISING**

The board prefers to limit fundraising and seeks to provide all necessary furniture and supplies for district use. This practice safeguards standardization throughout the district's programs, allows for appropriate oversight of activity funds, and ensures the district meets its obligations for equity in its programs.

The board also acknowledges that fundraising is a reasonable way to pay for special projects and activities. In order to ensure that fundraising efforts do not inadvertently impede the district's overall financial plans or create disorder within the district, the board will annually approve a fundraising schedule at the beginning of the school year. The board may also approve additional fundraising throughout the year as it deems appropriate.

Any employee who wishes to conduct fundraising apart from the master schedule must obtain prior approval from the board. This approval may be sought by submitting a request for board consideration to the campus director, who will consult with the CFO regarding the request. The CFO has full discretion in determining whether to bring a fundraising request before the board.

No employee may solicit donations for any purpose connected with the school without prior approval by the CFO. This prohibition includes, but is not limited to: raffles, any type of sale (bake sales, rummage sales, etc.), requests for donations, and/or the use of crowdfunding websites (GoFundMe.com, DonorsChoose.org, etc.).

Any employee who is granted authorization to engage in fundraising activities must adhere to all requirements established by the CFO. These requirements include but are not limited to identifying:

- the group or activity benefitting from the funds
- the individuals who will participate in the fundraiser, including the school site involved
- the type of fundraiser, including specific products or services to be sold, auctioned, etc.
- the proposed dates for the fundraiser
- the employee who will oversee the fundraiser
- the estimated amount of revenue to be generated per unit and in total
- the procedural safeguards to be utilized to ensure the security of all funds – including affirmation that the employee will properly deposit all funds into a district owned bank account.

The CFO is responsible for updating the board regarding any fundraising activities apart from the board's master schedule.

**PUBLIC GIFTS TO TULSA TECH**

The board of education assumes responsibility, within its financial capabilities, for providing at public expense all items of equipment, supplies and services that may be required in Tulsa Tech under its jurisdiction. Gifts, grants or bequests will be accepted and the action recorded, provided the conditions of acceptance do not remove any degree of control of Tulsa Tech from the board and will not cause inequitable treatment of any student(s) or student group(s).

Propositions giving funds, equipment or materials to Tulsa Tech with a “matching agreement” or restriction are generally not acceptable. Acceptance of donated equipment or materials may depend upon compliance with the board’s policy of standardizing materials and equipment in Tulsa Tech. The acceptance of a gift for a particular campus, however, indicates the board’s approval of the use the benefactor specified.

Any person or organization desiring to give a gift or make a grant or a bequest to the board should contact the any campus or department director. The campus or department director will work with the designated officer to ensure that all internal procedures are followed and will submit appropriate paperwork for internal audit review. The designated officer will notify the campus or department director whether they are authorized to accept the gift, thank the donor, and inform the board, or whether the superintendent will perform these tasks. Offers of real property will be accepted only by the board. Also, where the appropriateness of a gift is in doubt, the superintendent will refer the matter to the board for its acceptance or rejection. For example, single gifts of considerable value exhibiting the donor’s name or business shall be considered on an individual basis by the board.

All conditional gifts must be approved by the board.

Any gift or grant accepted by the board or the superintendent as its executive officer will become the property of the board of education and will comply with all state and federal laws.

## **SCHOOL RAFFLES**

Oklahoma statute title 21, section 1051 allows schools and their affiliated student groups and parent/teacher groups to raise money by conducting raffles in exchange for voluntary contributions. While this law allows for the issuance of raffle tickets in exchange for a *voluntary* contribution, the *sale* of raffle tickets is against the law and subjects such persons or groups selling the tickets to criminal liability. Tulsa Technology Centers provides schools, student groups and related groups with the option of conducting raffles. However, in order to comply with state law as well as prevent exploitation of students, parents (in the case of secondary students) and the community, Tulsa Tech requires that all such raffles be conducted within the limitations and guidelines provided below.

### **I. Groups Allowed to Conduct Raffles on School Property**

Only Tulsa Tech, or a student or a group affiliated with a campus of the technology center may conduct a raffle or raffle-related activities on school property. The group conducting such a raffle is the “sponsoring organization” for purposes of this Policy.

### **II. Prior Approval of Raffles Required**

Raffles and raffle-related activities are not permitted on school property unless prior approval has been given, in writing, by the campus director. In order to receive approval, the student group must prepare a *Request for Raffle* form and submit it to the campus director. The campus director will not issue an approval unless the form is complete and unless the organization is in compliance with the School Raffle policy and related policies concerning student fund raising activities. In addition, before providing the approval, the campus director must obtain the approval of the Board. The campus director may deny a request for a raffle at his or her discretion, taking the purpose of the fundraising into account as well as the number of raffles or other fund raising activities already approved for the calendar year. This decision may be appealed to the superintendent.

If the raffle is being sponsored by the school generally (not by a student or group), approval for such a raffle must be granted by the board upon the request of the campus director or the superintendent.

### **III. General Requirements**

Raffle tickets may be issued only in exchange for a voluntary contribution. Specifically, there may be no set price for a raffle ticket, and the issuance of a raffle ticket may not be contingent on a financial contribution to the sponsoring organization. However, the sponsoring organization may determine a suggested voluntary contribution amount and may print this amount on the ticket as the suggested voluntary contribution.

The sponsoring organization may not hire or contract with any person or business to conduct the raffle, to sell raffle tickets, or to solicit contributions in connection with a raffle on its behalf.

No staff member or student shall be coerced or forced to participate in any raffle-related activity.

All tickets remain the responsibility of the sponsoring organization with accountability to the school's principal.

The fair market value of any one prize may not exceed \$5,000.00.

IV. Information Printed on Tickets

The following information must be printed on the raffle ticket:

1. The name of the organization sponsoring the raffle;
2. Date, time and place of drawing;
3. The technology center's name; and
4. Consecutive numbering.

V. Records of Raffle Activity

The sponsoring organization must report in writing to the campus director the following information within five days of the raffle drawing:

1. Name of raffle winner(s) and respective prize(s), including the fair market value of the prize;
2. Total raffle tickets sold;
3. Total gross receipts;
4. Details of expenses related to the activity;
5. Net proceeds (gross proceeds minus expenses); and
6. Details of the expected use of the profits from the activity.
7. If the fair market value of the prize is \$600.00 or more, then the school must also obtain and keep for its records the social security number of the prize winner and his/her address.

If the raffle is being sponsored by the school generally (not by a student or group), this information should be submitted to the superintendent.

VI. Federal Taxation Issues

The fair market value of the prizes must be disclosed to the respective winners. If the fair market value of the prize is \$600.00 or more, then the sponsoring organization must issue an IRS Form 1099 to the IRS and the recipient. Copies of the Form 1099's must be sent to the district's business office. Note that prizes with a fair market value of \$5,000.00 or more are prohibited by the district.



**ANNUAL STATISTICAL/FINANCIAL REPORTS**

The board of education will make annual statistical and financial reports to the Oklahoma Department of Career and Technology Education in a timely manner. The statistical report will be made as of June 30. Each of such reports will be filed with the Oklahoma Department of Career and Technology Education as soon as information is available following the effective date of such reports.

**SURETY BONDS FOR SUPERINTENDENT AND FINANCIAL OFFICERS**

Pursuant to OKLA. STAT. tit. 70, §5-116a (2009), the superintendent and any financial officer of Tulsa Tech are required to furnish a surety bond in the penal sum of not less than One Hundred Thousand Dollars (\$100,000.00) or an amount otherwise set by law to assure the faithful performance of the duties of the superintendent and financial officers.

The board finds that a reasonable definition of “financial officer” is any person whose job description or board policy or practice requires that he or she supervise or handle monetary receipts or disbursements on a reasonably consistent basis and any person who has oversight of funds or who actually transacts financial business on behalf of Tulsa Tech. In accord with this definition the board defines “financial officers” to include the individuals holding in whole or in part the following positions or their functional equivalent: chief financial or business officer, encumbrance clerk, payroll clerk, treasurer, assistant treasurer, or activity fund custodian. Provided however, the bonding requirements of this policy shall not apply to the treasurer which requirements are specifically governed by OKLA. STAT. tit. 70, § 5-115 (1991).

The requirement as to the terms, conditions, penalty, amount or quality or type of surety shall be deemed to mean the furnishing of a separate bond or surety contract for each individual officer or employee, or the furnishing of a “blanket bond”. The latter means a technology center officer and employees blanket position bond which covers all officers and employees up to the penalty of the bond for each officer and employee and the full penalty of the bond is always enforced during its term and no restoration is necessary and there is no additional premium after a loss is paid.

The surety bonds required by § 5-116a shall be furnished by a company duly qualified under the insurance laws of Oklahoma and shall be purchased by Tulsa Tech. Each surety bond shall be payable to Tulsa Tech and require “financial officers” and the superintendent to faithfully perform their duties during their employment or term of office and properly account for all monies and property received by virtue of their position or employment.

In the event of a conflict between this policy and any opinion of a court of competent jurisdiction or an opinion of the Oklahoma Attorney General regarding who constitutes a “financial officer” of Tulsa Tech, the opinion will be deemed to control over any contradictory definition in this policy.

**ACTIVITY FUNDS**

The board of education will exercise complete control over all activity funds and will adopt appropriate rules and regulations for handling, expending and accounting for all such funds.

At the beginning of each fiscal year, the board will approve all activity fund subaccounts, all subaccount fund raising activities and all purposes for which the monies collected in each subaccount can be expended. The board will approve any activity fund raising events during the fiscal year.

All activity fund accounts shall be audited annually by the District's external auditor. The cost of the audit will be paid from the General Fund.

No expenditures will be made from activity funds except by check and on the authorization of the sponsor of the group to whom the fund belongs. All such checks are to be issued and signed and countersigned by persons designated by the board.

All activity monies will be deposited by the collecting site or forwarded to the business office. The custodian of such funds shall deposit the funds daily.

The business office will cause to be kept complete and accurate accounts of all activity funds and will see that monthly reports are made to appropriate parties.

The custodian will provide a surety bond in an amount determined by the board, but not less than one thousand dollars (\$1,000.00).

<p style="text-align: center;"><b>TULSA TECHNOLOGY CENTER</b> BOARD OF EDUCATION POLICY</p>	<p style="text-align: center;"><i>Business and Auxiliary Services</i></p> <p style="text-align: center;">Adopted: December 11, 2017 Revised: October 22, 2018; October 28, 2019; October 26, 2020</p>
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**FEDERAL PROGRAMS**

The technology center participates in a variety of federal programs and receives funding (“Awards”) through those programs. All technology center representatives will comply with all regulatory guidance and laws applicable to the individual programs.

The technology center will regularly monitor its compliance efforts and make appropriate information available to the federal awarding agency (“FAA”), state pass-through entity (“State Entity”), inspectors general, and/or US comptroller. The technology center will make required performance reports using OMB approved information collections reports.

**Audits**

If Tulsa Tech expends \$750,000 or more in federal awards during the fiscal year, those transactions will be audited in compliance with Single Audit Act, OMB Circular A-133 and Government Auditing Standards Employee Compensation.

Regardless of the source of the funds, employees are paid pursuant to the technology center’s salary schedule for all work performed. If personnel costs are paid with Awards, those costs will be calculated as wages and fringe benefits permitted in 2 C.F.R. § 200.431 for services rendered during the relevant time period.

Employees who are paid with Award funds – in whole or in part - must maintain adequate records documenting the time spent performing each set of duties so that their compensation can be correctly allocated to the Award. 2 C.F.R. § 200.430

**Travel and Conference Expenses**

The technology center will follow its standard travel reimbursement and professional development policies and procedures when spending Award funds, except when a federal requirement is more stringent, in which case the technology center will adhere to the more stringent requirement. Any travel, conference / professional development participation and expenses will be reasonable, necessary, and related to the federal program tied to the Award.

**Conflict of Interest / Mandatory Disclosure Regarding Contracting**

The technology center will make written disclosure of any potential conflict of interest to the FAA or State Entity in accordance with the FAA’s policy.

All members of the board are expected to maintain high ethical standards and use good judgment in conducting school business. Members are also required to follow the same standards of professional conduct required of all technology center employees. Board

members specifically agree to refrain from using their position for any unfair personal or business advantage or engaging in any action which gives the appearance of such misconduct. Any board member who violates this policy will be referred to the Oklahoma State Ethics Commission.

### Business Arrangements and Financial Transactions

All board members are required to familiarize themselves with and comply with all the requirements of Okla. Stat. tit. 70, § 5-124.

As required by law, the technology center will not contract with any member of the board or any company, individual or business concern in which any member of the board is directly or indirectly interested. A member of the board is considered to be interested in any contract with a company, individual or business concern if the member of the board or any member of the immediate family (including a partner) of the member of the board owns any substantial interest in the same, or if an organization employs or is about to employ one of these parties. The only exceptions will be those allowed by Okla. Stat. tit. 70, § 5-124.

If a contract is allowed by an exception listed in Okla. Stat. tit. 70, § 5-124, then the board will not give special consideration to any company based on its affiliation with a board member or a board member's family or partner. If the board is seeking to conduct business with a company affiliated with a board member (or a board member's family member or partner) that member will abstain from the contracting process unless a statutory exception applies.

### Gifts

Board members may not seek or accept gifts, payments, services, entertainment, travel, valuable privileges, etc. from individuals or vendors who do business or seek to do business with the technology center, although board members may accept common courtesies such as meals and promotional items as are customarily exchanged in the normal course of business. These courtesies must be of nominal value only. Board members are expected to use good judgment in accepting such courtesies and must avoid any conflict of interest or even the appearance of impropriety.

### Reporting Misconduct

In the event a board member engages in misconduct such as fraud, bribery, or gratuity violations, the board president, or the vice president if the president is the board member engaging in the misconduct, will report the violation to the FAA or State Entity in order to help prevent or prosecute waste, fraud, and abuse.

## **Financial Management Procedures**

### Internal Controls

Financial Officer/Finance Director is responsible for implementing appropriate internal controls over Award funds which are consistent with 2 C.F.R., Part 200 Subpart E. This includes, but is not limited to, reviewing and comparing Awards, budgets, and allocations to determine whether the Awards are being expended appropriately and in compliance with relevant guidelines. Financial Officer/Finance Director is also responsible for taking prompt action if noncompliance is discovered. Financial Officer/Finance Director is required to take

reasonable measures to safeguard protected personally identifiable and protected information.

### General Recordkeeping

The technology center will expend all Awards and account for those Awards in accordance with all applicable laws and regulations. Financial Officer/Finance Director is responsible for maintaining appropriate records, documentation, and oversight related to all Awards. This includes, but is not limited to the following:

- information to prepare all required reports
- compliance documentation to establish conformity with federal statutes, regulations, and the specific terms and conditions of an Award
- proof of the appropriate expenditure of Awards
- records of receipt / expenditure of Awards, including the federal program under which the Award was made, any applicable CFDA number, Award identification number and year, name of the FAA, and name of any applicable State Entity
- accurate, current, and complete disclosure of the financial results of all Awards in accordance with current OMB standards and the terms of the Award
- source documents showing the application for funds, authorizations, obligations, unobligated balances, assets, expenditures, and income and interest related to an Award
- evidence that all Award funds, property, and other assets have been safeguarded and are used solely for authorized purposes
- a comparison of Award expenditures and budgets
- the technology center's written procedures to minimize the elapsed time between the transfer of funds and disbursement by the technology center, when possible, to receive funds in advance from the FAA
- the technology center's written procedures for determining the allowability of costs in accordance with 2 CFR part 200 subpart E and the terms and conditions of the Award

### Records Retention Timeline

The technology center will maintain all records pertinent to any Awards it receives. All documents will be maintained a minimum of three (3) years from the date of submission of the final expenditure report OR three (3) years from the date of the quarterly or annual financial report UNLESS there are pending claims related to project OR the FAA has notified the technology center the records should be maintained longer OR the records have been transferred to or are maintained by the FAA or State Entity. The technology center will retain records for real property and equipment maintained for three (3) years after final disposition.

## Interest

Financial Officer/Finance Director is responsible for maintaining advance Award payments in an interest-bearing account unless:

- the technology center receives less than \$120,000 in Awards per year
- the technology center would earn less than \$500 per year in interest on federal cash balances
- the depository would require an unfeasible minimum balance
- the banking system prohibits interest bearing accounts

Financial Officer/Finance Director is responsible for retaining up to \$500 per year of interest earned on Awards for the technology center to utilize for administrative expenses. Financial Officer/Finance Director is responsible for remitting any additional earned interest to the Department of Health and Human Services Payment Management System.

## Budgeting

Financial Officer/Finance Director is responsible for regularly reviewing budgets and expenses and making appropriate reports and requests for deviations in the budget or project scope.

## Real Property, Equipment, and Supplies

The technology center will appropriately insure all real property, equipment, and supplies ("Property") acquired or improved with Awards, and will take reasonable steps to safeguard and adequately maintain the Property. All Property will be labeled.

The technology center will not encumber Property acquired or improved with an Award without prior approval from the FAA.

The technology center will maintain appropriate records of the Property. These records will include, as applicable, a description, serial/identification number, source of funding (including the Federal Award Identification Number), name of title holder, acquisition date, cost, percentage of federal participation in the project's cost, location, use and condition, disposition data (including date of disposal and sale price).

The technology center will review/update the inventory annually. The technology center will include the following information on the inventory: fund source, description, serial number, acquisition date, acquisition cost, and location.

The technology center will use the Property as long as needed, and may make the Property available for other federal projects as long as this will not disrupt the intended use.

Once the Property is no longer needed, it will be disposed of in accordance with current federal standards.

Property purchased for a Title I, Part A Targeted Assistance program will be reserved only for identified students.

## **General Procurement Standards and Vendor Selection**

### General Standards

The technology center will follow its standard procurement policies and procedures when spending Award funds, except when a federal requirement is more stringent, in which case the technology center will adhere to the more stringent requirement. Financial Officer/Finance Director is responsible for overseeing that contractors perform in accordance with the terms of their contracts / purchase orders.

Any employee who has oversight or compliance responsibilities for administering an Award will comply with the technology center's stated conflict of interest policy above.

The technology center will use processes and analysis designed to avoid acquiring unnecessary and duplicative items and will actively attempt to make economical purchases with Award funds. This may include, when appropriate, consideration of leases, shared service agreements, use of federal excess and surplus property, and value engineering clauses in construction contracts.

The technology center will only award contracts to responsible contractors possessing the ability to successfully perform. In determining whether a contractor is a responsible contractor, the technology center will consider integrity, compliance with public policy, record of past performance, and financial and technical resources.

The technology center will maintain adequate records detailing the history of procurement, including the rationale for the procurement method, selection of the contract type, contractor selection or rejection, and the basis for the contract price for all Awards.

In procurement with Awards, the technology center will only use time and material type contracts after determining that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. If such a contract is used, the technology center will utilize extra oversight on the project.

The technology center will utilize good practices and sound business judgment to settle all procurement issues related to Awards, including source evaluations, protests, disputes, and claims.

### Procurement Methods

For procurement processes with Award funds, the technology center will make technical specifications on proposed procurements available to the FAA or State Entity if requested.

All contracts connected with an Award will comply with 2 C.F.R. §200.318-326.

For all procurements using funds from an Award, the technology center will utilize one of the procurement methods identified below:

- Micro-purchase will be utilized for purchases under \$10,000 (or \$2,000 if the purchase is subject to the Davis-Bacon Act). The technology center will attempt to distribute these purchases equitably among qualified suppliers, and the



technology center will not solicit competitive quotations if the technology center believes a purchase price is reasonable.

- Small purchase procedures will be utilized for purchases under the Simplified Acquisition Threshold (\$250,000). When utilizing this procurement method the technology center will obtain quotes from an adequate number of qualified sources.
- Sealed bids will be utilized when complete, adequate, and realistic specifications are available, multiple bidders are willing and able to compete effectively for the business and the procurement lends itself to a firm fixed price and the successful bidder can be made principally on the basis of price. When utilizing this procurement method, the technology center will timely and publicly issue the invitation for bids - including adequate information about the project. All the bids will be publicly opened as prescribed in the invitation for bids, and the contract will be awarded in writing to the lowest responsible bidder. If a sealed bid is rejected, the technology center will document the reason for the rejection.
- Competitive proposals will be utilized when other procurement methods are not appropriate. The first step of the competitive proposal process is getting an independent estimate. When utilizing this procurement method, the technology center will publicize the evaluation factors and their relative importance to an adequate number of qualified sources and will consider all responses. The technology center will use an established, written method for conducting technical evaluations of the proposals (including receiving independent estimates before receiving bids or proposals) and award the project to the proposal which is most advantageous to the technology center.

The technology center may also use competitive proposals for qualifications- based procurement of architectural/engineering (A/E) services to award proposals to the most qualified competitor – subject to fair and reasonable compensation. The technology center will not use this type of procurement to purchase other types of services through A/E firms.

- Noncompetitive proposals will be utilized when an item is only available from a single source, there is an urgent situation which precludes the delays associated with competitive selection, the FAA or State Entity has expressly authorized this method, or solicitation from multiple sources has yielded inadequate competition.
- Negotiating Profit will be negotiated as a separate element of the price for each contract if there is no price competition and in all cases where cost analysis is performed.

For all procurements using funds from an Award, the technology center:

- will not utilize a cost plus a percentage of cost or percentage of construction cost method of contracting
- will not accept bids or proposals from a contractor that develops or drafts specifications, requirements, statements of work, invitations for bids, or similar documents

- will not unnecessarily restrict bidders to a specific geographic area
- will ensure that if a list of prequalified persons, firms or products are used, that the list is current and includes enough qualified sources to ensure maximum open and free competition
- will take appropriate affirmative steps to ensure that small and minority businesses, women's business enterprises, and labor surplus area firms ("target groups") are included in its contracting process, including:
  - including target groups on the solicitation list and ensure that these target groups are solicited whenever they are potential sources
  - dividing total requirements, if economically feasible, to permit maximum participation by target groups
  - establishing delivery schedules, when possible, which encourage target groups to participate
  - utilizing groups which interface with the target groups (e.g., Small Business Administration, Minority Business Development Agency of the Department of Commerce, etc.)
  - requiring the prime contractor, if using subcontracts, to take these same affirmative steps to include target groups
  - ensuring the technology center and all its contractors comply with the with § 6002 of the Solid Waste Disposal Act, including procuring only items which contain the highest percentage of recovered materials practicable for purchases over \$10,000, procuring solid waste management services which maximize energy and resource recovery, and establishing an affirmative procurement program for procuring recovered materials identified in EPA guidelines

### Suspension and Debarment

The following language shall be included within the terms of any contract for goods and services that will be paid for using federal funding:

### Certification Regarding Debarment, Suspension and Ineligibility

To the best of its knowledge and belief, the contractor or any of its principals are not presently debarred, suspended, proposed for debarment or otherwise declared ineligible for the award of contracts by any Federal agency by the inclusion of the contractor or its principals in the current "LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT OR NONPROCUREMENT PROGRAMS" published by the U.S. General Services Administration Office of Acquisition Policy.

The prospective lower tier participant shall provide immediate written notice to the District if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. Should the prospective lower tier participant enter into a covered transaction with another person at

the next lower tier, the prospective lower tier participant agrees by accepting this agreement that it will verify that the person it intends to do business with is not excluded or disqualified.

### **FEDERAL PROGRAMS COMPLAINTS**

Tulsa Tech receives federal funds and the board has established this policy to help ensure compliance with federal grant requirements. Any student, parent, community member or employee who believes the district has violated any regulation connected with the expenditure of federal funds should notify Tulsa Tech using the process outlined in this policy. This policy specifically covers, but is not limited to, complaints related to the following issues:

- Use of Title I funds
- Flexible Learning Program
- Parental involvement
- Private school access to federal funds
- Homeless student enrollment, transportation and barriers to education
- Teacher and administrator training and recruiting
- Math and science partnerships
- Enhancing education with technology
- English language acquisition
- Safe and drug free schools
- Community learning centers
- Innovative programs
- Small, rural, and/or low-income school programs

#### Definitions

##### *Grievance Coordinator:*

The person designated to process complaints, moderate and keep records during hearings. The grievance coordinator is:

Dr. Scott Williams, Associate Superintendent of Instruction  
Tulsa Technology Center  
P.O. Box 477200  
Tulsa, OK 74147

*Grievant:*

The person making the complaint.

*Respondent:*

The person alleged to be responsible for the improper activity contained in the complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

*Day:*

Day means a working day when Tulsa Tech's main administrative offices are open. The calculation of days shall exclude Saturdays, Sundays and legal holidays.

Procedural Steps

*Step 1:*

Address the problem informally. Prior to filing a written complaint, individuals are encouraged to visit with the responsible party or a school administrator and make reasonable efforts to resolve the problem. School employees are required to participate in this process.

*Step 2:*

If the problem was not resolved informally, or if a parent, student or patron believes informal resolution is not advisable, the grievant may submit a complaint to the grievance coordinator on the attached form. The form must contain all the requested information.

The grievance coordinator will conduct an impartial investigation within ten (10) days of receipt of the complaint (or as soon as reasonably possible given the circumstances, but not more than thirty (30) days). The investigation will include, but not be limited to, interviewing the grievant, respondent, and witnesses, and reviewing relevant documents. The grievance coordinator will specifically ask the respondent to confirm or deny facts, accept or reject the grievant's requested action, and outline alternatives.

After the investigation, the grievance coordinator will prepare a written decision regarding the results of the investigation. The decision will be mailed to the grievant, respondent, and superintendent within five (5) days of the conclusion of the investigation.

*Step 3:*

If either the grievant or respondent are dissatisfied with the step 2 decision, he or she may appeal. The grievance coordinator must receive a written notice of appeal within five (5) days of the appealing party's receipt of the step 2 decision or the matter is deemed resolved. The appeal notice must include a specific statement explaining the basis for the appeal.

Within five (5) days of receipt of a timely appeal, the grievance coordinator will refer the matter to the superintendent (or other impartial individual if the superintendent is the respondent).

The superintendent (or other impartial individual if the superintendent is the respondent) will conduct a hearing within ten (10) days of his/her receipt of the appeal. The grievant, respondent and grievance coordinator will all be invited to attend the appeal hearing, and relevant employees are required to participate in this process.

At the hearing, the superintendent (or other impartial individual if the superintendent is the respondent) will review the information collected through the investigation and may ask for additional oral or written evidence from the parties and any other individual he/she deems relevant. The grievance coordinator will make arrangements to audiotape any oral evidence presented.

After the investigation, the superintendent (or other impartial individual if the superintendent is the respondent) will prepare a written decision regarding his/her findings. The decision will be mailed to the grievant, respondent, and grievance coordinator within five (5) days of the conclusion of the appeal hearing.

*Step 4:*

If either the grievant or respondent are dissatisfied with the step 3 decision, he or she may appeal. The grievance coordinator must receive a written notice of appeal within five (5) days of the appealing party's receipt of the step 3 decision or the matter is deemed resolved. The appeal notice must include a specific statement explaining the basis for the appeal.

Within five (5) days of receipt of a timely appeal, the grievance coordinator will notify the board of education clerk. The board will conduct a hearing within thirty (30) days of the clerk's receipt of the appeal. The grievant, respondent and grievance coordinator will all be invited to attend the appeal hearing, and relevant employees are required to participate in this process.

At the hearing, the board may ask for oral and written evidence to be presented by both parties. The board clerk will make arrangements to audiotape any oral evidence presented.

After the hearing, the board clerk will prepare a written decision regarding the board's findings. The decision will be mailed to the grievant, respondent, grievance coordinator, and general counsel of the Oklahoma State Department of Education / Department of CareerTech within five (5) days of the conclusion of the appeal hearing. The board's decision may be appealed by submitting a request to OSDE / ODCTE's general counsel within thirty-five (35) days of the board hearing.

## General Provisions

### *Extension of time:*

Any time limits set by these procedures may be extended by mutual consent of the parties involved, although the total number of days from the date the complaint is filed until the board of education issues a final decision shall not exceed one hundred twenty (120) days.

### *Confidentiality of Records:*

Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the district. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.

### *Representation:*

The grievant and the respondent may have a representative assist them through the grievance process and accompany them to any hearing.

### *Retaliation:*

Tulsa Tech prohibits retaliation, intimidation, threats, or coercion related to any aspect of the grievance process, including but not limited to: making a complaint, testifying, assisting, appealing, or participating in any other proceeding or hearing. Tulsa Tech will take steps to prevent retaliation. These steps include notifying students and employees that they are protected from retaliation, making sure grievants know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, Tulsa Tech will take strong responsive action.

### *Basis of Decision:*

At each step in the grievance procedure, the decisionmaker will take or recommend appropriate measures based on the facts taken as a whole, as revealed by the investigation and hearing, and the totality of the circumstances, such as the nature, extent, context and gravity of the activities or incidents.

**TULSA TECHNOLOGY CENTER  
BOARD OF EDUCATION POLICY**

*Business and Auxiliary Services*

Adopted: February 13, 1989  
Revised: March 28, 2006; January 14, 2008;  
October 24, 2016; October 26, 2020

**TRAVEL EXPENSE REIMBURSEMENT**

Tulsa Technology Center will pay for certain necessary travel expenses incurred incident to the duly-authorized in-district, in-state, out-of-state and international travel of district employees, Board of Education members, and others who may be authorized to perform services on behalf of the district or travel for specified purposes. The documentation required for reimbursement of travel expenses shall be equal to or greater than that prescribed in the State Travel Act.

Authorized administrators will approve in-district, in-state and out-of-state travel requests for employees they supervise. Authorized administrators include the Superintendent and his or her designees.

Board of Education members require no authorization for in-district or in-state travel. The Board of Education will be the only entity that may approve or disapprove international travel requests for employees and out-of-state and international travel requests for Board of Education members. International travel is defined as travel to any country which requires a passport/visa to enter the country.

Reimbursement or payment of travel expenses will be made for the items listed below in accordance with the terms and conditions set forth in the "Procedures for Payment of Necessary Travel Expenses."

**Items Eligible for Reimbursement**

<b>Item</b>	<b>Rate</b>	<b>Receipt Required</b>
Personal Automobile Use	Standard IRS Mileage Rate	No
Toll Fees	Actual Cost	No
Airfare	Actual Cost	Yes
Rail/Bus Fare	Actual Cost	Yes
Lodging	Actual Cost	Yes
Meals	Per Diem GSA Tables	No
Special Meal Functions	Actual Cost	Yes
Registration	Actual Cost	Yes
Parking Fees	Actual Cost	Yes
Ground Transportation (Taxi, etc.)	Actual Cost	Yes
Car Rental	Actual Cost	Yes
Expenses Incidental to Travel by Person with Disability	Actual Cost	Yes
Miscellaneous	Actual Cost	Yes



The “Procedures for Payment of Necessary Travel Expenses” specify when receipts are required. Board of Education members may be reimbursed for in-district mileage when performing official duties ascribed to their role as an elected member of the Board of Education, including attendance at Board of Education meetings, committee meetings, and school-related events.

Reimbursement will be made when expenses are documented as specified in the procedures for this policy. Requests for reimbursement shall be made as prescribed in the “Procedures for Payment of Necessary Travel Expenses.” The Superintendent or his or her designee may authorize travel on noncommercial aircraft. The Superintendent and his or her designees are authorized to use school credit cards for the purchase of gasoline and other supplies for school vehicles. The Superintendent is authorized to use the school corporate credit card for authorized and necessary travel expenses, including the payment of lodging costs.

Falsification of travel expense claims in any respect shall result in adverse disciplinary action, including but not limited, to termination of employment for employees; public censor for board members; and referral for prosecution for any individual obtaining funds by false or fraudulent claims.

**GUIDELINES FOR THE SANCTIONING OF  
STUDENT ACHIEVEMENT PROGRAMS**

The board of education of Tulsa Tech believes that student achievement programs (curricular, co-curricular and extracurricular) can advance the educational goals of the board of education and confer a benefit to the students of Tulsa Tech. It is the purpose of this policy to establish guidelines for the sanctioning of student achievement programs that raise money and collect revenues for the benefit of students. Only those student achievement programs sanctioned in accordance with this policy will be exempt from the statutory controls over school activity funds found in the Oklahoma School Code, OKLA. STAT. tit. 70, § 5-129.

Sanctioning Procedure for Student Achievement Programs

Tulsa Tech may sanction student achievement programs that, according to the board's determination, advance the educational objectives of Tulsa Tech, are beneficial to students, and meet the requirements of this policy.

In determining whether a student achievement program should be sanctioned by Tulsa Tech, the board of education may consider: (1) if the program promotes activities that are an extension, expansion, or application of Tulsa Tech curriculum; (2) if the program assists student government or activities in carrying out special projects or responsibilities; (3) if the program assists student clubs, organizations, and other student groups in raising funds to promote activities approved by the board of education; and (4) supplemental information provided by the student achievement program in support of its application.

A written statement by a student achievement program to the board of education requesting sanctioning shall include the following: (1) a statement of its purpose, goals, organizational structure, and membership requirements; (2) a detailed statement of how Tulsa Tech and its students will benefit if the organization is sanctioned; (3) a statement of nondiscrimination consistent with all Oklahoma and federal laws; and (4) financial and performance audits, if any, which have been performed on such program by an independent accounting firm.

The written statement shall be submitted to the superintendent for preliminary review. After the program's written statement has been reviewed by the superintendent, the superintendent shall make a recommendation to the board of education. The board of education shall review the written statement, and shall sanction or decline to sanction the applicant. The decision of the board of education is final and nonappealable.

In order to maintain the status of a sanctioned program in accordance with this policy, the superintendent of schools or the board of education may require from any such program, on an annual basis, that financial and performance audits be performed on the program by an independent accounting firm. If required by the superintendent of schools or the board of education, the audits shall be submitted to the superintendent within ninety (90) days of the superintendent's request. The board of education shall review any audits submitted and determine if the program is entitled to continue to be sanctioned in accordance with this

policy and if its funds should continue to be exempt from the statutory controls over student activity funds found in the Oklahoma School Code, Okla. Stat. tit. 70, § 5-129.

The superintendent or the board of education may, at any time they deem warranted, request copies of any and all records maintained by the program. Copies of records must be promptly provided upon the request of the board or superintendent.

The board may, at its discretion, withdraw sanctioning at any time it deems it in the best interest of Tulsa Tech. Any decision of the board of education to withdraw sanctioning is final and non-appealable.

No program sanctioned under this policy shall publish or otherwise publicly indicate in any manner that it has been sanctioned by Tulsa Tech under this policy.

<b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b>	<i>Business and Auxiliary Services</i>  Adopted: December 11, 2017
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**AUDITOR**

The board of education will provide for and cause to be made an annual audit of Tulsa Tech for each fiscal year. The audit will include a financial audit and a compliance audit of all technology center funds. Audits will be made at the end of each fiscal year at a minimum and may be required by the board at more frequent intervals.

A written report of the audit will be furnished to the board by the auditor. The board will conduct a final exit interview with the auditor at an open board meeting.

Adopted: June 26, 1989  
Revised: May 9, 2006; April 28, 2014;  
August 10, 2017; December 11, 2017;  
October 22, 2018; October 26, 2020

## **PURCHASING AND PROCUREMENT**

The authority for issuing purchase orders is delegated to the District Purchasing Manager by the Board of Education, and the District Purchasing Manager will obtain products, equipment, and services in accordance with State law, this policy, and sound purchasing procedures.

The District Purchasing Manager has the authority for managing the issuance of purchase orders. In his/her absence, the authority for issuing purchase orders will be assumed by the Director, Finance/Controller.

Routine requests for products, equipment, and services will be prepared using the order requisition process and forwarded to Purchasing department via the normal approval chain. No purchase order (PO) will be issued until a properly authorized requisition is submitted to Purchasing.

Purchasing will review each Requisition and has the authority to add, change or modify to ensure that specifications, vendor and pricing are compatible. The Chief Financial Officer, or designee, will review all purchases to ensure the product and or services being requested represent legal, consistent and appropriate use of taxpayer funds.

The Purchasing Manager shall seek competitive solicitation with full and open competition encouraged. Quotes will be obtained when possible, for purchases under \$3,000 verbal quotes are acceptable. For purchases greater than \$3,000 written quotes shall be obtained. Three competitive written are recommended to adequately review markets.

No expenditure involving an amount greater than five hundred dollars (\$500.00) shall be made except by purchase order. No contract involving an expenditure of more than fifty thousand dollars (\$50,000) for the purpose of erecting any public building or making any public improvements shall be made except upon sealed proposals and to the lowest responsible bidder meeting bid specifications.

Construction contracts for minor maintenance or minor repair work equal to or greater than Twenty-Five Thousand Dollars (\$25,000) but less than Fifty Thousand Dollars (\$50,000) shall be let and awarded to the lowest responsible bidder by receipt of written bids meeting the bid specifications. Construction contracts for minor maintenance or minor repair work for less than Twenty-five Thousand Dollars (\$25,000) may be negotiated with a qualified contractor. Any expenditure made under the Competitive Bidding Act shall be subject to the procedures as provided therein.

The Board of Education reserves the right to reject any or all bids or parts of bids, and to award the bid in the best interest of the District. The Board also reserves the right to waive informalities or minor irregularities in the bid.

Any employee making an unauthorized purchase assumes the risk that he or she will be held personally responsible for paying the bill for those goods and/or services without

contribution or reimbursement from the district. Any employee making an unauthorized purchase shall complete an Assumption of Responsibility Form when seeking District payment for the transaction.

#### Natural Disasters and Unforeseen Events

A purchase made necessary due to a natural disaster or unforeseen event that requires immediate acquisition to preserve District property or to protect public health, may be authorized by the Chief Financial Officer to expedite response. A Purchase Order will be issued as soon as feasibly possible.

#### Local Preference

Where appropriate, Purchasing will utilize a competitive purchasing process. Preference will be given to local and historically underutilized businesses of goods and services when equal quality, competitive prices and responsive delivery schedules exist. A local supplier is one who maintains a distributing, manufacturing, or processing facility within the confines of the District and who occupies real property or possesses personal property appearing on the ad valorem tax rolls. A historically underutilized business (HUB) is a small minority, women and /or veteran owned.

Reference: OKLA. STAT. tit. 61 § 103  
OKLA. STAT. tit. 70 § 9-109

**SELECTION OF A CONSTRUCTION MANAGER**

Pursuant to Okla. Stat. tit. 61, § 62, the Board of Education authorizes the Superintendent or his or her designee to develop and maintain procedures for the selection of a construction manager for each project for which the technology center determines that the employment of a construction manager is permitted and desirable. This procedure shall, at a minimum:

1. Extend consideration only to construction managers recognized as qualified by the Department of Real Estate Services of the Office of Management and Enterprise Services;
2. Evaluate the candidates' professional qualifications, including but not limited to, licensing, registration, certifications, technical abilities and past experience relevant to the contemplated project; and
3. Select a construction manager based on professional qualifications and technical experience.

Upon selection of a construction manager, the technology center shall negotiate a contract with the highest qualified construction manager, provided that a fee can be negotiated that is fair and reasonable to both parties. In the event a reasonable fee cannot be negotiated with the selected construction manager, the technology center may negotiate with other construction managers in order of their qualifications.

Reference: Okla. Stat. tit. 61, § 62

<p><b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b></p>	<p><i>Business and Auxiliary Services</i></p> <p>Adopted: June 26, 1989  Revised: May 9, 2006; December 11, 2017  October 22, 2018; October 28, 2019; October  29, 2020</p>
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**INTERIM AUTHORITY TO ENCUMBER FUNDS**

In order to expedite the purchasing process, the District Purchasing Manager may prepare and release purchase orders up to \$50,000 prior to board approval, provided such purchase orders/encumbrances are presented for ratification at the next board meeting and receive the written authorization and pre-approval of the superintendent. In no case will purchase requests be split to circumvent this policy.

No purchase order equal to or greater than \$50,000 may be released unless the superintendent (or in his/her absence, a designee) signs a purchase certificate which states the reason why the purchase order needed to be released prior to approval by the board. A copy of the certificate will be attached to the report of encumbrances at the next board meeting.

The release of purchase orders in instances involving business necessity wherein the superintendent has determined that significant monetary or operational disadvantage to Tulsa Tech will occur if approval is delayed until the next board meeting is permitted. This spending authority is only available where normal bidding procedures are not required by law and budget appropriations are adequate to cover such obligation. For change orders governed by the Public Competitive Bidding Act (PCBA) approval by the superintendent or designee is capped at \$40,000, otherwise the same procedures described herein shall apply.

Prior to releasing any Purchase Orders or Change Orders, the business office will determine that adequate funds are available to cover the cost of the purchase and the encumbrance of those funds has been properly recorded.



### **SUBSTITUTE INSTRUCTORS**

The board of education employs substitute instructors to follow the daily lesson plan provided by a regular instructor who is unable to be present in his/her class. Individuals wishing to perform duties as a substitute instructor must be annually approved by the board or be subsequently approved by the board for inclusion on the school's master list of substitute instructors. Only substitute instructors included on the technology center's approved substitute list will be employed. All substitute instructors will be paid at the annual board approved substitute rate of pay.

Prior to employment with the technology center, a substitute instructor may be required to undergo a background check pursuant to the board's policy governing criminal records searches. General exceptions to the background check requirement relate to teachers of ten or more years who have retired from the technology center and individuals who have been full time Oklahoma teachers in the past five years at another district where a background check is already available.

The employment of an individual substitute instructor within the technology center shall be limited as follows:

- maximum of 135 days per school year if the substitute does not have a current or lapsed/expired teaching certificate or bachelor's degree, with a maximum of 135 days in the same assignment;
- maximum of 145 days if the substitute has a lapsed/expired certificate or possesses a bachelor's degree, with a maximum of 145 days in the same assignment; or
- no limit on the number of days within the district or in the same assignment if the substitute holds a valid certificate.

Reference: Okla. Stat. tit. 70, § 6-105

**DUPLICATE CHECKS / WARRANTS**

Tulsa Tech may issue a second or duplicate check or warrant in lieu of any check or warrant that has been issued and subsequently lost or destroyed. No second or duplicate check or warrant shall be issued within thirty (30) days of the original issuance date, until Tulsa Tech has stopped payment on said item by the payor bank, or in the alternative, until an affidavit setting forth the facts as to the loss or destruction of the original check or warrant has been received by Tulsa Tech from the payee. The payee may petition for an exception to the thirty (30) day waiting period to the Finance Director or CFO. The appropriate administrator may use his/her discretion in determining which alternative to use to preclude any technology center loss, taking into account Tulsa Tech's past relationship with the payee, the amount of the original warrant, and other relevant factors. Tulsa Tech shall, as nearly as possible, preclude any loss being sustained by the issuance of any second or duplicate check or warrant.

### **IDENTITY THEFT PREVENTION**

This policy is adopted to ensure compliance with the Fair and Accurate Credit Transaction Act, 15 USC. §1601 et seq. and the Federal Trade Commission's rules regarding Identity Theft (the "Red Flag Rules"). Tulsa Tech is subject to the Red Flag rules if it is a "Creditor." Tulsa Tech is a Creditor if it provides any goods or services for a fee *and* as a matter of course extends credit to its customers by offering them the ability to pay for those goods and services *after* they are provided as opposed to requiring prepayment or contemporaneous payment. Tulsa Tech is a creditor with respect to limited areas involving a low risk of identity theft. Areas in which Tulsa Tech allows a debtor to defer payment owed Tulsa Tech include, but are not limited to, school meal charges, child care charges, adult education tuition, facility use charges and similar accounts. Tulsa Tech must review all of its "Accounts" to determine whether any of those accounts are "Covered Accounts." As to "Covered Accounts," it must develop an Identity Theft Program (herein referred to as the "Program") designed to detect, prevent, and mitigate identity theft in connection with a Covered Account.

#### Definitions

For purposes of this policy, the following definitions apply.<sup>1</sup>

"Account" means a continuing relationship established by a person with Tulsa Tech to obtain a product or service for personal, family, household, or business purposes. Note that the requirements of the federal rules apply not only to existing accounts but also to new account openings, when a relationship has not yet been established.

"Technology center" means Tulsa Technology Center.

"Covered Account" pertains to accounts which involve prepayment or contemporaneous payment as well as payment in arrears and means (i) an account that Tulsa Tech offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments or transactions, such as a child care account, cafeteria account, tuition account, or facility rental account and similar accounts; and (ii) any other account that Tulsa Tech offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of Tulsa Tech from identify theft, including financial, operational, compliance, reputation, or litigation risks. This category of Accounts includes Tulsa Tech's small business accounts, sole proprietorship accounts, and accounts for which the risk of identity theft is reasonably foreseeable because of how they are opened and accessed (i.e., the accounts can be accessed without face-to-face contact, such as through the Internet or by telephone).

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<sup>1</sup> Other than technology center and "personal identifying information", definitions provided in this section are based upon the definitions provided in 16 C.F.R. § 681.1.

“Credit” means the right granted by Tulsa Tech to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

“Creditor” means a business or organization that regularly defers payment for goods or services or provides goods or services and bills customers later (as opposed to requiring prepayment or contemporaneous payment).

“Customer” means a person that has a covered account with Tulsa Tech.

“Identity Theft” means fraud committed or attempted using identifying information of another person without authority.

“Person” means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

“Personal Identifying Information” means a person’s credit card account information, debit card information, bank, bank account information, and driver’s license information and for a natural person includes the individual’s social security number, mother’s birth name, and date of birth.

“Red Flag” means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

“Service Provider” means a person that provides a service directly to Tulsa Tech.

#### Creation of Identity Theft Program

Tulsa Tech shall create an Identity Theft Program to protect Covered Accounts. At a minimum, the Program will:

1. Identify and list the Covered Accounts.
2. Identify and list the red flags indicating that someone might be attempting to obtain services, products or information surreptitiously by claiming to be someone they are not.
3. Explain how Tulsa Tech will detect red flags that have been identified.
4. Explain how Tulsa Tech will respond if a red flag is detected.
5. Designate a senior administrative employee to administer the program.
6. Describe Tulsa Tech staff who need to be trained on how to detect and respond to identity theft and the training they should receive.
7. To ensure the protection of Tulsa Tech clients from identity theft via Tulsa Tech contracted service providers, identify the categories of service providers that should be required via contract to assist Tulsa Tech in detecting red flags and must therefore either have their own red flags program or ensure compliance with Tulsa Tech’s red flags program.

8. Identify how Tulsa Tech will periodically reassess its operations to ensure that its red flag program reflects the current risks of identity theft to its clients (including, but not limited to, the types of records/accounts that are subject to the Red Flag Rules as Covered Accounts and the activities or occurrences that should be designated as a red flag for identity theft).
9. Be submitted to Tulsa Tech's board for approval.
10. Be annually re-evaluated to determine whether material changes have occurred warranting changes to Tulsa Tech's identity theft policy and program.

#### Updating the Program

Upon the recommendation of the superintendent, the board of education shall annually review and, as deemed necessary by the board, update Tulsa Tech's identity theft prevention program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of Tulsa Tech and its covered accounts from identity theft. In so doing, the board shall consider the following factors and exercise its discretion in amending the program:

1. Tulsa Tech's experiences with identity theft;
2. Updates and methods of identity theft;
3. Updates and customary methods used to detect, prevent, and mitigate identity theft;
4. Updates on the types of accounts that Tulsa Tech offers or maintains; and
5. Updates in service provider arrangements.

**CAMPUS SAFETY AND THE  
JEANNE CLERY ACT**

Tulsa Tech has taken steps toward improving the safety and well-being of students, employees and visitors. Tulsa Tech engages in comprehensive violence prevention efforts, including education programs which seek to increase awareness and reduce incidents of misconduct such as bullying, harassment, intimidation, retaliation, and criminal acts including sex offenses. Tulsa Tech will not tolerate these acts on its campus or off campus if such conduct impacts the education environment.

Bullying, Harassment, Intimidation and Retaliation

These forms of misconduct will be investigated and responded to under Tulsa Tech's policies and procedures related to such misconduct. Copies of these policies and procedures are available on the district's website and through the campus director's office.

Criminal Activity and Sex Offenses

Criminal activity is defined as any conduct which violates a local, state or federal law. Examples include, but are not limited to, all forms of homicide, assault, battery, robbery, theft, arson, property crimes, hate crimes, weapons violations, and drug/alcohol violations.

Sex offenses are a type of criminal activity and are defined as unwelcome conduct of a sexual nature. Sex offenses commonly include stalking, rape, and acquaintance rape. Sex offenses may include other misconduct, whether violent or nonviolent, if the conduct is unwelcome and is of a sexual nature.

Reporting Criminal Activity and Sex Offenses

Any individual who has witnessed or been the victim of criminal activity, including sex offenses, should immediately report the incident to local law enforcement (911) and/or the campus director and campus security:

Broken Arrow Campus	918-828-3000
District Services Center	918-828-5130
Lemley Memorial Campus	918-828-5000
Owasso Campus	918-828-1400
Peoria Campus	918-828-2000
Riverside Campus	918-828-4000
Sand Springs Campus	918-828-1300
Skyline Campus	918-828-5000

This will increase safety and allow for critical evidence to be preserved. Any member of Tulsa Tech's administrative team will help students report sex offenses to law enforcement upon the student's request.

Sex offenses should also be promptly reported to Tulsa Tech's Title IX Coordinator so Tulsa Tech can conduct an appropriate investigation and take the necessary remedial actions. Reports can be made to:

Title IX Coordinator  
918-828-5081  
Tulsa Technology Center  
P.O. Box 477200  
Tulsa, OK 74147

### Investigations

All criminal activity and sex offenses alleged to have occurred on campus, whether involving a visitor, employee or student, will be promptly investigated. All sex offenses alleged to have occurred off campus but involving a technology center student will be investigated to determine if the incident has impacted the education environment. Although this investigation may be conducted in conjunction with local law enforcement, Tulsa Tech will independently determine whether student or employee disciplinary consequences are appropriate and what, if any, victim supportive services should be offered.

### Disciplinary Procedures and Consequences

Both the accused and the accuser have the right to be present and/or represented at any formal disciplinary hearing, and both shall be informed of the outcome of the investigation.

Any student or employee who is determined to have committed a sex offense or other crime on campus will face severe disciplinary consequences, up to and including termination for employees and expulsion for students. A full statement of Tulsa Tech's disciplinary procedures can be found in policies regarding student behavior (for students) and professional conduct (for employees). These technology center sanctions are independent of other civil or criminal penalties through law enforcement.

### Supportive Services for Victims of Sex Offenses

Any individual who is the victim of a an on-campus sex offense, and any student who is the victim of an off-campus sex offense impacting the education environment may receive information on community resources such as mental health care, victim advocacy and housing referrals. Technology center administrators will work with these individuals to assess the need and craft appropriate interventions to ensure continued student and employee success.

### Statistical Information

Prior to October 1<sup>st</sup> of each year, Tulsa Tech will disseminate a campus crime report to all current students and employees via regular U.S. mail, campus mail, email, or a combination of these methods or posting on Tulsa Tech's website after individually notifying employees and students of the availability of the report. The report will comply with all aspects of the Clery Act. Applicants and members of the public may request a copy of this report by <http://tulstatech.edu/safety-security/>.

The district will maintain all statistical data on Clery Act crimes for seven (7) years.

**DISTRICT PROVIDED STUDENT TRANSPORTATION**

It is the policy of the Board of Education of Tulsa Technology Center to provide, or secure an agreement(s) for, a transportation system approved by the State Board of Career and Technology Education for the benefit of its secondary students at no cost to the local boards of education served by Tulsa Technology Center.

District owned school buses used to transport students shall be operated in compliance with the current School Laws of Oklahoma and any additional regulations established by the State Board of Career and Technology Education.



### **SAFETY DRILLS AND EMERGENCY MANAGEMENT**

The board of education has appointed a committee composed of the superintendent and other designated personnel for the purpose of developing and maintaining Tulsa Tech's emergency plans. A crisis plan will be developed by local officials to provide guidance for those responsible for the safety of students and property. This plan will be evaluated regularly to ensure it meets the school's safety needs. Although the complete plan will only be available to those with a legitimate need to know the information, Tulsa Tech will make an overview of its plan containing all pertinent information available to all students and employees.

A minimum of 10 safety drill activities per year will be planned and implemented by the superintendent, the fire marshal, or other civil authorities, to ensure orderly movement of students to the safest available space(s) should an emergency occur. Whenever drills occur, all individuals on campus will fully participate in the drills. The following drills will be conducted each school year:

- Security (4 drills per year at different times of day; 1 drill within the first 15 days of the start of each semester and 1 other drill per semester)
- Fire (1 drill within the first 15 days of the start of each semester)
- Tornado (1 drill in September and 1 drill in March)
- Other drills such as security, fire, tornado, terrorism, suicide, weapons, etc. (2 drills per year)

The superintendent and/or a representative from the environmental, health and safety office will maintain communication with other community agencies in order to share information on preparedness and planned procedures. It is the responsibility of the superintendent to ensure that Tulsa Tech work in cooperation with these other agencies during such emergencies. Campus directors are responsible for documenting each of the safety drills which are conducted and filing a copy of the documentation in the campus office, with Tulsa Tech's main administrative office, and with the Oklahoma School Security Institute.

Emergency preparedness will be discussed with employees and students at least once per semester or as deemed necessary by the campus director. Each classroom shall post a copy of rules, evacuation signals, evacuation routes and emergency procedures. Instructors will discuss these procedures with each class using the room during the first day(s) of the school year.

All teachers and staff members shall make themselves familiar with safety procedures. During an actual emergency or a safety drill, teachers are responsible for following all procedures, including ensuring that doors and windows are closed appropriately, electrical circuits and gas jets are turned off, order is maintained, and all students are either accounted for or promptly reported missing to the campus director.

In the case of building evacuations, all meeting areas will be at least 50 feet away from buildings and driveways.

In addition to other notification actions deemed appropriate to the situation, Tulsa Tech may also send texts and/or email alerts related to significant emergencies or dangerous situations if there is a threat to the health or safety of students or employees.

All decisions related to such notifications and alerts will be made by the superintendent or his/her designee based on the totality of the circumstances at the time of the decision. Information on how to sign up for the alert system will be provided to students and employees at the beginning of each semester.

The administration will also issue timely warnings for situations which are not emergency situations but which warrant campus wide notifications. These timely warnings will be disseminated through email, School Messenger, or any other method as determined appropriate under the circumstances.

Students and patrons with information about a crime at Tulsa Tech should report that information to the relevant site security officer or campus director:

Broken Arrow Campus	918-828-3000
District Services Center	918-828-5130
Lemley Memorial Campus	918-828-5000
Owasso Campus	918-828-1400
Peoria Campus	918-828-2000
Riverside Campus	918-828-4000
Sand Springs Campus	918-828-1300
Skyline Campus	918-828-5000

Any employee who receives information about a crime is required to promptly notify the campus director.

## **SAFE SCHOOL COMMITTEES**

### Safe School Committees

This policy will govern the operation of the district's safe school committees.

1. Each campus director will annually establish a Safe School Committee of at least seven (7) members. Members may be employees, parents, students, volunteers, community members and/or local law enforcement officials. All members of each Safe School Committee shall serve until the following June 30 unless earlier removed from the committee by the campus director for any reason. The campus director who appoints the Safe School Committee members shall advise the superintendent, in writing, of the names, addresses and phone numbers of the committee members. In case of a resignation, death or removal of any committee member, the campus director shall immediately appoint a successor committee member so as to maintain the composition of the committee as set forth above. Committee members are eligible to serve consecutive terms.
2. The Committee will assist the board in promoting a positive school environment through planning, implementing, and evaluating effective prevention, readiness, and response strategies.
3. Each Safe School Committee shall study and make recommendations, in writing, to the campus director regarding:
  - unsafe conditions; possible strategies for students to avoid harm at school; student victimization; crime prevention; school violence and other issues that prohibit the maintenance of a safe school; and student bullying;
  - Professional development needs of faculty and staff to recognize and avoid bullying and implement methods to decrease student bullying;
  - Professional development needs of faculty and staff to recognize and report suspected human trafficking;
  - Methods to encourage the involvement of the community and students, the development of individual relationships between students and staff, use of problem-solving teams that include counselors and/or school psychologists, and ways to utilize behavioral health resources, including suicide prevention resources.

As part of the process, each committee shall review traditional and accepted bullying prevention programs utilized by other states, state agencies or technology centers.

4. Each Safe School Committee shall meet at least once each semester. Each committee shall appoint a committee chairperson who shall maintain written minutes of each meeting. The committee chairperson will be responsible for notifying all committee members of meetings, preparing agendas for each meeting and posting the agendas in the campus director's office for a reasonable period prior to the date and time of each meeting. The campus director of each site will retain all agendas, minutes and other documents related to the Safe School Committee.
5. Prior to the last day of school of each school year, each Safe School Committee shall make a written report to the campus director. The campus director shall transmit a copy of the report to the superintendent. The superintendent shall maintain the reports in the records of Tulsa Tech and shall transmit a copy of each Safe School Committee report to each technology center board member.
6. Committees may also, if they deem it appropriate, make recommendations to the board regarding the development of a rape / sexual assault program for implementation at the site level. The board will consider any such recommendations to determine whether implementation of the recommended or an alternative program is warranted.

**INTERFERENCE WITH THE  
PEACEFUL CONDUCT OF ACTIVITIES**

The superintendent or anyone designated by the superintendent or the board of education to maintain order in/at technology center sites shall have the authority and power to direct any person to leave property or any school activity when students are present, who is not a student, officer or employee thereof, and who:

1. Interferes with the peaceful conduct of activities on school property;
2. Interferes with the peaceful conduct of school activities off school property when students are present;
3. Commits an act that interferes with the peaceful conduct of activities on school property;
4. Commits an act that interferes with the peaceful conduct of school activities off school property when students are present;
5. Enters school property for the purpose of committing an act that may interfere with the peaceful conduct of activities on school property;
6. Enters non-school property when students are present for the purpose of committing an act that may interfere with the peaceful conduct of school activities

For purposes of this policy, the term “interferes with the peaceful conduct” includes, but is not limited to, actions that directly interfere with classes, study, student or faculty safety, housing or parking areas or extracurricular activities or any lawful activity; threatening or stalking any person; damaging or causing waste to any property belonging to another person or Tulsa Tech; or direct interference with administration, maintenance or security of property belonging to Tulsa Tech.

Any person to whom this policy applies, who fails to leave the premises as directed or returns within six (6) months thereafter, without first obtaining written permission from the superintendent or anyone designated by the superintendent or the board of education, shall be guilty of a misdemeanor.

Appeal Process

After receiving a directive under this policy to leave the premises, the person issued the directive may request reconsideration by taking the following steps:

*First Level of Appeal:*

The person may request review of the initial decision by letter to the superintendent. If no written request is received within five (5) calendar days of the person's receipt of written notification of the directive to leave the premises, the directive will be final and nonappealable. If the superintendent issued the initial directive to leave the premises, the person issued the directive may proceed directly to the final level of appeal.

*Final Level of Appeal:*

The person may request review of the superintendent's decision by letter to the superintendent or the clerk of the board of education. If no written request is received within five (5) calendar days of the person's receipt of the superintendent's written notification of his or her decision, the superintendent's decision will be final and nonappealable. The person will be notified in writing of the date, time and place of the board meeting at which the decision will be reviewed. The board's decision will be final and nonappealable.

The superintendent or person who issues the directive to leave the premises will give the person to whom the directive is issued a copy of this policy within a reasonable amount of time after issuing the directive. During any appeal process, the person given the directive to leave the premises must remain off the premises unless the superintendent, in writing, instructs that the directive is to be stayed pending the appeal process.

Reference: OKLA. STAT. tit. 21, § 1376

**RESTRICTIONS ON PRESENCE OF  
SEX OFFENDERS ON SCHOOL PROPERTY**

Purpose

The purpose of this policy is to identify the circumstances under which registered sex offenders are permitted by law to come within 300 feet of a campus and to identify Tulsa Tech's procedures when such an exemption applies.

Policy

By law, a person who has been convicted of a crime that requires the person to register pursuant to the Oklahoma Sex Offenders Registration Act and when the victim was a child under the age of 13 at the time of the offense is prohibited from loitering within 300 feet of any campus of Tulsa Tech. The same prohibition applies to a person who has been convicted of an offense in another jurisdiction, which offense, if committed or attempted in Oklahoma, would have been punishable as an offense listed in OKLA. STAT. tit. 57, § 582 and the victim was a child under the age of 13 at the time of the offense. Persons convicted of sex offenses in the State of Oklahoma prior to the effective date of the Oklahoma Sex Offenders Registration Act, which is November 1, 1989, are not subject to this prohibition.

By law, the only exemption to this prohibition occurs when:

- The person is the custodial parent or legal guardian of a child enrolled in the school; and
- The person is enrolling, delivering or retrieving that child at the school during regular school hours or for school-sanctioned extracurricular activities.

Tulsa Tech intends to enforce the legal prohibition and to strictly construe the exemption. The legal prohibition does not apply to sex offenses committed against children 13 and over.

To enter a campus building to enroll his or her student, the person must first confer with the campus director. The person must comply with the director's instructions for the student's enrollment.

To deliver or retrieve his or her enrolled student from school during regular school hours or for a school-sanctioned extracurricular activity, the person must remain in his or her vehicle at all times unless the person has obtained prior written approval from the campus director to leave the vehicle to deliver or retrieve the student at a designated location.

If the person desires to enter a campus site for a matter concerning his or her enrolled student that is not covered by the legal exemption, he or she must first confer with the campus director. Some examples might be to review records, to attend a parent-teacher conference or to attend an IEP team meeting for the student. The campus director will

attempt to work with the person to provide the desired information at a non-school site, via telephone or through some other medium.

Any person who violates this policy may be barred from all technology center property. Violators may also be subject to criminal penalties.



### **DISTRIBUTION OF MATERIALS**

In order to ensure student safety and the orderly operation of Tulsa Tech, non-school materials (fliers, booklets, magazines, buttons, announcements, signs, etc.) will only be distributed to district students under limited circumstances. All campuses will provide notice of the proper procedures for the distribution of materials. Permission to distribute materials is not an endorsement of the content of the materials either by the individual granting the permission or the board of education.

This policy does not apply to official technology center publications, such as yearbooks or student newspapers, and does not apply to signs posted for school events.

#### Authorized Groups

Authorized Groups include technology center recognized organizations and school sponsored student organizations, programs, and activities. These Authorized Groups may distribute materials to students as long as these materials are related to the Authorized Group's mission.

#### Other Individuals and Groups

Other Individuals and Groups (Others) may distribute materials directly to students with the superintendent's prior approval. Others may also request that Tulsa Tech distribute materials to students by contacting the superintendent. The superintendent has final authority in determining whether the materials are appropriate for distribution and the terms and conditions for the distribution. The following criteria will be used in the superintendent's consideration of the request:

- Materials which are of educational value to students should be considered for distribution;
- Materials which provide notice of a community service or event likely to be of value to students and families may be considered for distribution;
- Materials which are of a political or commercial nature will generally not be considered for distribution, unless there is a compelling reason that the material should be distributed;
- Materials which are inappropriate for the education environment will not be considered for distribution, including materials which:
  - Are obscene to minors - (a) material which, taken as a whole, lacks serious literary, artistic, political or scientific value for minors and, (b) when an average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to an obsessive interest in sex by minors of the age to whom distribution is directed;

- Are libelous - a false and unprivileged statement about a specific individual which tends to harm the individual's reputation;
- Are vulgar, lewd or indecent - material which, taken as a whole, an average person would deem improper for presentation to minors because of sexual connotations or profane language;
- Display or promote unlawful products or services - material which advertises or advocates the use of products or services prohibited by law from being sold or provided to minors;
- Defames any group - material which disparages a group or a member of a group on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information – including racial and religious epithets, “slurs,” insults and abuse;
- Disrupts school operations - material which, on the basis of past experience or based on specific instances of actual or threatened disruptions relating to the written material in question, is likely to cause a material and substantial disruption of the proper and orderly operation of school activities or school discipline.

If distribution is approved the superintendent or his/her designee shall designate the appropriate time, method, and location of distribution of the materials.

#### Students

Students may distribute materials at building entrances and exits 30 minutes before the start of the school day and 30 minutes after the conclusion of the day, and in the cafeteria or break rooms during typical meal periods. Students may also distribute materials at the entrances and exits of school facilities (auditoriums, etc.) when those facilities are being used for a school sponsored activity.

The content of any student distributed materials must be appropriate, as outlined above. Students may not distribute the materials in a manner which is disruptive, and may not pressure or force individuals to accept materials.

Students who distribute materials are responsible for removing all discarded and leftover copies from the facilities prior to leaving the premises after distribution.

Students who violate this policy shall be subject to disciplinary action in accordance with the district's policies on student behavior.

#### Information Tables at Open House Events

The superintendent may, but is not required, to designate an open house event up to one (1) time per semester to allow Authorized Groups and Others to set up information tables and meet with parents and students. Authorized Groups may also have additional opportunities and preferential locations for providing materials and information to parents and students. Others will not be excluded solely because of political, religious, or philosophical beliefs.

### **COMMUNICABLE DISEASES**

Many communicable diseases, including Human Immunodeficiency Virus (HIV) and/or Acquired Immune Deficiency Syndrome (AIDS), require special consideration in the school environment. The board of education seeks to provide an environment which is safe for all students and employees, while maintaining the dignity and privacy of individuals infected with communicable diseases.

Current research indicates that the risk of transmitting HIV/AIDS and other communicable diseases is low in the school setting when appropriate procedures are followed. All school employees are required to follow the district's Bloodborne Pathogen Exposure Control Plan at all times when there is a potential for exposure to any bodily fluid. Parents/guardians will be notified in the event a minor student has been exposed to a potentially infectious agent.

Information regarding an individual's communicable disease status will be maintained in a separate confidential file and will only be disclosed:

- in compliance with Oklahoma law; or
- with the express approval of the superintendent.

Information about an individual's communicable disease status will not be included in the individual's regular school or health records. Any individual who discloses another person's communicable disease status without the superintendent's express authorization will face disciplinary action.

#### Student Admission

No student will be denied an education or participation in the activities of the district based solely on his/her status as a student infected with a communicable disease. In the event the school administration learns that a student may have a communicable disease, the superintendent or designee will consult with the Oklahoma State Department of Health regarding an appropriate educational environment for the student. All decisions regarding an appropriate educational setting for the student will be made on a case-by-case basis following established policies and procedures for students with chronic health problems or other disabilities. The placement decision will be periodically reviewed, and will also be reviewed at any time a staff member observes behavior which might pose a reasonable risk of transmitting the communicable disease.

#### Employment

No individual will be denied employment or have his/her contract nonrenewed based solely on his/her status as an individual infected with a communicable disease.

### **CONTAGIOUS HEALTH CONDITIONS**

Tulsa Tech is committed to providing a safe and healthy environment for all students and employees. School administrators will enforce this policy for the benefit of all members of the school community but will attempt to avoid embarrassment to an affected individual as practical given the totality of the circumstances. Students and employees with unique health circumstances may request an exception to this policy by providing a statement from a physician certifying that there is no danger of the condition spreading to others in the school environment. The district will comply with physician instructions when implementing the requirements of this policy.

Any student or employee who is determined to be afflicted with a contagious health condition such as head lice or bed bugs—in all stages/forms of life—shall be prohibited from attending school until a health officer (licensed physician, licensed physician's assistant, health department official, school nurse, etc.) has determined that the individual is free of the condition or that there is no danger of the condition spreading to others in the school environment.

Students and employees who have had a fever, diarrhea or vomiting must be symptom free for 24 hours, without the use of symptom reducing medication, prior to returning to school.

Students and employees who have pink eye or another eye infection must be symptom free or consult with the school nurse or provide a physician's statement prior to returning to school.

## **SMOKING, VAPING, AND THE USE OF TOBACCO PRODUCTS**

The board is dedicated to providing a healthy, comfortable, and productive environment for staff, students, and citizens. The board believes that education has a central role in establishing patterns of behavior related to good health and that measures are necessary to help its students to resist tobacco use. The board is concerned about the health of its employees and also recognizes the importance of adult role-modeling for students. Therefore, the board shall discourage the use of tobacco products by its staff and students. The Technology Center will refer employees, parents/guardians, family members, and students (13 and older) interested in quitting tobacco use to the Oklahoma Tobacco Helpline and other available cessation resources.

### Tobacco on Campus

Smoking, vaping, and the use of tobacco products or vapor products in any form is prohibited on technology center property by all persons. This prohibition includes school buildings, grounds, and school-owned vehicles. Possession of tobacco products or vapor products by minor students on school property is prohibited. This policy also applies to students and staff at any off-site, school sponsored meeting or event, including, but not limited to, field trips and athletic events.

### Marijuana on Campus

Smoking, vaping, or possessing marijuana (as defined in Board of Education Policy, *Medical Marijuana, Hemp & Cannabidiol (CBD)*) on technology center property is strictly prohibited. Refer to the technology center's policy on *Medical Marijuana, Hemp & Cannabidiol (CBD)* for further information.

### Posting Signs Pursuant to this Policy

At or near each entrance of every technology center building the following sign shall be conspicuously posted: Tobacco or Marijuana Smoking or Marijuana Vaping is Prohibited.

### Definitions

"Tobacco products" includes, but is not limited to: cigarettes, cigars, loose tobacco, rolling papers, chewing tobacco, snuff, matches, and lighters.

"Vapor product" includes noncombustible products that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor product" shall also include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor

cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. "Vapor product" does not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

"Smoking" means the carrying by a person or having access to a lighted cigar, cigarette, pipe or other lighted smoking article, expressly including lighted marijuana and active vaporizing devices. Smoking also includes using products which mimic or simulate smoking behavior, regardless of whether such products actually contain tobacco. This prohibition includes but is not limited to vapor products as defined in this policy.

### Enforcement

The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of smokers and non-smokers. All individuals on school premises share in the responsibility for adhering to and enforcing this policy. Any individual who observes a violation on school property may report it in accordance with the procedures listed below.

### Students

Any student using, possessing or distributing tobacco products or vapor products in violation of this policy will be subject to appropriate disciplinary measures, including removal from the program for adult students or out-of-school suspension, pursuant to the board's policies regarding student discipline.

### Staff

Any violation of this policy by staff will be referred to the appropriate supervisor. One written warning will be issued to the staff member with a copy placed in his or her personnel file. Further violations will be considered willful neglect of duty and will be dealt with accordingly based on established policies and procedures for suspension, demotion, dismissal and non-renewal of staff.

### Citizens

Citizens who are observed smoking or using tobacco products on district property in violation of this policy will be asked to refrain from using these products on technology center property. If the individual fails to comply with the request, his or her violation of policy may be referred to the campus director or other supervisory personnel responsible for the area or program during which the violation occurred. The supervisor shall make a decision on further action which may include a directive to leave technology center property. Repeated violations may result in a recommendation to the superintendent or board of education to prohibit the individual from entering technology center property for a specified period of time. If deemed necessary by the school administration or the board of education, local law enforcement officials may be called upon to assist with enforcement of this policy.

In no circumstances will marijuana smoking or vaping be permitted.

Reference: Okla. Stat. tit. 70, §§ 1210.212, 1210.213

**CUSTODIAL AND NON-CUSTODIAL PARENTAL RIGHTS  
OF MINOR STUDENTS**

It is the policy of the board of education that a parent who is awarded legal custody of a minor student by court action shall file a copy of the court decree awarding such custody with Tulsa Tech. If the custodial parent does not wish the minor student to be released to the non-custodial parent, an appropriate written instruction should also be filed with Tulsa Tech.

All staff members are instructed to refer any questions to the appropriate campus director or the superintendent.

Absent a court order to the contrary, both natural parents have the right to view the minor student's school records; to receive school progress reports; and to visit the minor student briefly at school.

**DISTRICT WIDE PARENTAL INVOLVEMENT**  
**(Secondary Students - Parent Bill of Rights)**

The board supports parents' efforts to be involved in the technology center's education programs. This policy outlines technology center's efforts to educate parents and support parent involvement in response to the 2014 Parents' Bill of Rights.

Parents have the right be involved in their minor child's education, including directing that education. Parents are encouraged to exercise their rights in conjunction with technology center guidance so as not to inadvertently impede their minor child's compliance with federal and state mandated requirements – including requirements related to graduation or program completion. Parents also have the right to review school records related to their minor child.

Parents generally have the right to consent prior to an audio or video recording being made of their minor child. This right does not preempt Tulsa Tech's right to make recordings (without specific parental approval) related to:

- safety, general order and discipline
- academic or extracurricular activities
- classroom instruction
- security/surveillance of the buildings or grounds
- photo ID cards

Parents have the right to receive prompt notice if their minor child is believed to be the victim of a crime perpetrated by someone other than the parent, unless law enforcement or DHS officials have determined that parental notification would impede the related investigation. These notice provisions do not apply to matters which involve routine misconduct typically addressed through student discipline procedures. School personnel will not attempt to encourage or coerce a child to withhold information from parents.

1. The technology center will promote parent participation with the goal of improving parent and teacher cooperation in areas such as homework, attendance and discipline. This will be accomplished through activities such as:

- open houses
- social media
- student recognition assemblies
- campus updates

2. The technology center will inform parents about their child's course of study by disseminating this information:

- enrollment
- open houses



- Tulsa Tech's webpages

Parents may review learning materials affecting their minor children's course of study, including supplemental materials, by making a request through the campus director.

3. Parents who object to a learning material or activity may withdraw their minor child from the class or program in which the material is used. In order to withdraw a student, the parent must submit a written request, signed and dated by a parent, to the campus director. Parents who choose to withdraw their minor child from a class are responsible for making alternate arrangements for the child to earn credit for the work missed.
4. If a teacher is going to provide instruction or presentations regarding sexuality in a course, the teacher will send written notice home to parents 3 days in advance of the presentation. Parents who object to their minor child's participation in such instruction may send a written request to the campus director to have the student excused from the presentation. Any such student will be permitted to study in the office during the presentation.
5. Parents may learn about the nature and purpose of clubs and activities which are part of the technology center's curriculum by reviewing student handbooks and technology center's website. The school's extracurricular clubs and activities are also published in student handbooks, the policy manual, and are available on the technology center's website.
6. Parents have numerous rights and decision-making responsibilities concerning their minor children. To assist parents in meeting these responsibilities and to fulfill its obligations under the 2014 Parent Bill of Rights, the district has compiled the following information for parents:
  - A. The technology center does not provide sex education, but relies on sending schools to meet this requirement. Parents may opt their student out of the relevant program by following the procedures established by the sending district.
  - B. Parents who are not residents of the technology center district may enroll their minor children in accordance with board policy. A copy of that policy is available in the superintendent's office.
  - C. The technology center utilizes a number of resources to educate students. Parents who object to an assignment based on sex, morality or religion may opt their minor child out of the assignment by following the procedures established in item 3 above.
  - D. Students are generally required to receive a predetermined set of immunizations prior to enrolling in any Oklahoma school. This requirement may be waived if the parent submits a note from the minor child's physician stating that the child should be excused from the immunization for health reasons or if the parent submits a note objecting to the immunization of the child.

- E. Students are required to meet certain obligations in order to be promoted to a subsequent grade at their sending school, particularly with regard to learning to read. Parents can learn about those requirements – including efforts the sending district takes in order to help students become successful readers – by reviewing the sending district’s policies on Reading Sufficiency Act testing, and student promotion. Copies of those policies are available from the sending district.
- F. Students are required to meet certain obligations in order to graduate from high school and/or complete their technology center course of study. Parents can learn about these requirements each year during course enrollment or by talking with a technology center enrollment counselor. This information is also available in student handbooks and on the Oklahoma State Department of Education’s website ([www.ok.gov/sde/](http://www.ok.gov/sde/)).
- G. The technology center does not provide AIDS education but instead relies on the sending school to complete this task. Parents may opt their minor student out of this education by following the procedures established by their child’s sending school.
- H. Parents have the right to review student test results related to their minor student. Parents may review the results of classroom exams by contacting their child’s teacher. Parents may review the results of state-wide testing at the child’s sending school by following the procedures established by their child’s sending school.
- I. Qualifying students have the right to participate in their sending school’s gifted and talented program in accordance with the sending district’s policy regarding the program. A copy of the policy is available through the sending district.
- J. Parents have the right to review teachers’ manuals, films, tapes or other supplementary instructional material if the materials are being used in connection with a research or experimentation program or project. In order to review these materials, the parent should contact the campus director.
- K. Parents have the right to receive a school report card related to their child’s sending school. Information regarding these report cards will be provided through the sending district.
- L. Students are required to attend school regularly, and the technology center will notify parents of any student absence unless the parent has already contacted the technology center to report the absence. The technology center will send a written notice to parents if their minor student appears to be in danger of exceeding the maximum allowable number of absences and will notify the district attorney and the parent if a child may be considered truant. Parents may contact the campus director for additional information regarding student absences.
- M. Parents have the right to review the technology center’s courses of study and textbooks. Arrangements for this review can be made through the campus director.

- N. Students may be excused from school for religious purposes provided the parent contacts the campus director to request such an absence.
- O. Parents have the right to review all technology center policies, including parental involvement policies. Copies of these policies are available through the superintendent's office.
- P. Parents have the right to participate in parent-teacher organizations through their child's sending school. Information regarding these groups will be made available through the sending school.
- Q. Parents may opt out of selected data collection related to state longitudinal student data system reporting. Parents may not opt out of necessary and essential record collecting. Parents may file an opt out request through the superintendent's office.
- R. The technology center will not procure, solicit to perform, arrange for the performance of, perform surgical procedures or perform a physical examination upon a minor student or prescribe any prescription drugs to a minor student without first obtaining a written consent for the proposed assessment or treatment. The written consent will be effective for the school year for which it was granted, and must be renewed each subsequent school year. If the assessment or treatment for which the written consent is provided is performed through telemedicine at a school site, and if the written consent is provided by the Parent and is currently effective, the health professional shall not be required to verify that the parent is at the school site.
- S. The technology center will not procure, solicit to perform, arrange of the performance of or perform an assessment for mental health therapy on a minor student without first obtaining consent of a parent or legal guardian of the minor. The written consent will be effective for the school year for which it was granted, and must be renewed each subsequent school year. If the assessment or treatment for which the written consent is provided is performed through telemedicine at a school site, and if the written consent is provided by the Parent and is currently effective, the health professional shall not be required to verify that the parent is at the school site. However, a student shall not be seen without consent.
- T. A student shall not be vaccinated at school or on school grounds or receive a vaccine as part of the mobile vaccination effort without prior written authorization, including the signature of the parent or legal guardian of the student for the vaccine or group of vaccines to be administered during a single visit.

Parents requesting information outlined in this policy should submit written requests for information through the campus director or superintendent, as noted in the respective section. Appropriate school personnel will either make the information available or provide a written explanation of why the information is being withheld within ten (10) days of the request. Any parent whose request is denied or who does not receive a response within fifteen (15) days may submit a written request for the information to the board of education. The board will include an item on its next public meeting agenda (or the following meeting,

if time does not permit inclusion of the item on the agenda) to allow the board to formally consider the parent's request.

Reference: Okla. Stat. tit. 25, § 2001  
Okla. Stat. tit. 25, §§ 2004, *et seq.*  
Okla. Stat. tit. 70, § 1-116.2

**CONTRACTING ARCHITECTURAL SERVICES**

It is the policy of the Board of Education of Tulsa Technology Center to consider the employment of different architectural firms to serve the district. To insure coordinated plans for each site where additional building is to be done, the district may retain the architectural firm so selected for the initial building to do all projects for that particular site. In the event that a firm so selected is dissolved and/or principals choose to reorganize into separate firms, the board reserves the right to reevaluate the capabilities of each such organization and award contracts for services to either a new firm or to any of such reorganized firms to perform additional services for a particular site. This policy does not preclude architects previously employed from being considered on future projects.

1. The president shall appoint the Facilities Committee to serve as the Architectural Selection Committee.
2. The committee may create and adopt pre-qualification procedures.
3. The committee shall invite architects qualified for preliminary interviews.
4. The committee shall recommend architect(s) to the board for approval.

## **USE OF SECURITY CAMERAS**

### Policy Statement

1. Security cameras may be installed in situations and places where the security of either property or people would be enhanced.
2. When appropriate, cameras may be placed campus-wide, inside and outside of buildings or vehicles.
  - a. Cameras will be used in a manner consistent with all existing School District policies.
  - b. Camera use will be limited to situations that do not violate the reasonable expectation of privacy as defined by law. Generally, an individual has no reasonable expectation of privacy in public places or common areas, including, but not limited to: classrooms, offices, hallways, parking lots, cafeterias, and District owned or leased transportation.
3. The Superintendent will appoint a Security Coordinator who will facilitate activities of the Safety and Security Committee.

### Policy Purpose

1. The purpose of this policy is to regulate the use of security cameras.
2. The function of security cameras is to assist in protecting the safety and property of the District community.
3. The primary use of security cameras will be to record images for future identification of individuals involved in criminal activities.

### Policy Requirements

1. Only authorized personnel, as determined by this policy and authorized by the Safety and Security Committee, will be involved in, or have access to, security camera data.
  - a. District administrators, Campus administrators and designated officials may have access to Security camera data in their areas of responsibility.
  - b. Law Enforcement Officers, subject to the approval of the Chief of the Tulsa County Sheriff's Office Deputies, will have access to all security camera data.
2. When an incident is suspected to have occurred, designated personnel may review the images from security camera data.

3. All video data to be copied from security camera data to portable media must be authorized through the Security Coordinator.
4. An automated log will be maintained documenting access of authorized users to the data stored in the District's video security system.
5. The installation of new security cameras must be approved in advance by the Safety and Security Committee. The Superintendent may authorize the use of security cameras when he deems the use in the best interest of the District. a. Once approved, new Security cameras, except in limited instances approved by the Superintendent, must connect to the District's centralized Security system which will be maintained by the IT Security administrator in the District's primary and/or backup Data Center.
6. No employee, student, staff, administrator, media or member of the public is allowed to install or conceal camera devices in or around District property.
7. Any person acting to remove, alter, bypass, disconnect, or otherwise affect the operation of any camera or monitor installed in, or, around District property or vehicles without the express prior approval of the Security Coordinator or Superintendent will be subject to disciplinary or other adverse action including but not limited to removal from District property and prosecution.

#### Related Policy Information

1. Security cameras will not record or monitor sound.
2. Recorded security camera data must be retained for a period of at least 14 days unless retained as part of a criminal or civil investigation, court procedure, or other bona fide use.
3. Security camera data is not considered to be Directory Information and may be subject to confidentiality restrictions, including but not limited to FERPA requirements. a. Requests to release information obtained through Security cameras must be submitted to the Security Coordinator and approved prior to release.

#### Exclusions

1. Cameras installed or utilized for criminal and civil investigations are subject to appropriate Oklahoma and Federal laws and are excluded from this policy.
2. Cameras used for instructional purposes are excluded from this policy.
3. Cameras used for internal personnel investigations are excluded from this policy.

#### Definitions

Certain terms used in this policy shall have the following meanings:

"Security Camera" shall mean any item, system, camera, technology device, communications device, or process, used alone or in conjunction with a network, for the purpose of gathering, monitoring, recording or storing an image or images of District facilities and/or people in the District facilities. Such devices may include, but are not

limited to: analog and digital Security cameras, closed circuit television, web cameras, and computerized visual monitoring.

“Security camera data” shall mean images captured by Security cameras, which may be real-time or preserved for review at a later date.

“Safety and Security Committee” shall mean a group comprised of administrative-level staff members appointed for purposes of developing and overseeing policies for the use of security cameras within the District. Delegates include the Security Coordinator, a District Law Enforcement representative, the District’s Emergency Operations Coordinator, a representative of Campus Directors, IT Director and the Chief Operations Officer. The representative of Campus Directors may change annually.

“Centralized Security System” shall mean core infrastructure maintained by IT for purposes of storing and retrieving images from all Security cameras deployed across the District. Infrastructure could include storage resources, such as disk drive arrays, as well as dedicated servers. Servers could perform activities such as storing images for later retrieval, retrieving images for investigation purposes, and maintaining logs of all access to stored Security camera data.

### Responsibilities

#### *Security Coordinator*

- Chairs the Safety and Security Committee
- Reviews requests for installation and/or placement of security cameras, makes a recommendation on the requests, and forwards the requests to the Safety and Security Committee.
- Provides a copy of this policy to camera operators and supervisors involved in Security monitoring and recording.

#### *Safety and Security Committee*

- Reviews all requests for installation and/or placement of Security cameras
- Reviews recommendations on infrastructure for campus-wide Security cameras
- Recommends budget for implementing and maintaining the district-wide Security camera infrastructure
- Publishes and maintains the District’s technical standards for Security cameras

#### *IT*

- Maintains infrastructure for the District’s main security camera infrastructure, including storage space, server systems, and backup resources (as appropriate)



- Makes recommendations to the Safety and Security Committee regarding technical specifications and requirements for Security cameras

**CRISIS RESPONSE**

It is the policy of the board to have and maintain a crisis response plan that will consist of crisis response teams that will advise and assist the administration, staff, students, guests and local, state and federal agencies in the event of a potential or actual crisis. This plan is necessary to minimize the danger to students, employees and visitors; to help protect property; and to help in the efficient return to normal operations. Although this plan establishes a general framework of action that should be followed when possible, the exact nature of the situation may necessitate response differing from that contained in the crisis response plan. Response actions may also differ in conjunction with city, state or federal emergency response plan implementation. Where applicable, the crisis response team will work closely with community agencies and groups to develop coordinated responses to mutual concerns.

This plan will be reviewed and updated annually by the superintendent and/or his/her designee(s) and, as necessary, if regulations are revised, if the plan functions less than well during an emergency, if facility operations are changed in a way that affects the plan, if the roster of emergency personnel changes, or if the emergency equipment listed is altered.

**LAW ENFORCEMENT – SOCIAL SERVICE AGENCIES**

Should it become necessary for a member of a law enforcement agency to talk to a student and/or technology center personnel during the school day, the following procedures should be observed to assist law enforcement officers and to protect the rights of students and parents of minor children.

All law enforcement personnel will coordinate all business through the campus director's office.

A minor student will accompany the officer off the premises only when the officer has a warrant for the student's arrest and after an attempt has been made to notify the parent, if the student is a minor.

### **MEDICAL MARIJUANA, HEMP & CANNABIDIOL (CBD)**

Regardless of a student, employee, parent or any individual's status as a medical marijuana license holder, marijuana is not allowed on the premises of the technology center or in any school vehicle or in any personal vehicle transporting a student under any circumstances. While the use of medical marijuana in conjunction with the possession of a medical marijuana license is legal in the State of Oklahoma, marijuana is a prohibited controlled substance under federal law regardless of the use being for medical purposes. Accordingly, possession of marijuana by a student, employee, parent or any individual, notwithstanding the possession of a medical marijuana license, is strictly prohibited while on the premises of the technology center and in school vehicles; going to and from and attending technology center sponsored functions, events, and athletic activities, including those technology center sponsored functions, events and/or athletic activities which occur in a location other than the premises of the technology center; utilizing technology center equipment or transportation; and in any other instance in connection with the technology center where the technology center reasonably deems the possession of marijuana to be illegal.

In the event that a student, employee, parent or any individual is found to possess or to have possessed marijuana in any of the instances stated above, the technology center will proceed with all actions and consequences that are afforded to the technology center under any state or federal law, employment contract, technology center policy, student handbook provision, or any other authority applicable to or adopted by the technology center.

#### **A. Definitions**

The following definitions shall apply:

1. **Marijuana:** all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin (except cannabidiol made from hemp which meets the definition of "Hemp Cannabidiol" as defined below). The term "marijuana" shall not include any federal Food and Drug Administration-approved cannabidiol medication.
2. **Hemp Cannabidiol ("Hemp CBD"):** a nonpsychoactive cannabinoid made from hemp that has a tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%).
3. **Hemp:** the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.
4. **THC:** tetrahydrocannabinol.

The terms “marijuana” and “possession of marijuana” will be interpreted by the technology center in accordance with state and federal law. Any conflict between state and federal law as to the definition or treatment of “marijuana,” “possession of marijuana,” “hemp” or “cannabidiol” will be interpreted in accordance with the circumstances and proper legal authority.

**B. Nondiscrimination**

There will be no discrimination in the technology center because of an individual’s status as a medical marijuana license holder.

**C. Hemp and Hemp Cannabidiol (Hemp CBD)**

1. **Regulation:** Hemp CBD is regulated differently than marijuana under both state and federal law. Possession and administration of Hemp CBD shall be treated differently based on the concentration of THC in the Hemp CBD. In no instance will this section be construed to apply to a substance that (1) is not made from hemp or (2) contains more than 0.3% THC.

a. **Hemp CBD Containing 0.0% THC**

(1) **Employees and other Non-Student Individuals:** Employees and individuals who are not students of the technology center may possess and self-administer Hemp CBD containing 0.0% THC on the premises of the technology center. However, employees or non-student individuals must be able to certify, upon request, that the Hemp CBD contains 0.0% THC at the time of possession and/or self-administration via a reliable product label. Employees and non-student individuals are not permitted to self-administer Hemp CBD in the presence of students.

(2) **Students:** A parent or legal guardian of a student may administer Hemp CBD containing 0.0% THC to the student in accordance with this policy. Hemp CBD containing 0.0% THC may only be administered to a student in an area designated by the technology center’s personnel. The parent, legal guardian must certify that the Hemp CBD contains 0.0% THC via a declaration given under penalty of perjury prior to administering such Hemp CBD to the student in the technology center’s designated administration area. Such declaration shall be effective for the semester in which it is given. A new declaration must be provided by a parent or legal guardian each semester. After the parent or legal guardian of the student has administered the Hemp CBD containing 0.0% THC to the student, the parent or legal guardian must remove the Hemp CBD from the technology center’s premises.

b. **Hemp CBD Containing 0.3% THC**

(1) **Employees and other Non-Student Individuals:** Employees and individuals who are not students of the technology center may possess and self-administer Hemp CBD containing up to a maximum of three-tenths of one percent (0.3%) THC on the premises of the technology center provided they meet one of the following:

- (a) The employee or individual who is not a student is a medical marijuana license holder; or
- (b) The employee or individual who is not a student has a written certification from a physician licensed in Oklahoma that the employee or individual that is not a student has been diagnosed by a licensed physician as having one of the following:
  - i. Lennox-Gastaut Syndrome;
  - ii. Dravet Syndrome, also known as Sever Myoclonic Epilepsy of Infancy;
  - iii. Any other severe form of epilepsy that is not adequately treated by traditional medical therapies;
  - iv. Spasticity due to multiple sclerosis or due to paraplegia;
  - v. Intractable nausea and vomiting; or
  - vi. Appetite stimulation with chronic wasting diseases.

Employees or non-student individuals must be able to verify, upon request, (1) that they meet an exception listed above, and (2) that the Hemp CBD contains no more than 0.3% THC at the time of possession and/or self-administration, via a reliable product label or a physician's certification. Employees and non-student individuals are not permitted to self-administer Hemp CBD in the presence of students.

- (2) Students: Students of the technology center may not possess and/or self-administer Hemp CBD containing THC in an amount no greater than 0.3%. However, the parent, legal guardian or caregiver (as defined in 63 O.S. § 420A) of the student may administer Hemp CBD containing THC in an amount no greater than 0.3% on technology center premises in accordance with this policy if the student meets one of the following exceptions:

- (a) The student is a medical marijuana license holder; or
- (b) The parent, legal guardian, or caregiver of the student has a written certification from a physician licensed in Oklahoma that the student has been diagnosed by a licensed physician as having one of the following:
  - i. Lennox-Gastaut Syndrome;
  - ii. Dravet Syndrome, also known as Sever Myoclonic Epilepsy of Infancy;
  - iii. Any other severe form of epilepsy that is not adequately treated by traditional medical therapies;
  - iv. Spasticity due to multiple sclerosis or due to paraplegia;
  - v. Intractable nausea and vomiting; or
  - vi. Appetite stimulation with chronic wasting diseases.

The physician's written certification must also provide that the Hemp CBD being administered to the student has a THC level of not more than 0.3% and the Hemp CBD was delivered to the student, parent, or legal guardian in a liquid form.

The parent, legal guardian, or caregiver may administer Hemp CBD containing THC in an amount no greater than 0.3% to the student in an area designated by the technology center's personnel. The parent, legal guardian, or caregiver must certify that the Hemp CBD contains THC in an amount no greater than 0.3% via a declaration given under penalty of perjury prior to administering such Hemp CBD to the student in the technology center's designated administration area. Such declaration shall be effective for the semester in which it is given. A new declaration must be provided by the parent, legal guardian, or caregiver each semester. After the parent, legal guardian or caregiver of the student has administered the Hemp CBD to the student, the parent, legal guardian or caregiver must remove the Hemp CBD from the technology center's premises.

2. Administration by School Personnel and Storage: In no instance will a technology center employee administer Hemp CBD to a student, unless they are the parent, legal guardian, or caretaker for that student. The technology center will not maintain or store a student's Hemp CBD for any length of time.
3. Violations: In the event that a student, employee, parent or any individual is found to have violated the technology center's policy regarding Hemp CBD possession and/or self-administration, the technology center will proceed with all actions and consequences that are afforded to the technology center under any state or federal law, employment contract, technology center policy, student handbook provision, or any other authority applicable to or adopted by the technology center.

#### D. Overlap with Other Technology Center Policies

The technology center recognizes that the legal aspects and consequences of medical marijuana, cannabidiol, and hemp are new and possibly subject to change. These legal aspects and consequences of medical marijuana, cannabidiol, and hemp effect many areas of the technology center's current policies regarding employees, students, parents and individuals on technology center premises or attending technology center events. The technology center will continue to enforce its current adopted policies. As the need arises with changes in state and/or federal law, the technology center will consider and/or examine technology center policies in order to assess whether revisions, if any, may be needed to a technology center policy in order to comply with state and federal law.

#### E. Employees

Employees of the technology center are expected to comply with state and federal law at all times as a term of their continued employment with the technology center. In that regard, employees are hereby notified that any person who uses or is addicted to marijuana, regardless of whether his or her state has passed legislation authorizing marijuana use for medicinal or recreational purposes, is an unlawful user of or addicted to a controlled substance and is prohibited by federal law from possessing firearms or ammunition. See 18 U.S.C. § 922(g)(3); see also Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") open letter to all federal firearms licensees (<https://www.atf.gov/file/60211/download>). Employees are expected to adhere to any and all open letters, formal opinions, directives, or any other instruction provided by federal or state agencies regarding state and/or federal law.

F. Prescription Medications

This policy does not apply to any federal Food and Drug Administration-approved cannabidiol medication. Such medication may not be possessed or self-administered by students. These medications must be stored in technology center offices and may be administered by the school nurse or other designated technology center personnel in accordance with the technology center's policy on Administration of Medicine.



**Tulsa Technology Center  
Declaration**

1. I am the \_\_\_\_ parent, \_\_\_\_ legal guardian, or \_\_\_\_ caretaker of the following named student: \_\_\_\_\_ (hereinafter the "Student").
  
2. I am requesting that the technology center permit me access to the Student to administer cannabidiol, a nonpsychoactive cannabinoid substance derived from the *Cannabis sativa L.* plant (hereinafter "Cannabidiol").
  
3. In making this request, I affirm one of the following:  
**(Check Only One)**

- The cannabidiol substance I seek to administer to the Student has 0.0% tetrahydrocannabinol (THC).
  
- The cannabidiol substance I seek to administer to the Student has a tetrahydrocannabinol (THC) level not exceeding 0.3% **AND** I have received a written certification from a physician licensed in this state that the Student has been diagnosed by a physician as having Lennox-Gastaut Syndrome, Dravet Syndrome, also known as Severe Myoclonic Epilepsy of Infancy, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, spasticity due to multiple sclerosis or due to paraplegia, intractable nausea and vomiting, or appetite stimulation with chronic wasting diseases.
  
- The cannabidiol substance I seek to administer to the Student has a tetrahydrocannabinol (THC) level not exceeding 0.3% **AND** the Student has a current Oklahoma Medical Marijuana License.

I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

\_\_\_\_\_  
(Date and Place)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Printed Name of Parent / Legal Guardian / Caretaker

### **FREEDOM OF EXPRESSION**

The Tulsa Technology Center respects and values student activism. The technology center takes pride in our students' interactions with social and political issues, viewing it as a desirable, if not essential, component of civic engagement and, therefore, adopts the following policy.

#### **Policy**

The outdoor areas of any campus of the technology center are deemed public forums for the campus community, and the technology center will not create "free speech zones" or other designated areas of campus outside of which expressive activities are prohibited. The technology center may maintain and enforce reasonable time, place and manner restrictions narrowly tailored in service of a significant institutional interest when the restrictions employ clear, published, content- and viewpoint-neutral criteria and provide for ample alternative means of expression. Any such restrictions shall allow for members of the campus community to spontaneously and contemporaneously assemble and distribute literature. Nothing in this paragraph shall be interpreted as applying to student expression taking place elsewhere on campus.

Any person who wishes to engage in noncommercial expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the technology center.

Nothing in this policy shall be interpreted as preventing the technology center from prohibiting, limiting or restricting expression that the First Amendment does not protect or prohibiting harassment as defined in this policy.

Nothing in this policy shall enable individuals to engage in conduct that intentionally, materially and substantially disrupts another person's expressive activity if that activity is occurring in a campus space reserved for that activity under the exclusive use or control of a particular group.

Nothing in this policy shall prohibit the technology center from maintaining and enforcing reasonable time, place and manner restrictions that are narrowly tailored to serve a significant institutional interest only when such restrictions employ clear, published, content- and viewpoint-neutral criteria. Any such restrictions shall allow for members of the campus community to spontaneously and contemporaneously assemble, speak and distribute literature.

The technology center will make public in its policy manual, on its websites and through its orientation programs for students the policies, regulations and expectations of students regarding free expression on campus consistent with this policy.

The technology center will develop materials, programs and procedures to ensure that those persons who have responsibility for discipline or education of students, including but not limited to administrators, campus police officers, and instructors, understand the

policies, regulations and duties of the technology center regarding free expression on campus.

### **Reporting Requirement**

By December 31st each year, the technology center will public post on its website and submit to the Governor and Legislature a report that details the course of action implemented to comply with the provisions a report which details the course of action implemented to be in compliance with the requirements of 70 O.S. §2120. A report shall also be submitted in the instance of any changes or updates to the chosen course of action. The report provided on the website shall be:

- a. Accessible from the technology center's website home page by use of not more than three links;
- b. Searchable by key words and phrases; and
- c. Accessible to the public without requiring registration or use of a user name, password or another user identification.

The technology center's report will include the following information:

- a. a description of any barriers to or incidents of disruption of free expression occurring on campus, including but not limited to attempts to block or prohibit speakers and investigations into students or student organizations for their speech. The description shall include the nature of each barrier or incident, as well as what disciplinary action, if any, was taken against members of the campus community determined to be responsible for those specific barriers or incidents involving students without revealing those students' personally identifiable information, and
- b. any other information the technology center deems valuable for the public to evaluate whether free expression rights for all members of the campus community have been equally protected and enforced.

In the event the technology center is sued for an alleged violation of First Amendment rights, a supplementary report, with a copy of the complaint or amended complaint, will be submitted to the Governor and the Legislature within thirty (30) days.

### **Definitions**

"Campus community" means students, administrators, faculty and staff at the technology center and their invited guests;

"Expressive activities" include, but are not limited to, any lawful verbal, written, audio-visual or electronic means by which individuals may communicate ideas to one another, including all forms of peaceful assembly, protests, speeches and guest speakers, distribution of literature, carrying signs and circulating petitions.

"Harassment" means only that expression that is unwelcome, so severe, pervasive and subjectively and objectively offensive that a student is effectively denied equal access to educational opportunities or benefits provided by the technology center.

"Materially and substantially disrupts" means when a person, with the intent to or with knowledge of doing so, significantly hinders another person's or group's expressive activity, prevents the communication of the message or prevents the transaction of the business of a lawful meeting, gathering or procession by:

- a. engaging in fighting, violent or other unlawful behavior, or
- b. physically blocking or using threats of violence to prevent any person from attending, listening to, viewing or otherwise participating in an expressive activity. Conduct that "materially disrupts" shall not include conduct that is protected under the First Amendment to the United States Constitution or Section 22 of Article 2 of the Oklahoma Constitution. Such protected conduct includes but is not limited to lawful protests in the outdoor areas of campus generally accessible to the members of the public, except during times when those areas have been reserved in advance for other events, or minor, brief or fleeting nonviolent disruptions of events that are isolated and short in duration;

"Outdoor areas of campus" means the generally accessible outside areas of campus where members of the campus community are commonly allowed, such as grassy areas, walkways or other similar common areas and does not include outdoor areas where access is restricted from a majority of the campus community.

"Student organization" means an officially recognized group at the technology center, or a group seeking official recognition, comprised of admitted students that receive or are seeking to receive benefits at the technology center.

Reference: Okla. Stat. tit. 70, § 2120

**BUDGET**

The District shall follow the budgeting procedures in compliance with the provisions of the School District Budget Act (Section 5-150 et seq of Title 70). The Board shall legally adopt a budget in June, effective July 1 of each fiscal year.

**SERVICE OF LEGAL PAPERS ON TECHNOLOGY CENTER GROUNDS  
DURING SCHOOL HOURS**

The Board of Education recognizes the importance the judicial system plays in the United States, and that its employees, like other citizens, have a role to play in the administration of justice. The Board also recognizes that service of legal papers on its employees during the instruction day can (a) materially disrupt the educational process for both students and staff, (b) pose security risks, and (c) adversely affect the conduct of business on technology center property. Moreover, the delivery of legal documents to a technology center site or technology center employee may trigger important timelines and other legal obligations, which if not dealt with in a timely manner, can have serious consequences for the technology center or the person to whom the document should ultimately be delivered.

**Time Limitation and Required Authorizations**

To minimize these risks and to create the best possible educational environment, the technology center will not make employees available for service of legal papers on the grounds of any technology center property between the workday hours of 7:30 a.m. and 4:30 p.m. No person, not authorized to accept service for another individual or the technology center, may accept service on behalf of the technology center, Board of Education and/or the Superintendent, or another staff member. In instances in which a staff member has requested service of legal papers at work, the staff member must notify the campus director in writing of the authorization for service.

**Service of Legal Papers**

Persons seeking to serve legal papers, including but not limited to subpoenas, on employees during the prohibited time will, upon request, be advised of this policy and provided a copy or electronic address for the policy. Should an individual seeking to serve legal papers refuse to leave technology center property after being informed of this policy, or an individual repeatedly violates this policy, the technology center reserves the right to restrict the individual's access to technology center property in accordance with OKLA. STAT. tit. 21, §§ 1375-1376, OKLA. STAT. tit. 70 § 24-131.

Technology center employees that are aware of center or student-related proceedings at which they may be called to testify are to notify the administration as soon as possible and coordinate with the campus director or other administrators to avoid disruption if they are subpoenaed.

**Testimony in Civil Matters**

In the event employees are contacted directly by an attorney or any other individual regarding testimony concerning a technology center or technology center student matter, they should direct that person to their campus director or other member of the administration for further coordination. This duty to inform and contact the campus director

does not apply in instances in which the contacts with the employee concern legal matters personal to the employee, his/her employment, or the employee's child.

### **Law Enforcement**

Law enforcement personnel seeking to serve legal papers mandated by a court of competent jurisdiction should contact the campus director in advance to arrange an appointment. At that time, the campus director may elect to make the employee available to receive service of process.

### **Witness Fee Due Technology Center**

Pursuant to OKLA. STAT. tit. 28, § 84.1(B), the technology center shall be paid a witness fee equal to the amount of a substitute teacher cost, not to exceed \$100 any time a technology center employee is subpoenaed to appear as a witness in a civil court proceeding. Such payment shall be made well in advance of any technology center employee's attendance at a proceeding.

### **FERPA/Privacy Compliance**

Administrators who become aware of the need for a technology center employee to testify in a civil proceeding should evaluate the nature of prospective testimony in order to ensure that such testimony will not violate FERPA mandates and/or Oklahoma confidentiality laws. If there are any concerns that an employee's testimony could violate privacy laws (including FERPA), the technology center's legal counsel should be notified so that appropriate notice can be issued to affected parties.

**ATTENDANCE/ACTIVITIES**

The board of education believes that attendance in regularly scheduled classes is a key factor in student achievement. Thus, any absence from those classes represents an educational loss to the student. The board recognizes, however, that the cocurricular program of Tulsa Tech also has educational benefit. Therefore, it shall be the policy of this board to minimize absenteeism from regular classes while providing students the opportunity to participate in cocurricular activities.



## **UNITED STATES COPYRIGHT LAW**

Tulsa Tech does not condone, and will not allow, violations of the United States copyright laws. Subject to certain specific exceptions, the owner of a copyright has the exclusive right to reproduce, distribute, perform, or display the copyrighted work or to authorize such reproduction, distribution, performance, or display. An exception to the exclusive rights is the Doctrine of Fair Use. The fair use of a copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. The following factors shall be considered in determining fair use for all works other than broadcast programming:

1. Purpose and nature of the use; whether the use is of a commercial nature or for non-profit educational purposes.
2. The nature of the copyrighted work.
3. The amount and importance of the portion used in relation to the copyrighted works as a whole.
4. The effect of the use upon the potential market for, or the value of, the copyrighted work.

### Broadcast Programs

A “broadcast program” is any television program transmitted by a television station without charge to the general public.

Teachers may not record a broadcast program for classroom use, but may request that Tulsa Tech record a broadcast program for the teacher’s one-time instructional use. The broadcast program must be used within ten (10) school days of the recording and must be destroyed within forty-five (45) calendar days of recording. Teachers may also view the program to determine whether to purchase the program and add it to the curriculum.

Tulsa Tech will not record multiple copies of the same broadcast program for an individual teacher, and will not record broadcast programs without first receiving a request to record.

No broadcast program will be altered (but teachers are permitted to play only an excerpt), displayed without its copyright notice, or combined with other media to make an anthology.

### Exceptions

A further exception to the copyright law includes the performance or display of a work by instructors or students in the course of face-to-face teaching activities in a classroom or other place devoted to instruction.

Reference: 17 U.S.C. § 107

## **INTELLECTUAL PROPERTY**

Tulsa Technology Center (“District”) respects the intellectual property of others, including students, patrons and employees. The purpose of this policy is to provide the necessary protections and incentives to encourage both the discovery and development of new knowledge and its transfer for public benefit. The ownership rights to all intellectual property that is created in whole or part at the District or under District sponsorship, as the result of District curriculum development contracts, or with the use of District course materials, facilities, funds, equipment or any other resources of whatever nature or kind owned or controlled by the District—shall be determined generally as set forth in this policy.

### **I. Definitions**

1. “Author” and “member” are defined as the individual or as part of a group of other “authors” that invents, authors, discovers, or otherwise creates or helps to create intellectual property.
2. “Course materials” are defined as any and all materials prepared for use in teaching, fixed or unfixed, in any form, including, but not limited to, digital, print, audio, visual, or any combination thereof. Course materials include, but are not limited to, lectures, lecture notes, and materials, syllabi, study guides, bibliographies, visual aids, images, diagrams, multimedia presentations, and educational software.
3. “Creator” is defined as being synonymous with and can be used interchangeably with “author” and “member” as used in this policy.
4. “District facilities” are defined to include, but are not limited to, buildings, equipment, and other facilities under the control of the District.
5. “District funds” are defined as funds under the control and responsibility, or authority of the District, regardless of source.
6. “District resources” are defined as all tangible resources including, but not limited to, buildings, equipment, facilities, computers, software, personnel, and funding.
7. “Employee” is, unless there is a written agreement providing otherwise, an individual employed by the District in a full-time or part-time position, including certified and support staff, appointed personnel, persons with “no salary” appointments, volunteers, contractors, persons on an extra duty or supplemental contract.

8. “Intellectual property” is defined as any works, products, processes, tangible research property, copyrightable subject matter, works of art, trade secrets, know how, inventions and other creations the ownership of which are recognized and protected from unauthorized exploitation by law. Examples of intellectual property include, but are not limited to, scholarly, artistic, and instructional materials.
9. “Invention” is defined as all discoveries, conceptions, ideas, improvements, innovations, problem solutions and/or technological developments.
10. “Patent” is defined as both United States and foreign patents and patent applications, and the rights conferred upon the patent holder by applicable law.
11. “Student” is defined as any individual who is attending or who has attended any schools within the District.
12. “Trademark” is defined as any mark that identifies an item of intellectual property or an educational or training service.
13. “Work” is defined as any “original work of authorship fixed in a tangible medium” as used in the federal Copyright Act.

## II. Patents

All discoveries and inventions, whether patentable or un-patentable, and including any and all patents based thereon and applications for such patents, which are made or conceived by any member of the faculty, staff, or student of the District, either in the course and/or scope of employment with the District or that is created in whole or part with the use of District course materials, facilities, funds, employees, or any other resources of the District shall be owned by and be the sole property of the District and the member will assign and by participating in any activity which leads to any discovery and invention does hereby assign all of member’s rights in and to the discoveries and inventions to the District.

## III. Trademarks

The District owns all rights and titles to any trademarks related to any item of intellectual property owned by the District.

## IV. Copyright (see also District policy – *United States Copyright Law*)

Except as specifically provided herein, copyright rights to works developed by an employee either in the course and/or scope of employment with the District are the sole property of the District. Ownership of copyrights to works of artistry or scholarship in the creator’s professional field such as textbooks, course materials, scholarly papers and articles, software and other computer materials when they are works of artistry or scholarship, novels, poems, paintings, musical compositions or other such works of artistic imagination produced by District employees who have a general obligation to produce such works where the specific choice, content, course, and direction of the effort is determined by the employee without direct assignment or supervision by the District (“Artistic or Scholarly Works”) shall reside in the

creators and the works shall not be deemed "works made for hire" under this policy unless they are also sponsored/contracted works or specifically assigned by the District.

Upon request by the District, an employee who creates an Artistic or Scholarly Work while acting in the course and/or scope of his or her employment or with the use of District course materials, facilities, funds, or any other resources of the District shall grant the District a nonexclusive, free of cost, world wide right and license to exercise all copyright rights in and to such Artistic or Scholarly Work, except the right to commercially display, use, perform, or distribute copies of the Work, unless to do so would impair the ability of the creator to have the Work published or distributed.

V. Authority to Reference District

The District shall have the right and sole authority to determine whether or not to put its name on a work. If so requested by the District, the author agrees to credit the District, in a manner satisfactory to the Board or its designee, in any way to the creation of such work. Similarly, the author agrees upon request to remove any reference to the District in the work.

VI. Marketing Decisions

The Superintendent of the District or his/her designee will be responsible for all marketing decisions involving patentable inventions. This includes all patents to which the District has ownership rights under this policy.

VII. Release of Liability

Any student or employee who creates or participates in the creation of a work in whole or part at the District or under District sponsorship or with the use of District course materials, facilities, funds, employees, or any other resources agrees to indemnify and hold harmless the District against any loss, damage, liability, or expense that it may incur as a result of the preparation, production, or distribution of such work, including but not limited to, any material in such work that infringes or violates any copyright, right of privacy, or any other right of any person, or is libelous, obscene, or contrary to law.

**CONSTITUTION DAY AND CITIZENSHIP DAY**

Constitution Day and Citizenship Day shall, in accordance with federal law, be held each year on September 17. The purpose of Constitution Day and Citizenship Day is to commemorate the formation and signing on September 17, 1787, of the United States Constitution and recognize all who, by coming of age or by naturalization, have become citizens.

Tulsa Tech shall hold an educational program on the United States Constitution on September 17 of each year for the students served by the district in observation of Constitution Day and Citizenship Day. When September 17 falls on a weekend or holiday, the day shall be observed on a school day just before or after September 17. The manner in which the day shall be commemorated shall be within the superintendent's discretion.

Reference: 36 U.S.C. § 106; Public Law 108-447.

**VETERANS DAY**

It shall be the policy of the district that “Veterans Day,” November 11<sup>th</sup>, will be observed with an appropriate ceremony/activity.

In any year in which the date of November 11<sup>th</sup> is a Saturday or Sunday or classes are not in regular session, the district shall observe the previous school day as “Veterans Day.”

**OBSERVATION OF MOMENT OF SILENCE  
FOR STUDENTS IN FULL-TIME PROGRAMS**

The administrator in charge of each school building within the school district is hereby directed to designate approximately one minute of instructional time each school day for the observation of a moment of silence. At the beginning of each semester, the building administrator, or his or her designee, will give instructional personnel direction as to how the moment of silence is to be observed.

The moment of silence shall be for the purpose of allowing each student, in the exercise of his or her individual choice, to reflect, meditate, pray, or engage in any other silent activity that does not interfere with, distract, or impede other students in the exercise of their individual choices. Instructors shall neither encourage students to use nor discourage students from using the moment of silence for any particular purpose, such as reflection, meditation, prayer, or other silent activity. All instructors shall be made aware that it is the student's decision as to how to utilize the moment of silence, provided that the student's choice does not interfere with, distract, or impede other students in the exercise of their individual choices.

Reference: Okla. Stat. tit. 70, § 11-101.2

## **CLOSING OF SCHOOL**

It is the policy of the Board of Education that school may be closed due to:

1. inclement weather conditions which make driving unsafe;
2. other conditions such as power failure, water main breaks, or other natural or human-caused disaster; and
3. other reasons which are in the best interest of the safety and well-being of students, staff and the general public.

Closing of school means that classes for students are cancelled or postponed for a period of time.

It is also the policy of the Board of Education that the Superintendent, and/or his/her designee(s), shall make the decision regarding the closing of school, or the declaration of a non-work day. In determining the closing of school, consideration will be given to current road conditions, weather forecasts, and the decisions made by the sending school districts which provide transportation. In determining the declaration of a non-work day, consideration will be given to severity and duration of the inclement weather, District obligations to adult students and other clients, and staffing requirements for prearranged events.

School closings shall be reported to selected radio and television stations in the Tulsa Metropolitan area at or before 6:00 a.m. for daytime programs and at or before 2:00 p.m. for evening programs. To verify school closing, contact (918) 828-5001.

### Procedures

The purpose of these procedures is to establish a set of written guidelines to follow in order to implement the board policy on Closing of School. When it becomes necessary to consider closing of school, the following procedures shall be followed:

1. Authority to Close School
  - A. The superintendent, and/or his/her designee(s) shall make all decisions regarding continued school operations, the closing of school and if necessary the declaration of a non-work day or non-work shift for employees. Closing of school means that classes for students are cancelled or postponed for a period of time determined by the superintendent. A non-work day or non-work shift means that employees duly notified of same, are placed on paid administrative leave and will not report to work for a period of non-work time determined by the superintendent.



- B. In the absence of the superintendent, the associate superintendent shall have the authority to close school and declare a non-day or non-work shift if necessary.

2. Notification to the Media

When school is closed, selected radio and television stations shall be notified by telephone that school has been closed. The office of the superintendent and the director of marketing communications shall compile a list of stations annually with appropriate phone numbers and codes and notify the stations of the names of those administrators authorized to close school.

3. Reasons for Closing School

A. Inclement Weather

- i. When weather conditions significantly increase the risk of travel, school may be closed. Consideration will be given to current road conditions, weather forecasts and the decisions made by the sending school districts which provide transportation.
- ii. Decisions will be made on a daily basis. For evening or night classes, a decision will be made by 2:00 p.m. or earlier if possible. For daytime and weekend activities, the decision will be made and reported to the media on or before 6:00 a.m. each day. If possible, the decision will be made on or before 9:00 p.m. the day before closing school to allow adequate time to inform the media.

B. Natural or Human-Caused Disaster and Other Reasons

When conditions such as fire, explosions, tornados, power failure, etc., cause school to be closed, the procedures outlined under inclement weather will be followed.

4. Employee Responsibility for Reporting to Work

A. Canceling or Postponing Classes

- i. The district, upon decision by the superintendent, may cancel or postpone classes due to safety concerns for students and employees traveling to or from work. These decisions will be made in a manner to afford all students and employees as much notice as is possible. The reasons for canceling or postponing classes is normally related to inclement weather, however, other reasons may exist as well.
- ii. A decision to cancel or postpone classes or delay opening of campuses or administrative offices is not synonymous with declaring a non-work day or non-work shift. Unless the superintendent or his/her designee so declares a non-work day or non-work shift, all employees (including instructional personnel) are expected to report to their normal assignments at their regular or delayed time as declared by the superintendent.

B. Non-Exempt Employees and Inclement Weather

- i. Non-exempt employees who do not report to work at the normal reporting time, or at a time designated by the superintendent, shall upon approval of the immediate supervisor, be allowed to make up this time within the current or next pay period, or take personal business leave or vacation leave for the time missed.
- ii. Upon approval of the immediate supervisor, non-exempt employees will be allowed to make up missed time due to inclement weather within the current pay period. Employees may also request approval to take personal business leave or vacation leave for the time missed. Sick leave may not be used for this absence.

C. Exempt Employees and Inclement Weather

- i. Exempt employees who do not report to work at their normal time, or at the time designated by the superintendent, must communicate by telephone with their supervisor and advise the specifics of their situation. Even though exempt employees are not paid by the hour, there are certain expectations to maintain district hours of business. Failure to meet these expectations, without good reason and without approval by the supervisor, may be considered unsatisfactory performance.
- ii. Exempt employees need not report approved absences as personal business due to weather delays of less than four (4) hours. If the absence exceeds  $\frac{1}{2}$  of the work day, the employee may be required to record the appropriate amount of personal business leave.

D. Non-Work Day for Select Personnel

- i. If a decision is made that certain personnel, departments or campuses are to be dismissed from their duties or advised to not report to work, each affected employee will be notified by his/her supervisor or designee of the declaration of a non-work day or shift and the provision of paid leave. In the absence of such notification, employees are to report to, and/or continue their normal duty assignments.
- ii. The decision to declare a non-work day or non-work shift may or may not be related to a separate decision to delay or postpone classes. The declaration of a non-work day or non-work shift for select personnel does not trigger the provision of comp time or additional pay for personnel at work who have not been included in the non-work declaration.

E. Non-Work Day for the District

- i. If circumstances are such that a decision is made to close all offices and campuses, each affected employee will be contacted by their supervisor or designee and advised to stay home (or go home) as they

are on paid leave for period of the non-work day (or the remainder of the work shift). In the absence of such notification, employees are to report to work as normal.

- ii. In the remote situation where all offices and campuses have been closed and all employees have been provided paid leave, (district wide non-work day) it may be necessary for select personnel to report to work in spite of the non-work declaration. Non-exempt individuals so designated to work, will be additionally compensated.

**REVIEW OF INSTRUCTIONAL MATERIAL**

In order to promote transparency in the education process, Tulsa Tech's instructional materials will be available for review by parents of minor children. Instructional materials include items such as teacher manuals, films, tapes and other supplementary materials regardless of format.

In order to review these materials, a parent should submit a written request to the campus director. The request must specify the class/subject, teacher, student's name, and the types of items being requested for review. Within ten (10) days the campus director will arrange for a mutually convenient time for the review or will notify the parent that a review cannot be permitted. If the campus director declines to allow a parent to review the materials, the director will provide the parent with an explanation of why the material is not available. All reviews will be conducted between the hours of 7:30 a.m. and 4:00 p.m. in the campus director's office. Instructional materials may not be removed from the director's office.

In the event the requested review is denied or after fifteen (15) days with no response from the campus director, the parent may request this information through the board of education in accordance with Tulsa Tech's policy regarding parent rights.

OKLA. STAT. tit. 70, § 11-106.1

**PHONE CALLS DURING CLASS TIME**

The board of education recognizes that phone calls involving staff and students are occasionally necessary. However, classes must not be interrupted for routine calls. Students or staff may be called from the classroom only for urgent or emergency calls.

Personal calls are discouraged; however, students may obtain permission from office personnel to use the office telephones for business use only during class breaks. Incoming messages will be accepted and delivered during class breaks, if time permits.

Teaching staff may use office telephones, if necessary. Long distance calls will not be made without permission from the campus director. When personal long distance calls are made, arrangements must be made to promptly reimburse Tulsa Tech for the cost.

Cell phones may not be used except during normal break periods and the sound must be turned off while students and/or instructors are in class. This policy is also applicable to texting, instant messaging and other forms of technology based communication when used during instructional time.

### **VOLUNTEER SERVICES PROGRAM**

The Tulsa Technology Center Board of Education recognizes that citizens can make valuable contributions to students in the District education program and endorses the involvement of Volunteers to provide services. District Administration is charged with developing procedures and guidelines for the implementation of a Volunteer Services Program subject to appropriate rules and safeguards. Volunteers may be involved in selected facets of the operation of the District. Volunteers will be required to become familiar with District rules and regulations governing their service. They may be required to complete a criminal record affidavit and to undergo a felony record background search. Volunteers will be afforded the same protections from liability as District employees unless they act on their own volition outside the scope of the approved assignment. Such action may result in termination of the Volunteers' services. Volunteers will not be assigned to a classroom or other department in which they have relatives. District Administration reserves the right to deny the services of any Volunteer. Tulsa Technology Center's commitment to service (volunteerism) is an integral part of the District's culture. Tulsa Tech's students and staff have a long history of service to the community. Volunteerism connects citizens with opportunities to serve and mobilizes Volunteers for targeted community needs.

#### Tulsa Community College Tulsa Achieves Students

1. Only Tulsa Community College students enrolled in the Tulsa Achieves tuition funding program who have previously completed technical training at Tulsa Technology Center may participate in the program. Any exceptions must be approved by campus administration.
2. All volunteers must be processed through community relations. Volunteers are required to complete orientation and sign a "Volunteer Contract."
3. Under no circumstances shall any volunteer be the sole supervisory adult for students.
4. All volunteers are required to check in and out of the campus director's office and wear at all times a badge that identifies them as volunteers.
5. District personnel may periodically evaluate volunteers.
6. District personnel who involve volunteers in classroom or other district operations will be provided guidelines regarding volunteer supervision, necessary documentation and proper utilization of volunteers.
7. Tulsa Technology Center reserves the option to perform random background checks on volunteers serving the district.

## Responsibilities

1. Students
  - A. Contact Tulsa Technology Center personnel regarding volunteering in order to meet the requirements of the Tulsa Community College's Tulsa Achieves Program.
  - B. Meet with community relations to complete a "Volunteer Contract" and orientation and to receive assignment.
  - C. Express interest in posted volunteer opportunity through Volunteer Central's online tool.
  - D. Sign in and out at the campus director's office and wear a volunteer badge.
  - E. Report to the instructor or other district personnel as assigned.
  - F. Comply with the "Volunteer Contract."
  - G. Complete service assignment.
2. District Personnel
  - A. Direct all volunteer inquiries/referrals from Tulsa Achieves students to the community relations office.
  - B. Work with campus administration to determine volunteer assignment.
  - C. Upon acceptance, develop an assignment schedule, provide meaningful "work" for the volunteer.
  - D. Do not leave students under the supervision of the volunteer.
  - E. Record volunteer's service through Volunteer Central's online management tool.
3. Campus Administration
  - A. Work with the instructor in assigning volunteer.
  - B. Check volunteer in and out through campus director's office and provide a volunteer badge.

### **VISITORS TO DISTRICT FACILITIES**

It is the policy of the Board of Education of Tulsa Technology Center to encourage visits to school facilities during those times designated by the school for visitation purposes. These are usually planned during Vocational Education Week or on other special occasions such as open house, awards assemblies, and graduation ceremonies.

All visitors to district locations are required to register in the office of the director and state the purpose of their visit. Visitors wishing to tour a facility or visit a specific program must be scheduled with and accompanied by the director or his/her designee. Visitors will be issued a temporary I.D. badge. Visitors will not be permitted to visit inside classrooms during class hours except with permission of the director or his or her designee. Student visitors during class time will not be allowed unless they are part of a scheduled tour. It is not appropriate for visitors to evaluate personnel or operating procedures. Visitors must respect classroom decorum and not interrupt the class in any way.

In order to maintain order, the superintendent, campus directors and anyone designated by the superintendent or campus director shall have the authority and power to direct any person to leave technology center property who is not a student, officer, or employee thereof and who:

1. Interferes with the peaceful conduct of activities on technology center property;
2. Commits an act that interferes with the peaceful conduct of activities on technology center property; or
3. Enters technology center property for the purpose of committing an act that may interfere with the peaceful conduct of activities on technology center property.

For purposes of this policy, the term "interferes with the peaceful conduct" includes, but is not limited to, actions that directly interfere with classes, study, student or faculty safety, housing or parking areas or extracurricular activities or any lawful activity occurring on technology center property; threatening or stalking any person; damaging or causing waste to any property belonging to another person or the technology center; or direct interference with administration, maintenance or security of property belonging to the technology center.

The superintendent or person who issues the directive to leave technology center property will give the person to whom the directive is issued a copy of this policy within a reasonable amount of time after issuing the directive.



Any person to whom this policy applies, who fails to leave technology center property as directed or returns within six (6) months thereafter, without first obtaining written permission from the superintendent or anyone designated by the superintendent or the board of education, shall be guilty of a misdemeanor. Any person who has been removed from this institution shall, at the time of removal, be given written notification of the procedures for requesting a hearing or appeal with the board of education. That written procedure shall be a copy of this policy.

#### Filing an Appeal

Within five (5) working days of being directed to leave premises and receiving written notification of procedures for appeal, the individual (“complainant”) may request a hearing before the board of education regarding their removal from school premises. The request shall be submitted in writing to the superintendent. Such request shall be mailed certified mail, return receipt requested. During any appeal process, the person given the directive to leave technology center property must remain off technology center property unless the superintendent, in writing, instructs that the directive is to be stayed pending the appeal process. If the complainant fails to request a hearing within five (5) working days of being directed to leave the premises, the right to a hearing shall be deemed to be waived.

Upon receipt of the complainant’s request for a hearing, the administration shall prepare a written summary of the reason(s) why the individual was directed to leave school premises. The written summary may include the date, time, place, witness statements, and reasoning behind the administrator’s decision to direct the individual to leave school premises. The written summary prepared by the administration shall be mailed to the complainant no later than ten (10) days prior to the date set for hearing before the board of education.

#### Hearing

The hearing shall be conducted by the board of education as follows:

1. The administration shall present each of the board members with a copy of the written summary provided to the complainant;
2. The complainant shall present each of the board members with a copy of a written response to the administration’s written summary;
3. Members of the board shall be afforded the opportunity to ask questions related to the summary and responses;
4. The board shall vote to accept, amend, or reject the recommendation of the administration with regard to the directive to complainant.

The decision of the board shall be final and unappealable.

Reference: Okla. Stat. tit. 21, §§ 1375, 1376

## **RELIGION IN SCHOOL**

The Constitution of the United States of America forbids District action or practices that aid or prefer one religion over another or that aid all religions and thus endorse or show preference for religion over nonreligion. The District will encourage all students and staff members to appreciate and be respectful of each other's religious views.

The proper role of religion in the public schools is its educational value and not in religious observance or celebration. This goal is achieved through curriculum that advances the students' knowledge and appreciation of the role religious heritage has played in the social, cultural, and historical development of civilization. Typically, these are components of an academic curriculum offered at the comprehensive high school and are not intrinsic to the learning experience at the career tech center.

Parents of a secondary student, or the individual adult student, may request an absence from school on a religious holiday. This absence shall be recognized as an excused absence. Employees may utilize accrued leave for observance of a religious holiday which falls on a regularly scheduled work day. The district shall be reticent to ask for disclosure of personal religious preferences or beliefs and may do so only where there is a legitimate need to determine the good faith belief, such as when the person has requested a day off for religious observances.

During noninstructional time, students have the right to pray individually or in groups and to discuss their religious views with their peers as long as they are not disruptive. Employees have the right to pray individually or in groups and to discuss their religious views with their peers during personal time. To avoid giving the impression the district endorses the teacher's religious views, employees are directed to refrain from expressing personal religious viewpoints in the classroom.

### **ADVISORY BOARD COMMITTEES**

It is the policy of the board of education that advisory committees be organized to advise the district on needs relevant to career and technology programs. The board of education is committed to the concept that career and technology education programs must be an integral part of the community in which they function. This concept requires cooperation among the entire instructional staff; full time, ACD, and Business and Industry. Comprehensive advisory committees also require input from the Oklahoma Department of Career and Technology Education (ODCTE); business, industrial, and labor sectors; and other education and public sectors of the community. This cooperation can be partially achieved through the effective use of advisory committees.

An advisory committee is defined as a group of informed citizens representing a specific instructional program, career cluster, or instructional support area. The membership should represent a cross section of business, industry, labor, or professional areas related to the specific instructional program or occupational area.

The board of education places within the function of director(s) the responsibility for supervision and evaluation of instruction, including each instructor's involvement in advisory committee functions as well as the approval of activities of advisory committees and their individual members as they relate to Tulsa Technology Center instructional programs.

An advisory committee shall be formed for each career major or career cluster and selected instructional support areas. All full-time instructors are expected to participate. Committee members should document the meeting minutes and they should be recorded and submitted on district templates.

The primary functions of advisory committees shall be:

1. Assuring alignment
2. Building awareness
3. Strengthening partnerships
4. Internships, WBE's – jobs

## **USE OF TECHNOLOGY CENTER FACILITIES**

### General Policy

Tulsa Tech will permit use of district facilities by educational, political, literary, cultural, religious, scientific, civic, mechanical, agricultural, parental involvement, or community organizations. Their use is subject to all applicable state laws, rules, regulations, and district policies. This policy defines the responsibilities and limitations of Tulsa Tech in responding to requests for use of facilities. Tulsa Tech facilities are specifically intended for educational purposes, and the focus of activities within those facilities is directed toward Tulsa Tech secondary and adult students, instructors, and its related business and industry partnerships. This policy shall be applied in an impartial and consistent manner to all constituents.

The intent of the policy is to ensure optimum use of resources and as a consequence, development and maintenance of good public relations with organized groups wishing to use these resources. These policies are applicable to all faculty, staff, students, business and industry representatives and visitors to Tulsa Tech, with the expectation that while on district property, all are required to adhere to the district's applicable standards of conduct and all are expected to abide by all pertinent district policies.

### Conference Services

All requests for facilities, other than academic classes, must be approved through Conference Services. Conference Services administers and enforces the Facility Use Policy, and is the source of all required scheduling of facilities, procedures for facility use, and questions about compliance with this Policy. They also provide event scheduling, physical arrangements, and coordinating of facility use with relevant Tulsa Tech support departments, including but not limited to: Dining Services, Physical Plant, Parking, and Security.

Facility use involving business and industry partners is arranged and coordinated through Tulsa Tech's Business and Industry Services Division. This use requires the presence and involvement of a BIS employee and Tulsa Tech's co-sponsorship of the meeting.

The Superintendent shall interpret and enforce all provisions of this Policy. Tulsa Tech reserves the right in its sole discretion to make decisions affecting the use of its facilities. Likewise, it reserves the right to deny future use of facilities to individuals or organization who violate district policies, including its policy concerning facilities use, or who fail to meet any of the obligations that accompany permission to use district facilities.

## Procedures for Use of District Facilities

All individuals and organizations must make application in writing on a standard application form to Conference Services at least ten (10) days prior to the date of the requested use. In contrast, BIS related facility use is coordinated and arranged through the Business and Industry Services Division.

## Responsibility of Approved Applicant

The applicant is responsible for the proper use of the facility, for payment for the use of district facilities (where applicable), for the conduct of persons attending the event, for payment of any damages to property or injuries or illness caused to individuals, or other loss sustained by Tulsa Tech or third parties due to the facility use. Responsibility is not dependent on whether use of facilities is with or without cost. Any user must ensure that activities are confined to the areas approved and hours agreed upon in the application. In particular, every applicant permitted use must indemnify Tulsa Tech for any theft, loss, or damage to district property over and above normal wear which might be expected from use of facilities, or for injury or illness to individuals attributed to facilities use and will make prompt payment for such theft, loss, or damage—whether to persons or property. A license agreement, indemnity bond or a deposit may be required if circumstances warrant. It is required that users of district facilities ensure that the activities are conducted at all times under competent adult supervision. The Conference Services designee will determine whether unwarranted damage to district property or individuals has occurred, subject to a final decision by the superintendent.

All rooms or areas will be left in as good condition as they were found, except the usual accumulation resulting from normal use. No applicant may sublet any part of the facility area named in the application request.

Users of district facilities must assume responsibility for the safety and protection of the audience, workers, and participants to the extent required by law as well as district policies and procedures. The board, through authority vested in the superintendent, may require minimum limits of public liability and property damage insurance for all using any district facility and require that there be evidence presented in the form of a certificate of insurance showing Tulsa County Technology Center School District No. 18 of Tulsa County, Oklahoma, as an additional named insured. In addition, users may be required to complete a License agreement as a condition of use of district facilities.

## Cancellations

Notice of cancellation of the use of district facilities must be received at least twenty-four (24) hours in advance of the day of the event in order for the user to avoid fees or costs attendant to use. Failure to timely cancel will obligate the applicant to pay for all custodial, security, set-up, food service and other expenses incurred in opening and preparing the building for use.

Cancellation may be made by the superintendent if the use of district facilities conflicts with the district's need of the facilities for its academic or business and industry primary needs or because of conduct that is inconsistent with the requirements of this facilities use policy, district policies, or state or federal laws. In the event of cancellation by the superintendent the district shall have no obligations whatsoever other than the return of any deposit related to the application for and requested use of district facilities.

### Holidays and Sundays

As a general rule, district facilities will not be available for use by outside organizations on district, state, or national holidays and on Sundays. Sundays are designated as an energy conservation day that shall be consistently observed. The superintendent may authorize limited exceptions to this rule for good cause shown, including exigent circumstances.

### Facility Use Charges

Charges made for use of district facilities are not rentals as that term is generally used, but are based on the cost of operating expenses that would not otherwise have been incurred, such as utilities, supplies, maintenance of facilities, custodial and cafeteria services, as well as clerical services necessary to process each application. Likewise, facilities use charges cover indirect costs including HVAC, electrical use, waste disposal, and the maintenance of Tulsa Tech facilities. Such charges are subject to change as deemed necessary. The superintendent is authorized by the board of education to set the rates for use of facilities.

In addition to facility use charges (where applicable) Tulsa Tech must be reimbursed for all "Direct Costs" incurred in facility use and these charges must be paid regardless of whether facility use is provided with or without a use charge.

"Direct Costs" are defined as all costs associated with use of Tulsa Tech facilities, except for the actual facility use charges. Direct expenses include, but are not limited to, costs incurred as a result of occupancy beyond regular business hours, audio-visual requirements, janitorial, personnel (security, food service or other personnel) required to service the event, special equipment, security, parking, technical support, and similar items.

Facilities used on a day or at a time when the facility is officially closed will be assessed fees that reflect all costs associated with supporting the use of the facility. Any costs incurred due to the required direct costs will be assessed in addition to use charges.

### Payment in Advance

All payments for the use of district facilities must be received at the office of Conference Services at least seventy-two (72) hours in advance of the event time. At its discretion, the district may require a deposit of the estimated direct or indirect costs of facility use as a condition of approving an application for use.

### Facility Use Without Charge

Waivers of fees must be approved by the Conference Services designee or the superintendent, as appropriate. Generally, the following organizations are exempt from paying facility fees subject to applicable duration and voucher limits:

- a. Partner schools and in-district private schools
- b. Oklahoma Department of Career & Technical Education
- c. Higher Education articulation partners
- d. In-district local governmental agencies

Waivers of fees do not include the waiver of other obligations included within this policy, including but not limited to obligations arising from damage or loss resulting from use of the facilities, direct costs as defined above, and similar costs.

Other users shall be subject to fees for use of the facilities as provided in the Tulsa Tech Facility Use Fee Schedule.

### Prohibited Use

District facilities shall not be used for:

- a. Meetings which promote subversive teachings and doctrines contrary to the spirit of American institutions;
- b. Activities tending to cause unrest in the community or which reflect upon or promote discrimination against citizens of the United States because of race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information;
- c. Any activity that may be destructive or injurious to the buildings, grounds or equipment; or
- d. Any purpose in conflict with district objectives.

### Political Programs and Activities

Political programs and activities are subject to all enumerated provisions of Tulsa Tech's Facilities Use Policy. Tulsa Tech facilities may not be used in any manner to involve Tulsa Tech as endorsing a political, ethnic, sectarian, or religious position. Facilities may not be used for political fundraising activities where solicitations of funds, donations, or similar activities take place. Tulsa Tech facilities are not available to organizations for partisan political programs, receptions, fundraisers, or similar activities, and political campaign materials supporting any federal, state, or local political party or individual politician may not be posted or otherwise distributed on Tulsa Tech property.

### Alcohol, Drugs, Tobacco and Dangerous Weapons

The use or possession of controlled substances (drugs) will not be permitted on district property. The use or possession of alcoholic beverages on district property is prohibited unless permission has been specifically granted for an event by the superintendent (or designee) or board of education, in which case the district Alcohol on Campus policy must be followed. Those using district facilities for any purpose are expected to comply with applicable laws and Tulsa Tech policies concerning the use of tobacco as well as those applicable to dangerous weapons, including handguns on district property. Individuals must comply with state and federal laws applicable to possession and storage of a firearm, machete, blackjack, loaded cane, hand chain and metal knuckles on school property. Firearms, machetes, blackjacks, loaded canes, hand chains and metal knuckles are restricted to a vehicle in the district's parking lot and must not be brought onto any other district property or into district buildings, offices, or other structures, absent the written consent of the superintendent.

## Apparatus and Equipment

Requests to use public address systems, projection equipment and screens, spotlights, stage sceneries, pianos, and similar items when the district has such items available must be included in the application. The costs of transparencies, gelatins, special scenery, and special lighting effects must be paid by the approved users. All such equipment and properties will be operated, moved, and controlled only by persons specifically designated by Conference Services, as approved by the superintendent.

As a precaution against fire, no request will be granted for the use of lighted candles or other actual flame equipment in connection with facilities use.

Classroom apparatus, such as shop, science, life skills, business education, clinical, and data processing equipment which is regularly used for instruction will not be available for use by non-district individuals or groups.

District equipment is not available for use off district property unless it is beneficial to the district in carrying forward its programs or is part of a district program located off district property.

Tulsa Tech in its sole discretion may condition use of a facility on the presence of individuals and/or the payment of costs that Conference Services or the superintendent deem appropriate because of the nature or type of facility use requested.

## Food Service and Catering

In order to ensure dining events are controlled and maintain the required standards for food safety, the following food and beverage policies pertain to events in Tulsa Tech facilities.

- Tulsa Tech Catering is the exclusive provider for events utilizing Tulsa Tech facilities. Any deviation from this requires the written consent of the superintendent or designee.

## Parking Lots

Parking lots are provided with the use of most district buildings. If use of only a parking lot is desired, application will be made as for use of any school facility. Parking areas are not reserved exclusively for groups using school buildings.

## Advertising and Promotion

Promotion and advertising literature of either internal or external programs must be approved by Tulsa Tech's Marketing Department prior to publication. Organizations may not use Tulsa Tech's name, seal, logo, or other district identification in advertising or promotional literature that states or implies such sanction or sponsorship of the event, except to list the location of the program or event—without written consent of Tulsa Tech's superintendent or designee.

## Emergency Use of Facilities

Tulsa Tech may in preparation for, anticipation of, or during a time of emergency make selected facilities available for the purpose of shelter to a person, association, for-profit or nonprofit,



religious or charitable organization under such circumstances as Tulsa Tech deems appropriate. Emergency use requires a declaration of emergency by the Governor for emergencies resulting from:

- Biological, chemical, or nuclear agents;
- Terrorism;
- Pandemic or epidemic of infectious disease;
- Catastrophic acts of nature, including but not limited to fire, flood, earthquake, tornado, wind, storm, or wave action; or
- Any other emergency situation as declared by the Governor by executive order under Oklahoma law.

#### Interpretation of the Policy and Procedures

The superintendent shall interpret and enforce all provisions of this policy and procedure. The superintendent's interpretation shall be final unless the board of education's president directs that the issue be brought to the board of education for review.

This policy summarizes the district's guiding principles related to use of Tulsa Tech facilities. This policy is supplemented by the district's Facility Usage Fee Schedule and the Event Scheduling Criteria Matrix documents.

**SALE OF TECHNOLOGY CENTER SURPLUS PROPERTY**

Real Property

When technology center-owned real estate is no longer needed for purposes of Tulsa Tech, the board of education may declare the property to be surplus to the needs of Tulsa Tech. Following such a declaration, surplus real estate may be sold at any time using the following procedure:

1. Prior to requesting bids for a property, Tulsa Tech will have the property appraised by at least two (2) disinterested, qualified appraisers chosen by the superintendent. If the superintendent deems it appropriate, additional appraisals may be obtained. All appraisals will be confidential until after the property is sold. When the property is sold, all appraisals will be made available for public inspection. Any appraisal must be made within six (6) months of the date on which the property is offered for public bid.
2. The superintendent or designee will prepare a notice to bidders advising that sealed bids for the purchase of a property will be received by Tulsa Tech at a time and place designated in the bid notice. The bid notice will require each bidder to state, in his or her bid, the intended use of the property. This use may be a factor in determining the successful bidder.
3. The bid notice will be published at least ten (10) days prior to the bid opening in at least one (1) issue of a newspaper of general circulation in the county in which the property is located. The bid notice may be published in additional newspapers or advertised by additional means at the discretion of the superintendent or by direction of the board of education.
4. The bids will be opened at the time and place specified in the bid notice and the bids will be referred to the board of education for acceptance or rejection. The board of education will reserve the right to reject any and all bids or to accept any particular bid.
5. Surplus real estate will not be sold at private sale unless the real estate has first been offered for sale by public sale or public bid and all such bids have been rejected.
6. Surplus real estate will not be sold at a public or private sale for less than 75% of the appraised value as determined by averaging the property appraisals.
7. Any conveyance of real estate by private sale to a non-profit organization, association, or corporation to be used for public purposes, unless for exchange, will contain a reversionary clause which returns the real estate to

Tulsa Tech upon cessation of the use without profit or for public purposes by the purchaser or the assigns of the purchaser.

### Personal Property

District owned property, other than real estate, is considered school personal property (equipment, furniture, etc.). When district-owned personal property is no longer needed, the board may declare the property to be surplus to the needs of the district. Following such a declaration, surplus personal property may be disposed of using the following procedure:

1. The board must declare the property surplus during a regular or special board meeting. The meeting agenda (or an attachment to the agenda) must contain a description of all property to be declared surplus.
2. Property donated to the District shall follow the same process for surplus declaration and/or sale.
3. After the board has declared the property surplus, the superintendent or designee is authorized to use the most economical and beneficial means to dispose of the property. These methods may include sale (public auction, written bids, online services, etc.), trade, salvage/scrap, discard, or any other means the superintendent determines to be appropriate based on the condition of the property and the totality of the circumstances. If property is sold or traded, the district must receive reasonable compensation.
4. The superintendent or designee will maintain records regarding disposition of surplus property for five years from disposition of the property.
5. Surplus computers, copiers, and other electronics that store data must be either electronically wiped clean or have the hard drive destroyed so that any sensitive or confidential information (social security numbers, health information, personal identification information, school financial information, licensed software, etc.) cannot be recovered from the equipment.
6. Partner school districts may be given an opportunity to take any needed surplus personal property.
7. School board members (and their second-degree relatives) are prohibited by state law from purchasing property from the district.
8. District employees (and members of their immediate families) who recommend that property be declared surplus are prohibited from obtaining the surplus property either directly or indirectly.

Reference: Okla. Stat. tit. 70, § 5-117(11)  
Okla. Stat. tit. 60, § 812

**ASBESTOS INSPECTION**

In accordance with the federal Asbestos Hazard Emergency Response Act (AHERA), Tulsa Tech has identified all asbestos materials present within the district and has developed appropriate plans related to asbestos within the district. Tulsa Tech complies with all AHERA regulations, including periodic public advertisements and walk-through inspections. Tulsa Tech has selected its environment, health and safety coordinator to be its "AHERA Designated Person" for each site within the district. The AHERA Designated Person can be contacted at 918-828-5181.

All required documentation for an individual site is on file and available for inspection in the campus director's office. A copy of the documentation for each site in the district is on file and available for inspection in the superintendent's office.

Reference: 15 U.S.C. § 2643

### **BUILDINGS AND GROUNDS MAINTENANCE**

The board of education believes that adequate maintenance of buildings, grounds and property is essential to for efficient management of Tulsa Tech.

The board directs a continuous program of inspection and preventative maintenance of technology center buildings and equipment.

The superintendent or designee shall develop and implement a maintenance program that will include:

- A regular program of repair and conditioning (preventative maintenance);
- Critical spare parts inventory;
- An equipment replacement program; and
- A long-range program of building modernization and conditioning.

The superintendent or designee shall develop such guidelines as may be necessary for the maintenance and repair of the physical plant.

The superintendent or designee shall develop a checklist that will be applicable to all buildings in Tulsa Tech. Each campus director, in conjunction with the maintenance director, shall conduct a physical inspection of each building on a semi-annual basis and submit a written report to the superintendent.

The superintendent shall report to the board regarding the current maintenance and improvement program.

## **USE OF SCHOOL VEHICLES**

It is the policy of the board of education that school vehicles maintained by the district shall be used to assist employees and board members in carrying out mission, goals and objectives of the district. School vehicles shall be operated, serviced and maintained in accordance with state law and generally accepted guidelines of vehicle maintenance and operation. School vehicles shall be operated by authorized board members, school employees and other persons approved by the superintendent and/or his/her designee(s) for school business purposes only.

### Procedures

The purpose of these procedures is to establish a set of written guidelines to follow in order to implement the board education's policy on use of school vehicles. The following procedures shall apply to the use of school vehicles:

#### 1. General Procedures

- A. School vehicles shall be operated by authorized school employees and other persons authorized by the superintendent and/or his/her designee(s). This shall include members of the board of education.
- B. School vehicles shall be operated, serviced and maintained in accordance with state law and generally accepted guidelines of vehicle maintenance and operation.
- C. School employees and board members who operate school vehicles shall be duly licensed and certified under Oklahoma law for the type of vehicle being used. The superintendent and/or his or her designee(s) may authorize a licensed operator from another state to operate a school vehicle.
- D. Operators of school vehicles must obey all traffic laws, exercise reasonable care at all times and operate the vehicle in a manner consistent and compliant with all safety rules, whether on school grounds or on public thoroughfares. Operators are required to take the necessary steps practical while operating a school vehicle to protect the safety and health of all passengers and other persons, as well as prevent damage to school vehicles or other property.
- E. Authorized personnel must obtain approval from the superintendent or designee when district vehicles are to be used for out-of-state travel.
- F. Authorized personnel must obtain approval from their department/campus director when district vehicles will be checked out for a time period greater than one (1) week.

2. Use of Tobacco Products

Use of any and all tobacco products is prohibited in or on all property, including motor vehicles owned, leased, or under the control of Tulsa Technology Center unless authorized in procedure. Please refer to the tobacco policy.

3. Use of Cell Phone or Other Electronic Texting Devices

District employees shall not engage in text messaging or texting when driving district vehicles or when driving private vehicles on district business.

4. Check-Out Procedures

- A. The use of all school vehicles, except for maintenance vehicles such as tractors, forklifts and trailers, shall be requested and checked out through the district transportation office. Additionally, travel with students and travel out of the district area requires written approval from a director or assistant director.
- B. A school gasoline credit card and Pike Pass may be checked out with any school vehicle when a trip outside the district is scheduled.
- C. All personnel authorized to operate district vehicles must present a valid Oklahoma driver license at time of check out. A copy of the license will be maintained yearly and on file in the district transportation office.

5. Check-In Procedures

- A. All school vehicles shall be returned to the appropriate parking or storage area.
- B. All vehicles shall be returned with a full gas tank when returning from out of district travel. Return all keys and all gas receipts to the district transportation office.

6. Reporting Accidents and Damage

- A. All vehicle accidents shall be reported immediately to the district transportation office and an "Employee Accident Reporting Form" completed.
- B. Any damage resulting to a school vehicle due to accidents or other reasons shall also be reported to the district transportation office with a completed "Motor Vehicle Accident Reporting Form."

7. Students in School Vehicles

Any school vehicle having a seating capacity of ten (10) or more passengers may not be used to transport students unless it is a Type A, B, C or D school bus. This means that a school van that has a capacity of ten (10) or more people may not be used to transport students.

8. School Cars

School cars are available to be used by staff members and board members in carrying out the mission, goals and objectives of the district. Students may be transported in school cars.

9. School Vans

School vans are also available to be used by staff members and board members. If the van seats ten (10) or more people, students may not be transported. As a general rule, a van should be used only when four or more passengers are being transported. Exceptions would be when the van is being used to transport equipment or a school car is not available.

10. Maintenance Trucks, Trailers, Tractors, Lift Equipment and Forklifts

These vehicles are to be used primarily for transporting equipment, tools and maintenance personnel while performing maintenance functions in the district. Forklifts and personnel lifts require certification training before use and can only be operated by district employees. No person shall be allowed to ride in the back of a truck or on any other vehicle unless it is designed for a driver/operator or passenger.

11. Donated Vehicles

Donated vehicles shall not be used to transport staff, students or any other person.

12. School Buses

- A. Personnel authorized to operate a school bus shall comply with the procedures set forth in district policy *Alcohol and Drug Testing for Bus Drivers*.
- B. Personnel authorized to operate a school bus shall possess a valid Commercial Driver License with Passenger and School Bus (P&S) endorsement and the State Department of Education certification. When operating a school bus, the district shall comply with the school transportation regulations listed in the school laws of Oklahoma, Sections 170-187 (Okla. Stat. tit. 70, § 9-101 *et seq.*).
- C. A copy of these regulations is available in the office of the district transportation office.

Reference: Okla. Stat. tit. 70, § 9-101 *et seq.*



**USE OF DISTRICT OWNED VEHICLES BY CERTAIN EMPLOYEES  
(The Commuting Rule)**

Tulsa Technology Center ("Tulsa Tech") recognizes the necessity for it to own vehicles and enable certain personnel to use those vehicles. This policy is adopted so as to assist in the efficient administration of Tulsa Tech's business by enabling certain employees who spend a substantial amount of their business activities and business time in engaging in personal conferences with third parties in Oklahoma City, Oklahoma, and in other locations outside the geographic area of the City of Tulsa, Oklahoma, to use a vehicle owned by Tulsa Tech. Tulsa Tech also recognizes the business inefficiencies, resulting in lost business hours, of requiring certain employees to commute in their personal vehicles to Tulsa Tech's vehicle lot, only to pick up a vehicle owned by Tulsa Tech and drive outside of the City of Tulsa. As to those eligible employees who are designated by Tulsa Tech's Superintendent as being required to commute to and from Tulsa Tech in a specific vehicle ("Vehicle") that is owned by Tulsa Tech, this Policy shall apply.

Each employee (a) who has duties which involve substantial travel outside of the geographic boundaries of Tulsa, Oklahoma, (b) whose commute to and from Tulsa Tech would materially reduce that employee's time to devote to business activities, and (c) who is not (i) an elected official, nor an individual (ii) whose annual compensation equals or exceeds the amount of compensation payable to a Federal Government Executive Level V, is eligible to participate under this Policy. In addition to the foregoing, this Policy is as follows:

- (a) The employee is required to engage in business travel, and to commute in the Vehicle,
- (b) The employee may not use the Vehicle for personal purposes other than *de minimus* personal use and commuting to and from the employee's home and Tulsa Tech,
- (c) The employee does, in fact, forbear from using the Vehicle for personal purposes other than the personal purposes set forth in paragraph (b), and
- (d) The employee shall report as "wages" the product of (i) \$3.00 per day, multiplied by (ii) the number of business days in a calendar year, exclusive of the employee's vacation days for the current calendar.

Tulsa Tech shall also obtain from each employee to whom a Vehicle is issued under this Policy, an indemnification agreement pursuant to which the employee indemnifies and holds Tulsa Tech harmless for all taxes, interest on taxes, and penalties pertaining to taxes attributable to the employee's personal use of the Vehicle in excess of the personal use authorized by this Policy.

### **LOANING OF TECHNOLOGY CENTER EQUIPMENT**

Loaning of technology center equipment is prohibited by all technology center employees, other than the superintendent. When a staff member is requested by individuals or groups to loan technology center-owned equipment, such individuals or groups will be referred to the superintendent.

Individuals or groups borrowing technology center equipment will sign a request form stating:

1. The item and quantity borrowed;
2. When the borrowed item or items will be returned;
3. The condition of the item or items borrowed;
4. An assurance statement that the borrower will reimburse Tulsa Tech for any damages incurred while the item or items are on loan; and
5. An assurance that the borrower will accept the superintendent's appraisal of the dollar value of the damages incurred while on loan.

<p><b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b></p>	<p><i>School Property</i></p> <p>Adopted: December 11, 2017 Revised: October 22, 2018; October 26, 2020</p>
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### **INVENTORIES**

Inventory records shall ~~must~~ be maintained for all assets with a replacement value over \$2,500 and “attractable” assets with a replacement value over \$100.

The Inventory and Surplus Department is responsible for the District annual inventory counts. A separate furniture and equipment list shall be maintained for each room of a building.

Campus inventories are the responsibility of the Campus Directors and Classroom Instructors.

### **SELECTION OF NAMES FOR DISTRICT FACILITIES**

The Board of Education shall be the sole authority to approve or disapprove names for district facilities. Names for district facilities may be approved or disapproved during any regular, continued or reconvened meeting of the board of education. Although the board of education shall carefully consider all recommendations for naming school facilities, the final responsibility and authority for officially naming a school facility rests with the board of education.

A facility is defined as any of the following: a campus or other site, a building or group of buildings, a room or group of rooms including classrooms, offices, laboratories, shops and conference or meeting rooms, or grounds owned or operated by the school district.

Before voting to approve or disapprove a name for a facility, the board of education shall conduct a first reading of the proposed name(s) during any regular, continued or reconvened board of education meeting to receive public comment on the proposed name of any facility. The second reading and the vote to approve or disapprove a name for any facility may be held during the same meeting of the board of education or at any succeeding regular, continued or reconvened meeting of the board of education.

One of the name selection processes included in the procedures for this policy shall be used to propose and select a name for a district facility. The guidelines for approving and developing plaques commemorating important events and the names of individuals or companies involved in the construction or development of a facility shall also be included in the procedures for this policy.

#### Procedures

1. Selection of Name
  - A. Authority to Select a Name and Approve Building Plaques - The board of education shall be the sole authority to approve or disapprove a name for any school district facility. A facility is defined as any one of the following: a campus or other site, a building or group of buildings, a room or group of rooms including classrooms, offices, laboratories, shops and conference or meeting rooms, or grounds owned or operated by the school district. The board of education shall be the sole authority to approve or disapprove building plaques for any school facility.
  - B. Naming or Renaming a Facility - When the occasion arises to name or rename a district facility, the board of education shall approve the name for the facility.

The facility may be a newly-constructed facility, a previously unnamed facility, a previously named facility, or a newly-acquired facility.

- C. Requests for Naming or Renaming a Facility and Processes to be Used for Naming or Renaming a Facility - A request to name or rename a facility may be initiated by students, staff, members of the board of education, patrons or groups in the communities served by the school district. One of the following processes shall be used when a facility is to be named or renamed.
- i. Request by a Member of the Board of Education - Any member of the board of education may propose a name for a facility or to rename a facility. The proposed name or change of name shall be submitted to any member of the board of education, any member of the facilities committee, or the superintendent who shall place the item on the next meeting of the facilities committee for review. The request shall be presented in writing and shall include a rationale for the suggested name. After meeting to review the proposed name, the facilities committee shall place the proposed name as an item on the agenda of a board of education meeting with one of the following recommendations: to approve the proposed name; to reject or disapprove the proposed name; or with no recommendation on the proposed name. The proposed name shall be placed on the agenda of a board of education meeting no later than 30 calendar days following the receipt of the proposed name.
  - ii. Request by a Board of Education Committee - Any standing committee of the board of education may propose a name for a facility or to rename a facility. An ad hoc committee may be appointed by the president of the board of education for the purpose of proposing a name for a specific facility. The proposed name or change of name shall be submitted to any member of the board facilities committee, or the superintendent, who shall place the item on the next meeting of the facilities committee for review. The request shall be presented in writing and shall include a rationale for the suggested name. After meeting to review the proposed name, the facilities committee shall place the proposed name as an item on the agenda of a board of education meeting with one of the following recommendations: to approve the proposed name; to reject or disapprove the proposed name; or with no recommendation on the proposed name. The proposed name shall be placed on the agenda of an official board of education meeting no later than 30 calendar days following the receipt of the proposed name.
  - iii. Request by an Individual or Group of Individuals - Any individual, including an employee, a student, or group of individuals, including employees and students, may propose a name for a facility or to rename a facility. The request must be in writing and addressed to the superintendent or any board member and must state a rationale for the suggested name. The proposed name or change of name shall be submitted to any member of the board facilities committee or the

superintendent who shall place the item on the next meeting of the facilities and programs committee for review. After meeting to review the proposed name, the facilities committee shall place the proposed name as an item on the agenda of a board of education meeting with one of the following recommendations: to approve the proposed name; to reject or disapprove the proposed name; or with no recommendation on the proposed name. The recommendation shall be placed on the agenda of a board of education meeting no later than 30 calendar days following the receipt of the proposed name.

- D. **Selecting from More Than One Proposed Name** - When more than one name is proposed for the same facility, the facilities committee shall review all proposed names and place an item on a board of education agenda to: (1) recommend approval of one of the names; (2) recommend disapproval or rejection of all proposed names; (3) or make no recommendation on any of the proposed names. The item shall be placed on the agenda no later than 30 calendar days following the receipt of the proposed name.
- E. **Names for a Facility** - Facilities may be named for one of the following:
- i. Facilities may be named for persons, living or deceased, who are or have been outstanding civic or career and technology education leaders of local or national repute, or persons, living or deceased, who have made outstanding contributions to one or more of the communities served by the school district.
  - ii. Facilities may be named for a geographic area or section of a community served by the facility or a geographic area or section of the State of Oklahoma. The name shall be clearly identifying, widely-known and recognized.
  - iii. Facilities may be named or renamed based on their function or purpose.
  - iv. A facility may be named after major financial contributors to the school district.
  - v. The board of education reserves the right to select other names that in the judgment of the board of education are deemed appropriate.
- F. **First and Second Readings** - The board of education shall conduct a first reading of the proposed name(s) at a regular, continued or reconvened board of education meeting before approving or disapproving a name for a facility. Any individual who wishes to address the Board during the meeting may do so by signing up with the clerk of the board prior to the beginning of the board of education meeting. Each individual who addresses the board shall be limited to five (5) minutes. Any organization which wishes to be represented before the board of education during the public hearing shall identify one individual who shall be the spokesperson for the organization. The individual identified as the spokesperson for an organization shall sign up with the clerk of the board

prior to the beginning of the board meeting. Each individual who addresses the board shall be limited to five (5) minutes.

Before voting to approve or disapprove a name for a facility, the board of education shall conduct a second reading of the proposed name(s) during any regular, continued or reconvened board of education meeting to receive public comment on the proposed name of any facility. The second reading and the vote to approve or disapprove a name for any facility may be held during the same meeting of the board of education or at any succeeding regular, continued or reconvened meeting of the board of education.

- G. Plaques for Facilities - The board of education shall approve any plaque attached to or displayed in a building that relates to the naming or construction of the facility. Several types of building plaques may be used for new construction or remodeling of facilities. The various types of plaques include but shall not be limited to the following:
- i. Groundbreaking Plaque: A plaque commemorating a groundbreaking ceremony may be placed in a facility. The plaque shall include the date of the ceremony, name of the facility, names of board of education members who are in office at the time of the groundbreaking, architectural firm, construction firm, superintendent and key personnel designated by the superintendent may be included on the plaque.
  - ii. Building Dedication Plaque: A plaque commemorating the dedication of a building, campus or other facility may be also be placed in a facility when deemed appropriate by the board of education. The plaque shall include but not be limited to the date of the dedication ceremony, name of the facility, names of board of education members who are in office at the time of the dedication ceremony, architectural firm, construction firm, superintendent and key personnel designated by the superintendent may be included on the plaque.
  - iii. Other Plaques: A plaque commemorating other events related to the construction or remodeling of a building, campus or other facility may be also be placed in a facility when deemed appropriate by the board of education. The plaque shall include but not be limited to the date of the dedication ceremony, name of the facility, names of board of education members who are in office at the time of the dedication ceremony, architectural firm, construction firm, superintendent and key personnel designated by the superintendent may be included on the plaque.
- H. Advance Notice of Recommendation to Name a Facility – The superintendent shall be responsible for giving sufficient advance notice to permit patrons to appear at the board of education meeting when a name for a facility will be considered. Placing the item on a board agenda and posting the agenda in accordance with state law is considered sufficient advance notice.

- I. **Other Considerations - The facilities committee shall take into consideration the cost of signage, stationery, business cards and other related costs when making a recommendation to rename a facility.**
  
- J. **Final Authority - Although the board of education shall carefully consider all recommendations for naming school facilities, the final responsibility and authority for officially naming a school facility rest with the board of education.**



### **ALCOHOL ON CAMPUS**

Except for special circumstances, Tulsa Technology Center does not permit possession or consumption of any alcoholic beverage on campus. Any group or individual wishing to use Tulsa Tech facilities to host an event at which alcohol will be served must first consult with the Coordinator, Conference Services to discuss the limitations associated with serving alcohol on technology center property. Limitations on the serving of alcohol as expressed in this policy are to be strictly construed. The superintendent (or designee) or board of education must make final approval of any event prior to alcohol being served on campus.

Each of the following requirements must be met prior to alcohol being served on campus:

- Consultation with the Coordinator, Conference Services regarding the proposed event and Tulsa Tech's restrictions.
- Approval by the superintendent (or designee) or board of education.
- Event hosted in a Tulsa Tech facility.
- Event conducted after 5:00 p.m.
- Event conducted away from the presence of secondary students and other minors.
- Alcohol provided and served by a caterer appropriately licensed by the State of Oklahoma or other entity with a caterer/mixed beverage license.
- Non-alcoholic beverages readily available at prices which are equal to or less than the cost of the alcoholic beverages.
- The event must be financed by non-public funds.

Any group or individual utilizing Tulsa Tech's facilities must also comply with all provisions contained within the district's general policy regarding use of its facilities.

**HAZCOM PROGRAM**

The board of education values the health and safety of its employees and students, and the district will comply with all state and federal laws regarding the presence of hazardous chemicals at school. The board expects all individuals to use non-hazardous materials at school when feasible, to follow established safety procedures at all times, and to promptly report any suspected violations of this commitment to the district's environment, health and safety coordinator.

The district's environment, health and safety coordinator will develop, implement and maintain a comprehensive HazCom Program for use throughout the district. All district employees are required to participate in appropriate training on the new HazCom Program.

## **BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN**

This plan delineates specific rules and procedures relating to protecting employees of Tulsa Tech from occupational exposure to bloodborne pathogens (e.g., Hepatitis B Virus ("HBV"), Human Immunodeficiency Virus ("HIV"), etc.) as required by law.

Employees who are occupationally exposed to bloodborne pathogens include those who are reasonably anticipated to have skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials during the performance of their duties. Other infectious materials include: (1) the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid and any body fluid that is visibly contaminated with blood or where it is difficult or impossible to differentiate between body fluids; (2) any unfixed tissue or organ from a human, living or dead; (3) HIV-containing cell or tissue culture, organ culture and HIV-or HBV-containing culture medium or other solutions; and blood, organs or tissues from experimental animals infected with HIV or HBV. Any exposure to feces, nasal secretions, breast milk, sputum, sweat, tears, urine, vomitus or saliva, which is not visibly contaminated with blood, does not routinely constitute a risk of transmission of HBV or HIV. Saliva, if injected through a human bite, may pose a risk of HBV transmission.

This Exposure Control Plan delineates rules and procedures to be followed by employees to comply with the OSHA Bloodborne Pathogens Regulation previously cited. Appendix A defines the terms used throughout this Plan.

### Employee Exposure Determination

The likelihood of exposure to bloodborne pathogens among employees of Tulsa Tech varies among divisions and job classifications. Most job classifications within Tulsa Tech have no increased potential for occupational exposure to blood or potentially infectious materials as defined by the OSHA Bloodborne Pathogens Regulation.

Appendix B lists all technology center employee exposures to bloodborne pathogens by job classification and specific groups of occupational tasks. All potential exposures to blood and potentially infectious materials listed in the tasks shown in Appendix B are based upon risks incurred without the use of personal protective equipment. Based upon this analysis, Tulsa Tech has determined that the following groups of employees are likely to have occupational exposure to bloodborne pathogens: custodians and instructors of health care related clinic. These employees will receive the training and will be offered the Hepatitis B vaccinations as required by the OSHA Bloodborne Pathogens Regulation. Tulsa Tech will review this Exposure Control Plan and the exposure potential for specific jobs and occupational tasks shown in Appendix B annually or when new or modified tasks or procedures for job positions within Tulsa Tech alter potential occupational exposures.

## Methods of Compliance with Regulation

Because some tasks present the potential for employee exposure to blood and other potentially infectious materials, a number of engineering and work-practice controls have been adopted to minimize such exposures. Universal precautions are observed throughout Tulsa Tech to prevent contact with potentially infectious materials. Employees should consider all body fluids as potentially infectious because it is often difficult to differentiate between body fluid types. Where occupational exposure exists despite compliance with engineering and work practice controls, the use of appropriate personal protective equipment is required, which varies with the specific work tasks involved.

Engineering controls, including handwashing facilities, are maintained and replaced appropriately to insure their effectiveness. Any employee who observes an ineffective or malfunctioning control item or equipment should take immediate appropriate action to replace, discontinue use of and/or seek repair of the item or equipment.

### Handwashing

Handwashing by all exposed employees is required. The importance of handwashing as the primary prevention of contamination cannot be overemphasized. It is the single most important means of preventing the spread of infection. Handwashing facilities are interspersed throughout each technology center building.

All employees of Tulsa Tech who have routine occupational exposure are provided with antiseptic hand cleaner for disinfection purposes when handwashing is not immediately feasible. However, hand cleaners are not provided with the intent of substituting for handwashing. Employees should wash hands with soap and water as soon as possible following use of such antiseptic hand cleaners. Employees are also required to wash their hands immediately after removing gloves or other personal protective equipment. Employees must insure that hands and any other skin which becomes contaminated with blood or other potentially infectious material are immediately washed with soap and water and that any mucous membrane exposed to blood or other potentially infectious material is flushed with water as soon as possible.

### Protection of Food, Drink, Etc.

Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses is prohibited in work areas of Tulsa Tech where any risk of occupational exposure exists. The storage of food and drink in refrigerators, freezers or cabinets or on shelves, countertops or benchtops where blood or other potentially infectious materials are present is also prohibited.

### Personal Protective Equipment

Tulsa Tech provides appropriate personal protective equipment, including gloves, gowns and other appropriate devices, at no cost to any employee with occupational exposure. Appropriate personal protective equipment is that equipment which does not permit blood or other potentially infectious materials to pass through to the employee's work clothes, street clothes, skin, eyes, mouth or other mucous membranes under normal use and for the duration of time the protective equipment is in use.

All occupationally exposed employees of Tulsa Tech are required to use appropriate personal protective equipment. The only exception to this requirement allowed by the OSHA Bloodborne Pathogens Regulation might occur when the employee temporarily and briefly declines use of the equipment when "under rare and extraordinary circumstances, it [is] the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety service or would have posed an increased risk to the safety of the worker or co-worker." When such a judgment is made, the circumstances will be investigated and documented to determine whether changes should be instituted to prevent future recurrence.

Personal protective equipment appropriate for the work tasks in each division are readily accessible at the work site for all employees. Cleaning and laundering of reusable personal protective equipment is provided by Tulsa Tech through an outside vendor. Contaminated laundry is disposed of in the appropriate biohazard laundry containers provided by that vendor. Disposable personal protective equipment (e.g., disposable gloves) are discarded in sealed plastic bags.

If a garment becomes penetrated by blood or other potentially infectious materials during the course of its use, it should be removed immediately, or as soon as feasible, and disposed of appropriately. All personal protective equipment must be removed prior to leaving the work area.

### Gloves

Latex or vinyl gloves will be worn when it is reasonably anticipated that the employee will have hand contact with blood or other potentially infectious materials, mucous membranes or non-intact skin and when touching contaminated items or surfaces. Disposable (single use) gloves must be replaced as soon as practical when contaminated or when they are torn, punctured or their ability to function as a barrier is compromised. Disposable gloves are not to be washed or decontaminated for reuse.

Utility gloves, such as those used in housekeeping, sterilization and clean-up activities, may be decontaminated for reuse if the integrity of the glove is not compromised, but they must be discarded if they are cracked, torn, punctured or exhibit signs of deterioration. Hypoallergenic gloves or glove liners or powderless gloves are provided to employees who are allergic to the gloves normally provided. Employees with contact dermatitis caused by gloves may find protective skin creams helpful in preventing further irritation.

### Protective Body Clothing

Appropriate body clothing must be worn in occupational exposure situations. The types and characteristics of the protective clothing depend upon the task and degree of exposure anticipated. The need for protective body clothing will be rare in the school environment.

### Masks, Eye Protection and Face Shields

Because no employees engage in occupational activities in which splashes, spray, splatter or droplets of blood or other potentially infectious materials are likely to be generated and eye, nose or mouth contamination can be reasonably anticipated, masks, eye protection and face shields are not provided.

## Housekeeping

Worksites which are subject to contamination by blood and other potentially infectious materials are maintained in clean and sanitary condition by the designated custodial staff who have cleanup responsibility. All equipment, environmental and working surfaces are cleaned and decontaminated after contact with blood or other potentially infectious materials upon completion of procedures and immediately, or as soon as feasible, when surfaces are overtly contaminated or following any spill of blood or other potentially infectious materials. All work surfaces are cleaned and decontaminated at the end of each workshift if the surfaces have become contaminated since the last cleaning. One or more of the following solutions are to be used in disinfection of work surfaces, countertops and equipment: commercially-prepared germicidal disinfectants; commercially prepared disinfectants with an isopropyl alcohol content of 40% to 70%; commercially-prepared disinfectants with a hydrogen peroxide content of 3%; or an individually-prepared solution of one-part chlorine bleach to ten-parts water. Cleaning and disinfection of floors and walls may be accomplished using commercial cleaning formulations containing quaternary ammonia.

Bins, pails, cans and other similar receptacles intended for re-use that have a potential for becoming contaminated with blood or other potentially infectious materials are inspected and decontaminated on a regular basis and immediately, or as soon as feasible, upon visible contamination.

## Spill Cleanup

Spill cleanup requires the use of appropriate protective equipment including gloves, as appropriate. Spills are cleaned up by the individual responsible for the spill in most cases. Appendix D details specific procedures for biological spills cleaning and decontamination.

Broken glassware which may be contaminated is not picked up directly with the hands. Cleanup is affected using mechanical means such as a brush and dust pan. Contaminated broken glassware is discarded in sealed plastic bags.

## Waste Disposal

Disposal of waste contaminated with blood or other potentially infectious materials is in sealed plastic bags with Tulsa Tech's other non-regulated waste.

## Laundry

All contaminated laundry generated by exposed employees of Tulsa Tech is bagged or containerized at the location where it is used in appropriately labeled containers. Heavily soiled laundry is bagged in leak-proof plastic bags before being placed in laundry containers, if appropriate. Tulsa Tech contracts with an off-site commercial laundry company for laundry services. Laundry is not sorted, rinsed or processed in any other manner on site. Employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment.

## Hepatitis B Vaccination

Each technology center employee who has occupational exposure is offered the Hepatitis B vaccine series within ten (10) days of initial work assignment and after he or she has received the required training unless the employee has previously received the vaccination series, antibody testing has revealed immunity or the vaccination is contraindicated for medical reasons. Tulsa Tech will provide the health care professional responsible for the employee's Hepatitis B vaccination with a copy of the OSHA Bloodborne Pathogens Regulation. Vaccinations are performed by or under the supervision of a licensed physician or by or under the supervision of another licensed health care professional in accordance with U.S. Public Health Service recommendations during normal working hours, at a reasonable location and at no cost to the employee. Participation in a prescreening program is not a prerequisite for receiving the Hepatitis B vaccination. Employees who decline to accept the Hepatitis B vaccination are required to sign the declination statement included as Appendix E to this Plan.

Any employee who initially declines the Hepatitis B vaccination, but at a later date decides to accept the vaccination, is provided the vaccination at that time without cost. Any future recommended routine booster, dose or doses of Hepatitis vaccine recommended by the U.S. Public Health Service will also be provided to exposed employees without cost.

The Hepatitis B vaccination record or signed declination statement is maintained in each employee's confidential medical record in the office of the superintendent (see Recordkeeping-Medical Records).

## Post-Exposure Evaluation and Follow-Up

All technology center employees who experience an occupational exposure incident will complete the Incident Report attached as Appendix F immediately after the exposure, or as soon thereafter as feasible.

Each exposed employee is provided a confidential medical evaluation and follow-up, including prophylaxis, at no cost to the employee, by a licensed health care professional of Tulsa Tech's choice. As part of the post-exposure evaluation and follow-up, the routes of exposure and the circumstances under which the incident occurred is documented, including identification and documentation of the source individual, unless infeasible or prohibited by law, and testing of the source individual's blood and the exposed employee's blood is completed, as soon as feasible and after consent is obtained. Completion of the Record of Occupational Exposure to Blood or Potentially Infectious Body Fluids included as Appendix G to this Plan satisfies the Regulation's documentation requirements.

Tulsa Tech will provide the licensed health care professional who evaluates the exposed employee with the following information: a copy of the OSHA Bloodborne Pathogens Regulation; a description of the exposed employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records relevant to the appropriate treatment of the employee, including vaccination status, that are Tulsa Tech's responsibility to maintain.

The licensed health care professional's written opinion of the post-exposure evaluation is to be provided to the employee within fifteen (15) days of completion of the evaluation and is

to be limited to the following: whether Hepatitis B vaccination is indicated for the employee and if the employee has received such vaccination, that the employee has been informed of the results of the evaluation and that the employee has been told about any medical condition resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment. All other findings or diagnoses are to remain confidential and are not to be included in the written report.

Confidential medical records relating to post-exposure evaluation and follow-up are maintained in the office of the superintendent (see Recordkeeping -Medical Records).

### Labels and Signs

To the extent required, Tulsa Tech uses red color coding and/or fluorescent orange or orange-red biohazard labels to mark all hazardous items. The standard biohazard label and symbol is used for this purpose. Items contaminated with blood or other potentially infectious body fluids which are color coded or posted with biohazard labels include the following: contaminated laundry.

### Recordkeeping

1. **Medical Records.** Confidential medical records are kept on all technology center employees with occupational exposure to blood or other potentially infectious materials in the office of the superintendent. Each record includes the employee's name, Social Security number, Hepatitis B vaccination record (or declination form), copies of all results of examinations, medical testing and follow-up procedures relating to any exposure incidents and a copy of the health care professional's consultation and written opinion relating to any exposures.

All employee medical records are kept for the duration of employment, plus thirty (30) years in accordance with the OSHA Bloodborne Pathogens Regulation.

2. **Training Records.** Records documenting the provision of information and training relating to occupational exposure to bloodborne pathogens are maintained for three (3) years from the date of training by Tulsa Tech's training coordinator. These records include the dates of training sessions, a summary of the training session, names and qualifications of the persons conducting the training sessions and the names and job titles of all persons attending the training sessions. An outline of Tulsa Tech's Bloodborne Pathogens Training Program is included as Appendix H to this Plan. A Training Record form is attached as Appendix I.

### Information and Training

Information and training pertaining to bloodborne pathogens is provided to all technology center employees with occupational exposure without cost and during normal working hours. This training is provided within ten (10) days of initial assignment to tasks where occupational exposures occur and annually thereafter or whenever modifications of tasks or procedures or the institution of new tasks or procedures affect an employee's occupational exposure to the extent that additional training is indicated and appropriate. Routine training of new employees is arranged on an as-needed basis through Tulsa Tech's training coordinator. Training is presented by qualified staff members.

Training material is appropriate in content and vocabulary to the educational level, literacy and language of employees. The training program is designed to fulfill the requirements for



bloodborne pathogen training outlined in the OSHA Bloodborne Pathogens Regulation. A detailed outline of the training program is kept on file with Tulsa Tech's training coordinator.

## **DRUG AND ALCOHOL FREE WORKPLACE**

In order to maintain a healthy educational and working environment in Tulsa Tech facilities, and to comply with the requirements of the Drug-Free Workplace Act of 1988 for purposes of receiving federal assistance, the board of education adopts the following policies and regulations:

1. Use, possession, dispensing, manufacture, sale, or distribution; or conspiring to sell, distribute, or possess; or being in the chain of sale or distribution; or being under the influence of a controlled substance or an alcoholic beverage (as defined by Oklahoma law) in any of Tulsa Tech facilities, on technology center property (including vehicles), or at a technology center sponsored function or event by an employee is prohibited. Violation of this prohibition shall result in disciplinary action, which may include dismissal or nonrenewal of employment. Violations which constitute criminal acts will be referred for prosecution.
2. Employees who are engaged in the performance of work under the terms of a federal grant must, as a condition of their employment, notify a technology center administrator in writing of any drug conviction (including a plea of nolo contendere) for a violation of a criminal drug statute which occurred at a technology center workplace within five (5) calendar days after the conviction. The conviction shall result in dismissal or nonrenewal.
3. The conviction shall be reported in writing by Tulsa Tech's grant administrator to the relevant federal granting agency within ten (10) calendar days of the notification by the employee or other actual notice of the conviction.
4. This policy statement shall be included in Tulsa Tech's employee manual, and shall be distributed to all employees at the commencement of each school year.
5. The employee in-service training period prior to the commencement of each school year shall include a review and discussion of the dangers of drug and alcohol abuse in the workplace, Tulsa Tech's policy for a drug- and alcohol-free workplace, the penalties for violating the policy, and available sources of information, counseling, rehabilitation, and re-entry programs regarding drug and alcohol use.
6. **EXCEPTION:** The legal use and consumption of alcoholic beverages during designated special events on Tulsa Tech facility premises is permitted as provided in the district's Board of Education Policy on *Alcohol on Campus*. Additionally, employees may legally use and consume alcohol at work-related social functions held off-premises when alcohol is being served at the event, the employee has been invited to attend, and the event is conducted away from the presence of secondary students and other minors. Related to both on-premises and off-premises events,

consumption should be minimal, social in nature, and should not interfere with any assigned duties of the employee, including representing and protecting the image and reputation of the school. Under no circumstances may a district employee consume or be under the influence of alcohol while operating district vehicles or equipment. The consumption of alcohol will not constitute a mitigating circumstance when it contributes to the violation of district policies.

Reference: Drug Free Workplace Act of 1988, 41 U.S.C. §§ 8101 *et seq.*

**TESTING EMPLOYEES AND APPLICANTS  
FOR EMPLOYMENT (OTHER THAN BUS DRIVERS)  
WITH REGARD TO THE USE OF ALCOHOL  
AND ILLEGAL CHEMICAL SUBSTANCES**

The Board, with the intent that all employees have notice and knowledge of the ramifications concerning alcohol and illegal chemical substance use, possession, purchase, sale or distribution when the employee is on duty or on school property, does hereby adopt the following Policy on Testing Employees and Applicants for Employment (Other Than Bus Drivers) With Regard to the Use of Alcohol and Illegal Chemical Substances.

**1. Statement of Purpose and Intent**

- 1.1 The safety of students, employees and visitors to the technology center is of paramount concern to the School Board.
- 1.2 Employees who are under the influence of alcohol or an illegal chemical substance when the employee is on duty or on school property pose serious safety risks to students, other employees and visitors to the District.
- 1.3 The use of alcohol and illegal chemical substances has a direct and adverse effect on the safety, personal health, attendance, productivity and quality of work of all employees and the safety of all students and visitors to the District.
- 1.4 Recent scientific studies demonstrate that the use of alcohol and illegal chemical substances reduces an employee's ability to perform his job beyond the time period of immediate consumption or use.
- 1.5 The Board recognizes that all employees have certain personal rights guaranteed by the Constitutions of the United States of America and the State of Oklahoma as well as by the Oklahoma Standards for Workplace Drug and Alcohol Testing Act ("Act"), Okla. Stat. tit. 40, §§ 551 *et seq.* This Policy will not infringe on those rights.
- 1.6 As a part of this Policy, the Board hereby adopts an Employee Assistance Program in which employees may be referred to third-party providers who will provide the employee, at the employee's expense, a confidential drug and alcohol dependency evaluation and referral service for substance abuse counseling, treatment or rehabilitation. The Board encourages employees who have chemical dependency problems to seek professional assistance.
- 1.7 Due to the devastating impact that the use of alcohol and illegal chemical substances can have on the safety of students and employees and their

adverse effect on an employee's ability to perform the employee's job, the Board will not tolerate employees who use, possess, distribute, purchase, sell or are under the influence (as defined in the Policy) of alcohol or illegal chemical substances when on duty or while on school property.

- 1.8 This Policy will apply to all employees of the technology center regardless of position, title or seniority except bus drivers. The testing of bus drivers for alcohol or illegal chemical substances is exclusively governed by the technology center's Policy on Alcohol and Drug Testing for Drivers and the federal Omnibus Transportation Act of 1991. Bus drivers whose job assignment involves duties independent of bus driving shall be subject to this policy as to all non-bus driving duties.
- 1.9 Violations of this Policy will subject the employee to disciplinary action, including termination.

## **2. Definitions**

- 2.1 "Applicant" means a person who has applied for a position with an employer and received a conditional offer of employment, or an existing employee seeking transfer or reassignment to a different position, or an existing employee who is being transferred or reassigned to a different position.
- 2.2 "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 will 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. By this policy, applicants and employees are placed on notice that the technology center may test individuals for drugs and alcohol.
- 2.3 "Alcohol" means ethyl alcohol or ethanol.
- 2.4 "Under the influence" means any employee of the technology center or applicant for employment with the technology center who has any alcohol or illegal chemical substance or the metabolites thereof present in the person'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.
- 2.5 "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 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.

- 2.6 “School property” means any property owned, leased or rented by the technology center, including but not limited to school buildings, parking lots and motor vehicles.
- 2.7 “Drug or alcohol use test” means a chemical test administered for the purpose of determining the presence or absence of alcohol or a drug or its metabolites in a person’s bodily tissue, fluids, or products. Adulteration of a specimen or of a drug or alcohol test shall be considered as a refusal to test.
- 2.8 ”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 principals and is of equal or greater accuracy than the initial test. In instances when a breathalyzer test is used, a confirmation test means a second sample test that confirms the prior result. Where a single use test is utilized, a confirmation test means a second test confirmed by a testing facility.
- 2.9 "Employee" means any person who supplies labor for remuneration to his or her employer in this state and shall not include an independent contractor, subcontractor or employees of an independent contractor; provided, however, an independent contractor, subcontractor, or employees of an independent contractor, may be subject to a workplace drug or alcohol testing policy under the terms of the contractual agreement when the drug or alcohol testing policy applies to other workers at the job site or workers who are in the same or similar classification or group.
- 2.10 “On duty” means any time during which an employee is acting in an official capacity for the technology center or performing tasks within the employee’s job description, including the taking of an annual physical examination.
- 2.11 “Reasonable suspicion” means a belief that an employee 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:
- a. Observable phenomena, such as:
    - (1) The physical symptoms or manifestations of being under the influence of alcohol or a drug while at work or on duty, or
    - (2) The direct observation of alcohol or drug use while at work or on duty;
  - b. A report of drug or alcohol use while at work or on duty, provided by reliable and credible sources and which has been independently corroborated;
  - c. Evidence that an individual has tampered with an alcohol or drug test during his employment with Tulsa Tech; or

- d. Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of alcohol or drugs while on duty or while on Tulsa Tech's premises or operating the School Technology Center's vehicles, machinery or equipment.

2.12 "Bus driver" means:

- a. A Technology Center employee who is required to have a commercial drivers' license ("CDL") to perform the employee's duties;
- b. Employees of independent contractors who are required to have a CDL;
- c. Owner-operators;
- d. Leased drivers; and
- e. Occasional drivers.

2.13 "Direct Child Care" means the following:

- A. Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours;
- B. By persons other than their parents, guardians, or custodians;
- C. For any part of the twenty-four-hour day;
- D. In a place other than a child's own home, except that an in-home aide provides child care in the child's own home.

**3. Procedures for Alcohol or Illegal Chemical Substance Testing**

- 3.1 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 State Department of Health ("Department") and using scientifically validated toxicological methods that comply with rules promulgated by the Department. Testing facilities shall be required to have detailed written specifications to assure chain of custody of the samples, proper labeling, proper laboratory control and scientific testing. 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 applicants and employees. 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 or as otherwise permitted by the Department or its board; 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 analysis in the event of a challenge of the test results of the main sample; the test monitor shall not observe any employee or applicant 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 an employee/applicant 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 applicant/employee giving the sample. The test monitor shall give each employee or applicant a form on which the employee or applicant may, but shall not be required to, list any medications he has taken or any other legitimate reasons for his having been in recent contact with alcohol or illegal chemical substances.

- 3.2 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 the gas chromatography/mass spectroscopy technique or 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. An applicant for employment will not be denied employment or an employee will not be subject to disciplinary procedures unless the second test is positive for the presence of illegal chemical substances or the metabolites thereof.
- 3.3 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 and different test using any scientifically accepted method approved by rules of the State Board of Health, at the cutoff levels determined by Board rules.
- 3.4 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.
- 3.5 Any applicant for employment or employee who is subject to disciplinary action as a result of being under the influence of alcohol or an illegal chemical substance, as and for an appeal procedure, will be given a reasonable opportunity, in confidence, to explain or rebut the alcohol or drug use test results. If the applicant or employee asserts that the positive test results are caused by other than consumption of alcohol or an illegal chemical substance by the applicant or employee, then the applicant or employee 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 technology center will rely on the opinion of the technology center'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.

In the case of drug use testing, the employee or applicant will have a right to have a second test performed on the same test sample at the expense of the employee or applicant. In the case of alcohol testing, the employee or applicant will have a right to have a second test performed on the same test sample using any scientifically accepted method approved by rules of the State Board of Health, at the cutoff levels determined by Board rules. The request for the second test must be made within 24 hours of receiving a positive test in order to challenge the results of a positive test and subject to the approval by the technology center's testing facility that (a) the facility selected by the applicant or employee for the second test meets the qualifications required for a testing facility under the Act



and (b) the testing methodology used by the facility selected by the employee or applicant conforms to scientifically-accepted analytical methods and procedures, including the cutoff levels, as determined by the State Board of Health. If the re-test reverses the findings of the challenged positive result, then the technology center will reimburse the applicant or employee for the costs of the re-test. A proper chain of custody shall be maintained at all times in transmitting the sample to and from a second laboratory.

- 3.6 The technology center may permit testing for drugs or alcohol by other methods reasonably calculated to detect the presence of drugs or alcohol, including but not limited to breathalyzer testing, testing by use of a single-use test device, known as onsite or quick testing devices, to collect, handle, store, and ship a sample collected for testing.
- 3.7 The testing facility 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 technology center will not report on or disclose to the technology center any physical or mental condition affecting an employee or employment applicant 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.
- 3.8. The records of all drug and alcohol test results and related information retained by the technology center shall be the property of the technology center unless:
  - A. the information will be admissible evidence by an employer or employee in a court case or administrative agency hearing if either the employer or employee is a named party;
  - B. the information is required to comply with a valid judicial or administrative order; or
  - C. the technology center's employees, agents or representative needs to access the records in the administration of the Act.

#### **4. Employee Alcohol and Drug Use Tests Requirements**

The technology center is authorized to conduct drug and alcohol testing in accordance with the Act. The technology center has chosen to conduct drug or alcohol testing under the following circumstances:

- 4.1 *Applicant testing:* The technology center will require an applicant, as defined above, to undergo drug or alcohol testing and may use a refusal to undergo testing or a positive test result as a basis for refusal to hire or grant a voluntary transfer/reassignment.
- 4.2. *For-cause testing:* The technology center will 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:

- A. drugs or alcohol on or about the employee's person or in the employee's vicinity,
  - B. conduct on the employee's part that suggests impairment or influence of drugs or alcohol,
  - C. a report of drug or alcohol use while at work or on duty,
  - D. information that an employee has tampered with drug or alcohol testing at any time,
  - E. negative performance patterns, or
  - F. excessive or unexplained absenteeism or tardiness.
- 4.3. *Post-accident testing:* The technology center 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. The technology center 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. For purposes of workers' compensation, no employee who tests positive for the presence of substances defined and consumed pursuant to Section 465.20 of Title 63 of the Oklahoma Statutes, alcohol, illegal drugs, or illegally used chemicals, or refuses to take a drug or alcohol test required by the employer, shall be eligible for such compensation;
- 4.4. *Random testing:* As determined appropriate by the board of education, the technology center may require an employee or all members of an employment classification or group to undergo drug or alcohol testing at random and may limit its random testing programs to particular employment classifications or groups, except that the technology center will require random testing only of employees who:
- A. are police or peace officers, have drug interdiction responsibilities, or are authorized to carry firearms, or
  - B. are engaged in activities which directly affect the safety of others, including but not limited to school vehicle mechanics and those employees designated as "safety sensitive" pursuant to this policy.
- 4.5. *Scheduled, periodic testing:* The technology center will require an employee to undergo drug or alcohol testing as a routine part of a routinely scheduled employee fitness-for-duty medical examination, or in connection with an employee's return to duty from leave of absence, of employees who:
- A. are police or peace officers, have drug interdiction responsibilities, or are authorized to carry firearms, or
  - B. are engaged in activities which directly affect the safety of others, including but not limited to school vehicle mechanics and those employees designated as "safety sensitive" pursuant to this policy.

- 4.6 *Post-rehabilitation testing:* The technology center may request or require an employee to undergo drug or alcohol testing for a period of up to two (2) years commencing with the employee's return to work, following a positive test or following participation in a drug or alcohol dependency treatment program.

**5. Employee Use, Sale, Possession, Distribution, Purchase or Being Under the Influence of Alcohol or Illegal Chemical Substance**

Any employee 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 duty, while on school property or as a result of alcohol or drug use tests conducted under this Policy, or who refuses to submit to an alcohol or drug test permitted under the Act, will be subject to disciplinary action, including termination.

**6. Alcohol and Drug Use Tests of Applicants for Employment When Required**

All applicants for employment will be required to submit to alcohol and/or drug use testing after a conditional offer of employment has been made to the applicant. All applicants will be notified that alcohol and/or drug use testing will occur if they are offered a conditional offer of employment. Any applicant who refuses to submit to an alcohol or drug use test after a conditional offer of employment will not be hired.

**7. Applicants Under the Influence of Alcohol or An Illegal Chemical Substance**

Any applicant who 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 will not be hired.

**8. Person Authorized to Order Alcohol or Drug Testing**

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

- 8.1 The Superintendent;
- 8.2 Any employee designated for such purposes by the Superintendent or Board.

**9. Release of Information**

- 9.1 Upon written request, the applicant for employment or the employee will be provided, without charge, a copy of all information and records related to the individuals' testing. All test records and results will be confidential and kept in files separate from the employee or applicant's personnel records.
- 9.2 The technology center shall not release such records to any person other than the applicant, employee or the technology center's review officer unless the applicant or employee, in writing following receipt of the test results, has expressly granted permission for the technology center to release such records in order to comply with a valid judicial or administrative order.
- 9.3 The testing facility, of any agent, representative or designee of the facility, or any review officer, shall not disclose to any employer, based on the analysis of a

sample collected from an applicant or employee for the purpose of testing for the presence of drugs or alcohol, any information relating to the general health, pregnancy, or other physical or mental condition of the applicant or employee.

- 9.4 The testing facility shall release the results of the drug or alcohol test, and any analysis and information related thereto, to the individual tested upon request.
- 9.5 This policy does not preclude the technology center, when contracting with another employer, from sharing drug or alcohol testing results of any tested person who works pursuant to a contractual agreement.

## **10. Medical Marijuana**

Pursuant to Okla. Stat. tit. 63, § 420A *et. seq.*, unless failure to do so would cause the technology center to imminently lose a monetary or licensing related benefit under federal law or regulations, the technology center will not discriminate against an applicant in hiring or take employment action against an employee on the basis of the employee's or applicant's status as a medical marijuana license holder.

Additionally, the technology center shall not refuse to hire, discipline, discharge, or otherwise penalize an applicant or employee solely on the basis of a positive test for marijuana components or metabolites unless:

1. The applicant or employee is not in possession of a valid medical marijuana license;
2. The licensee possesses, consumes or is under the influence of medical marijuana or medical marijuana product while at the place of employment or during the fulfillment of employment obligations; or
3. The position is one involving safety-sensitive job duties, as set out in this policy.

When permitted, adverse action pursuant to this policy may be taken against an employee or applicant for a positive drug test for marijuana components or metabolites.

As used in this section, a determination of whether an applicant or employee 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 applicant or employee is under the influence may include, but are not limited to:

1. Observation of any of the conduct or phenomenon described below:
  - A. the odor of marijuana on or around the individual;
  - B. Disorganized thinking;
  - C. Paranoia and/or confusion;
  - D. Bloodshot eyes;
  - E. Increased heart rate;

- F. Increased appetite; or
  - G. Loss of Coordination and
2. Any circumstance that would permit the technology center to engage in “for cause” drug or alcohol testing of the employee under this policy.

The technology center has determined that the following categories of jobs qualify as having safety sensitive job duties:

1. Police or peace officers, those employees with drug interdiction responsibilities, or who are authorized to carry firearms;
2. School Bus Mechanics;
3. Employees whose responsibilities require the driving a school vehicle;
4. School Nurses or Employees who are authorized to administer medicine to Students;
5. Employees whose responsibilities include direct patient care or direct child care; and
6. Teachers and Instructors responsible for the following courses: Automotive Maintenance, Automotive Collision Repair, Airframe and Power Plant Mechanics, Aviation Maintenance, Avionics Basic Firefighting, Pre-Law Enforcement, Carpentry, Cosmetology, Early Child Development/Childcare, Electrical, Eye Care, HVAC, Medical Assisting, Practical Nursing, Nurse Aide, Phlebotomy, Radiologic Technology, Surgical Technology, Welding.

## **11. Notice of Policy**

This policy shall be given broad circulation to all employees of the technology center which shall include prominent posting at various places in the technology center. Each employee shall be given a copy of this Policy, and each applicant shall be given a copy of this Policy upon the tender of a conditional offer of employment. Delivery of the policy to applicants or employees may be accomplished in any of the following ways:

- 11.1 Hand-delivery of a paper copy of or changes to the policy:
- 11.2 Mailing a paper copy of the policy or changes to the policy through the U.S. Postal Service or a parcel delivery service to the last address given by the employee or applicant;
- 11.3 Electronically transmitting a copy of the policy through an email or by posting on the employer’s website or intranet site; or
- 11.4 Posting a copy in a prominent employee access area.

## **12. The Standards for Workplace Drug and Alcohol Testing Act**

This Policy is subject to and supplemented by the Act. To the extent that any provision of this Policy is in contravention to the Act, then the Act shall control. To the extent that this Policy is silent as to any matter covered by the Act, then the Act shall control. This Policy shall be interpreted by the Board of Education of the technology center and its employees consistent with the Act.

## **ABUSE, NEGLECT AND EXPLOITATION**

### Introduction

Under Oklahoma Law, technology center employees have varying legal obligations to report abuse, neglect and exploitation. In addition, employees have an obligation to report suspected abuse, neglect, exploitation, or trafficking affecting students to the campus director or other school officials to ensure the student's safety and welfare while at school or participating in technology center activities. The purpose of this policy is to provide directives and guidelines to assist technology center employees in fulfilling their legal responsibility.

### Definitions

Certain terms used in this policy have the following definitions:

1. "Abuse, neglect, or exploitation" shall include, but is not limited to all of the following:
  - a. "Abuse" is defined as:
    - i. harm or threatened harm through action or inaction to a child's health, welfare (including non-accidental physical pain or injury, or mental injury), or safety, sexual abuse, sexual exploitation, or negligent treatment or maltreatment, including but not limited to the failure or omission to provide adequate food, clothing, shelter or medical care or protection from harm or threatened harm, by a person responsible for the child's health or welfare. (10A OKLA. STAT. § 1-1-105);
    - ii. willful or malicious harm or threatened harm or failure to protect from harm or threatened harm to the health, safety, or welfare of a child under eighteen (18) years of age by another, or the act of willfully or maliciously injuring, torturing or maiming a child under eighteen (18) years of age by another. (21 OKLA. STAT. § 843.5); or
    - iii. the intentional infliction of physical pain, injury, or mental anguish or the deprivation of food, clothing, shelter, or medical care to an incapacitated person, partially incapacitated person, or a minor by a guardian or other person responsible for providing these services. (30 OKLA. STAT. § 1-111).
  - b. "Neglect" is defined as any of the following:
    - i. the failure or omission to provide any of the following:
      1. adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education,
      2. medical, dental, or behavioral health care,
      3. supervision or appropriate caretakers, or
      4. special care made necessary by the physical or mental condition of the child,

- ii. the failure or omission to protect a child from exposure to any of the following:
    - 1. the use, possession, sale, or manufacture of illegal drugs,
    - 2. illegal activities, or
    - 3. sexual acts or materials that are not age-appropriate;
  - iii. abandonment. (10A OKLA. STAT. § 1-1-105); or
  - iv. the failure to provide protection, adequate shelter or clothing; or the harming or threatening with harm through action or inaction by either another individual or through the person's own action or inaction because of a lack of awareness, incompetence, or incapacity, which has resulted or may result in physical or mental injury. (30 OKLA. STAT. § 1-111).
- c. "Sexual abuse" is defined as behavior that includes but is not limited to rape, incest and lewd or indecent acts or proposals, made to a child, as defined by law, by a person responsible for the health, safety, or welfare of the child. (10A OKLA. STAT. § 1-1-105).
- d. "Sexual exploitation" is defined as behavior that includes but is not limited to allowing, permitting, encouraging, or forcing a child to engage in prostitution, as defined by law, by any person eighteen (18) years of age or older or by a person responsible for the health, safety, or welfare of a child, or allowing, permitting, encouraging or engaging in the lewd, obscene or pornographic photographing, filming or depicting of a child in those acts by a person responsible for the health, safety, and welfare of the child (10A OKLA. STAT. § 1-1-105).
- e. "Contributing to the delinquency of a minor" is defined as behavior that knowingly or willfully causes, aids, abets or encourages a minor to be, to remain, or to become a delinquent child or a runaway child. (21 OKLA. STAT. § 856).
- f. "Incest" is defined as marrying, committing adultery or fornicating with a person within the degrees of consanguinity within which marriages are by the laws of the state declared incestuous and void. (21 OKLA. STAT. § 885).
- g. "Forcible Sodomy" is defined as sodomy committed:
- i. By a person over eighteen (18) years of age upon a person under sixteen (16) years of age;
  - ii. Upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime;
  - iii. With any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime;
  - iv. By a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision of this state;
  - v. Upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private secondary



- school, junior high or high school, or public vocational school, with a person who is eighteen (18) years of age or older and is employed by the same school system;
- vi. Upon a person who is at the time unconscious of the nature of the act, and this fact should be known to the accused;
  - vii. Upon a person where the person is intoxicated by a narcotic or anesthetic agent administered by or with the privity of the accused as a means of forcing the person to submit; or
  - viii. Upon a person who is at least sixteen (16) years of age but less than eighteen (18) years of age by a person responsible for the child's health, safety or welfare. (21 OKLA. STAT. § 888).
- h. “Maliciously, forcibly or fraudulently taking or enticing a child away” is defined as maliciously, forcibly or fraudulently taking or enticing away any child under the age of sixteen (16) years, with intent to detain or conceal such child from its parent, guardian or other person having the lawful charge of such child or to transport such child from the jurisdiction of this state or the United States without the consent of the person having lawful charge of such child. (21 OKLA. STAT. § 891).
- i. “Soliciting or aiding a minor child to perform or showing, exhibiting, loaning or distributing obscene material or child pornography” is defined as:
- i. Willfully solicits or aids a minor child to perform any of the following actions:
    - 1. Lewdly exposing his or her person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby;
    - 2. Procuring, counseling, or assisting any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;
    - 3. Writing, composing, stereotyping, printing, photographing, designing, copying, drawing, engraving, painting, molding, cutting, or otherwise preparing, publishing, selling, distributing, keeping for sale, knowingly downloading on a computer, or exhibiting any obscene material or child pornography; or
    - 4. Making, preparing, cutting, selling, giving, loaning, distributing, keeping for sale, or exhibiting any disc record, metal, plastic, or wax, wire or tape recording, or any type of obscene material or child pornography; or
  - ii. Shows, exhibits, loans, or distributes to a minor child any obscene material or child pornography for the purpose of inducing said minor to participate in:
    - 1. Lewdly exposing his or her person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby;
    - 2. Procuring, counseling, or assisting any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;

3. Writing, composing, stereotyping, printing, photographing, designing, copying, drawing, engraving, painting, molding, cutting, or otherwise preparing, publishing, selling, distributing, keeping for sale, knowingly downloading on a computer, or exhibiting any obscene material or child pornography; or
  4. Making, preparing, cutting, selling, giving, loaning, distributing, keeping for sale, or exhibiting any disc record, metal, plastic, or wax, wire or tape recording, or any type of obscene material or child pornography. (21 OKLA. STAT. § 1021).
- j. “Procuring or causing the participation of any minor child in any child pornography or knowingly possessing, procuring or manufacturing child pornography” is defined as procuring or causing the participation of any minor under the age of eighteen (18) years in any child pornography or who knowingly possesses, procures, or manufactures, or causes to be sold or distributed any child pornography. (21 OKLA. STAT. § 1021.2).
- k. “Permitting or consenting the participation of a minor child in any child pornography” is defined as a parent, guardian or individual having custody of a minor under the age of eighteen (18) years who knowingly permits or consents to the participation of a minor in any child pornography. (21 OKLA. STAT. § 1021.3).
- l. “Facilitating, encouraging, offering or soliciting sexual conduct with a minor” is defined as facilitating, encouraging, offering or soliciting sexual conduct with a minor, or other individual the person believes to be a minor, by use of any technology, or engaging in any communication for sexual or prurient interest with any minor, or other individual the person believes to be a minor, by use of any technology. (21 OKLA. STAT. § 1040.13a).
- m. “Offering or offering to secure a minor child for the purposes of prostitution or any other lewd or indecent act” is defined as:
- i. Offering, or offering to secure, a child under eighteen (18) years of age for the purpose of prostitution, or for any other lewd or indecent act, or procure or offer to procure a child for, or a place for a child as an inmate in, a house of prostitution or other place where prostitution is practiced;
  - ii. Receiving or offering or agreeing to receive any child under eighteen (18) years of age into any house, place, building, other structure, vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose; or
  - iii. Directing, taking, or transporting, or offering or agreeing to take or transport, or aid or assist in transporting, any child under eighteen (18) years of age to any house, place, building, other structure, vehicle, trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation. (21 OKLA. STAT. § 1087).
- n. “Causing, inducing, persuading or encouraging a minor child to engage or continue to engage in prostitution” is defined as:
- i. By promise, threats, violence, or by any device or scheme, including but not limited to the use of any prohibited controlled dangerous substance causing, inducing, persuading, or encouraging a child under eighteen

- (18) years of age to engage or continue to engage in prostitution or to become or remain an inmate of a house of prostitution or other place where prostitution is practiced;
- ii. Keeping, holding, detaining, restraining, or compelling against his or her will, any child under eighteen (18) years of age to engage in the practice of prostitution or in a house of prostitution or other place where prostitution is practiced or allowed; or
  - iii. Directly or indirectly keeping, holding, detaining, restraining, or compelling or attempting to keep, hold, detain, restrain, or compel a child under eighteen (18) years of age to engage in the practice of prostitution or in a house of prostitution or any place where prostitution is practiced or allowed for the purpose of compelling such child to directly or indirectly pay, liquidate, or cancel any debt, dues, or obligations incurred, or said to have been incurred by such child. (21 OKLA. STAT. § 1088).
- o. “Rape” is defined as sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:
- i. Where the victim is under sixteen (16) years of age;
  - ii. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
  - iii. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
  - iv. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
  - v. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;
  - vi. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
  - vii. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, or the subcontractor or employee of a subcontractor of the contractor of the state or federal government, a county, a municipality or a political subdivision that exercises authority over the victim;
  - viii. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system; or

- ix. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant. (21 OKLA. STAT. § 1111).
- p. “Rape” is defined as an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person. (21 OKLA. STAT. § 1111).
- q. “Rape by instrumentation” is defined as an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person. Provided further that (1) where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system, or where the victim is under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, or (2) where the victim is nineteen (19) years of age or younger and in the legal custody of a state agency, federal agency or tribal court and engages in conduct prohibited by this section of law with a foster parent or foster parent applicant, consent is not an element. (21 OKLA. STAT. § 1111.1).
- r. “Making any oral, written or electronically or computer-generated lewd or indecent proposals to a minor child under the age of sixteen (16)” is defined as making any oral, written or electronically or computer-generated lewd or indecent proposal to any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, for the child to have unlawful sexual relations or sexual intercourse with any person. (21 OKLA. STAT. § 1123).
- s. “Exploitation” is defined as an unjust or improper use of the resources of an incapacitated person, a partially incapacitated person, or a minor for the profit or advantage, pecuniary or otherwise, of a person other than an incapacitated person, a partially incapacitated person, or a minor, through the use of undue influence, coercion, harassment, duress, deception, false representation or false pretenses (Okla. Stat. tit. 30, § 1-111).
- t. “Child Trafficking” as defined below.
2. “Child Trafficking” includes, but is not limited to behavior that consists of the acceptance, solicitation, offer, payment or transfer of any compensation, in money, property or other thing of value, at any time, by any person in connection with the acquisition or transfer of the legal or physical custody or adoption of a minor child,

except as ordered by the court or except as otherwise provided by Section 7505-3.2 of Title 10 of the Oklahoma Statutes. (21 OKLA. STAT. § 866).

3. A "person responsible for a child's health, safety, or welfare" includes a parent, a legal guardian, a custodian, a foster parent, a person 18 years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child, an agent or employee of a public or private residential home, institution or facility, or an owner, operator or employee of a child care facility as defined by OKLA. STAT. tit. 10 § 402.
4. "Parent" refers to parents, guardians or others who have legal responsibilities for specific children.

#### Reporting Suspected Abuse, Neglect, Exploitation, or Trafficking

Any Technology Center employee having reasonable cause to believe that any student **under the age of eighteen (18) years is a victim of abuse, neglect or exploitation** shall immediately report this matter to:

- (1) Oklahoma Department of Human Services ("DHS") through the hotline designated for this purpose (1-800-522-3511), AND
- (2) local law enforcement.

Any Technology Center employee having reasonable cause to believe that any student **eighteen (18) years or older is a victim of abuse, neglect or exploitation** shall immediately report this matter to local law enforcement.

Additionally, any technology center employees must report **suspected child trafficking** to:

- (1) Oklahoma Bureau of Narcotics and Dangerous Drugs Control ("OBNDCC") at 1-800-522-8031,
- (2) DHS through the hotline designated for this purpose (1-800-522-3511), AND
- (3) local law enforcement.

After a report is made to DHS or OBNDCC via the hotline or to law enforcement, the reporting party will prepare a written report which contains, to the extent known, the following information: the confirmation number of the report (if applicable); the date and time of the telephone contact; the name of the person to whom Tulsa Tech employee made the oral report; the names and addresses of the student; the parents or guardians and any other responsible persons; the student's age; the nature and extent of injuries; any previous incidents; and any other helpful information. A copy of this report will be furnished to the campus director or, if the reporter believes the campus director is not an appropriate individual, to the superintendent.

Local law enforcement shall keep confidential and redact any information identifying the reporting Technology Center employee unless otherwise ordered by the court. A Technology Center employee with knowledge of a report made to DHS and/or local law enforcement shall not disclose information identifying the reporting Technology Center

employee unless otherwise ordered by the court or as part of an investigation by local law enforcement or DHS.

### Investigating Abuse, Neglect Or Exploitation

At the request of appropriately identified investigators of DHS, OBNDDC, or the county district attorney's office or local law enforcement, the superintendent, campus director or other school official shall permit the investigators access to the student about whom the agency received a report. The interview will be arranged in a manner that minimizes embarrassment to the student or school disruption. The superintendent will not contact the parent, guardian or other person responsible for the student's health or welfare prior to or following the interview, unless permission for parent contact is provided by DHS, OBNDDC or the district attorney's office or law enforcement authorities. No technology center employee will be present during the interview. However, a technology center employee may be present prior to the interview if the employee believes that his or her temporary presence will make the student more comfortable or if the representatives request the presence of a technology center employee during the interview.

### Reports to Campus Director or Other School Officials

Suspected instances of child abuse, neglect, exploitation, or trafficking, whether the result of circumstances at home, school or at other locations, affects the child while he or she is in the care and custody of the school. Consequently, employees are required to report any suspicion of child abuse, neglect, exploitation, or trafficking by any individual, whether the identity is known or unknown, to the campus director or other school official. This reporting obligation exists in all instances, including circumstances suggestive of this conduct at school or connected with school activities. Accordingly, this policy includes an obligation to notify the campus director or other school official, if for any reason the employee has a reasonable belief that the campus director should not be notified, in any instance involving suspected abuse, neglect, exploitation, or trafficking of a student.

### Immunity for Good Faith Reports

Oklahoma law provides that any technology center employee who in good faith and exercising due care makes a report to DHS or another appropriate law enforcement office, allows access to a child by persons authorized to investigate a report concerning the child or participates in any judicial proceeding resulting from a report, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed.

Neither the board of education nor any technology center employee will discharge or in any manner discriminate or retaliate against a person who in good faith provides such reports or information, testifies, or is about to testify in any proceeding involving abuse, neglect, exploitation, or trafficking, provided that the person did not perpetrate or inflict the abuse, neglect, exploitation or trafficking.

### Information Concerning Abuse, Neglect Or Exploitation

In any instance in which Tulsa Tech receives a report from DHS regarding any confirmed report of sexual abuse or severe physical abuse concerning a student, the superintendent will forward to a subsequent school in which the student enrolls all confirmed reports of

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1 Okla. Stat. tit. 10A, § 1-6-103(B)(3)(b)

sexual abuse and severe physical abuse received from DHS, and the superintendent will notify DHS in writing of the student's new school and address, if known.

All information or documents generated or received by Tulsa Tech in regard to the matter are confidential and shall not be disclosed except to investigators of DHS, Tulsa Tech's attorneys, the county district attorney's office, a subsequent technology center in which the student enrolls, a person designated to assist in the treatment of or with services provided to the student or other state or federal officials in connection with the performance of their official duties. The information or documents shall be maintained and transmitted by Tulsa Tech in the same manner as special education records.

Reference: Okla. Stat. tit. 10A, §1-2-101 *et seq.*;  
Okla. Stat. tit. 30, § 4-903;  
Okla. Stat. tit. 70, § 1210.163

## **EMPLOYEE SAFETY ASSURANCE PROGRAM**

This document establishes the “Employee Safety Assurance Program” (ESAP) requirements for Tulsa Tech. It is the policy of Tulsa Tech to comply with the applicable regulations governing the safety of our employees and the protection of the environment. The minimum requirements for Tulsa Tech are set forth below.

### Responsibility

It will be the responsibility of the superintendent to establish and maintain the appropriate policies, procedures, and practices to achieve and maintain compliance.

### Minimum Requirements

1. “Employee Safety Assurance Program” (ESAP) training

Tulsa Tech will be responsible for conducting training to a level necessary to satisfy legal requirements and to provide a safe environment for its employees. This training will be facilitated by the superintendent. The records of such training will include at a minimum:

- A. Date and time of training;
- B. Name of trainee;
- C. Name of trainer; and
- D. Outline of training content.

2. First Responder Safety Teams (FRST)

Tulsa Tech will establish First Responder Safety Teams (FRST) to provide for the following conditions:

- A. Incipient fire response;
- B. Major fire response;
- C. Evacuation to the outside;
- D. Evacuation to designated shelter areas;
- E. First aid;
- F. Hazard material incidents; and



G. Facility security following an incident.

A sufficient number of employees will be trained to ensure coverage at times of building occupancy.

3. Evacuation

Tulsa Tech will establish procedures for safe and orderly evacuation in the event of a hazardous situation:

- A. Emergency routes must be identified;
- B. Training on the procedures must be conducted and documented; and
- C. Practice drills must be conducted at least annually. (Tulsa Tech will adhere to applicable local and state laws and policies.)

Special evacuation plans will be established for the needs of employees with mobility, visual, hearing impairment or other special needs.

4. Safety Data Sheets

The district will have Safety Data Sheets (SDS) for all materials used in its facilities. Employees will be required to read the SDS for any materials required for their jobs. Sufficient sets of SDS sheets will be maintained in an accessible location to allow their use as necessary.

5. Minimum Equipment Lists

Tulsa Tech will have an equipment list for the items required to respond to any hazards or incidents which may reasonably be anticipated in its workplace.

6. Protective Equipment

Where protective equipment is found to be required to protect employee safety, the use of the equipment will be mandatory as a condition of employment. Proper training will be provided and documented. Such equipment will be maintained in good condition and inspected on a regular basis. Any applicable OSHA requirements for such equipment will be followed.

7. Safety Auditing

Tulsa Tech will establish audit procedures to monitor the conditions of the workplace, equipment and compliance with their established procedures. Findings and corrective action will be documented. Checklists will be developed to facilitate these audits. Such audits will be accomplished as needed or required by law and/or policy.

8. **Accident Investigation**

Each accident resulting in an injury or hazardous condition will be analyzed to determine the root cause, and action will be taken to prevent recurrence. This analysis and action will be documented.

9. **Government Agencies**

It is the policy of Tulsa Tech to cooperate fully with any audits or investigations by governmental authorities.

10. **Unsafe Condition Reporting Process**

If any employee believes an unsafe condition is present, he/she should first report the condition to the superintendent. This action will be without prejudice to the employee.

**WORKERS' COMPENSATION**

Tulsa Tech provides benefits established under the Oklahoma Workers' Compensation Act (Act) to all technology center employees who are injured in on-the-job accidents.

All regular employees who are injured in on-the-job accidents shall receive statutory benefits including medical expenses, temporary compensation and benefits for permanent disability or death as required by the Act.

Accrued and unused personal leave and sick leave benefits shall be paid as allowed by law to the injured employee in addition to workers' compensation benefits for temporary disability if the injured employee should so elect. An appropriate election form will be given to every employee as soon as possible after an on-the-job injury. No supplemental payment shall be made until such time as the employee returns the election form to Tulsa Tech. If the election for supplemental pay is made sick leave shall be used and exhausted before personal leave unless different instructions are directed by the employee, in writing, to Tulsa Tech.

<p><b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b></p>	<p><i>Employees – General</i></p> <p>Adopted: July 27, 1987  Revised: January 11, 1999; March 28, 2006;  February 25, 2008; May 27, 2008;  October 22, 2018</p>
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**EMPLOYMENT OF PERSONNEL**

The personnel employed by the Board of Education of Tulsa Technology Center directly impact the attainment of the goals and objectives of the district. A systematic process for the employment of personnel shall be used which will provide for the selection of the best candidate for each position and will treat each applicant equally. Tulsa Technology Center shall comply with all applicable federal and state laws and regulations governing the employment of personnel.

No person shall be employed as a regular full-time or regular part-time employee by Tulsa Technology Center unless he/she is recommended for employment by the superintendent or the superintendent’s designee and approved by the board of education at a regular or special board meeting. The starting salary and subsequent adjustments to a regular full-time employee’s salary shall be based upon the appropriate salary schedule in the current agreement between Tulsa Technology Center and the association representing the bargaining unit or the approved salary system for nonbargaining employees.

The board of education is authorized to employ non-regular employees, including substitute and temporary employees, and set their rates of pay. The board of education shall approve the non-regular and part-time employee rate schedule, which shall be the basis for establishing the rates of pay for each non-regular employee and regular part-time employee. An individual who has not been approved to be an employee of the district should not be allowed to work. The chief human capital officer may approve the hiring of a non-regular employee in emergency situation where board approval cannot be first obtained. Board approval must then be requested at the next regularly scheduled board meeting. The human resources department’s list of ‘Approved Substitute and Temporary Employees’ is the official list of those approved for substitute and temporary employment.

Tulsa Technology Center shall provide approved district fringe benefits for regular full-time employees, and shall not provide district fringe benefits for non-regular employees.

Definitions and Procedures

- **Regular Full-Time Employee:** A staff member who has been approved by the board of education to fill a full-time position created by the board of education. Full-time is defined as a work schedule of forty (40) hours in a normal work week.
- **Regular Part-Time Employee:** A staff member who has been approved by the board of education to fill a part-time position created by the board of education. Part-time is defined as a work schedule of less than 40 hours in a normal work week.

- Regular part-time positions may only exist where there is an on-going requirement and continuing function of less than a 40 hour work week needed to support the authorized operation of a department, office or full-time program.
- Regular part-time positions are normally scheduled for 30 hours or less per week. Exceptions must be approved in advance by human resources
- Regular part-time positions may not be certified, dependent upon enrollment of a particular class, related or dependent upon any short-term program, or otherwise be temporary, adjunct, or seasonal in nature.
- Non-Regular Employee: A staff member who has been approved by the board of education to fill a district position on a basis other than regular employment. Non-regular employees may be substitute or temporary.
- Temporary Employee (Seasonal or Adjunct Employee): A staff member who has been approved by the board of education to work temporarily either part-time or full-time, on a short-term basis in either a regular full-time position or a temporary position that was not created by the board of education.

Only directors, assistant directors and designated managers and/or supervisors are authorized to schedule non-regular/temporary employees for work. A non-regular employee must not be allowed to work more than 20 hours a week. Exceptions must be approved in advance by human resources.

A regular full-time employee may not be concurrently contracted as a regular part-time employee, but may serve as non-regular/temporary employee if the non-regular work schedule does not conflict with the regular work schedule.

It is the campus/department director's responsibility to make sure that no non-regular/temporary employee under the director's direct or indirect supervision exceeds this limit on hours, and no substitute teacher exceeds the limits as defined by Board Policy "Employment of Substitute Teachers". Since the total hours or days worked cannot exceed these limits, it will be necessary to coordinate with other directors if the individual works at more than one site/department. Each director should prepare annual work schedule for any and all non-regular/temporary employees under the director's jurisdiction.

The business office will compile and print reports periodically to indicate the hours worked for a period by each non-regular/temporary employee. The campus/department director must determine in advance when a non-regular employee may be reaching the hours of work limit because the above reports cannot be produced until the payroll is processed. Therefore, the reports will not include the most recent several weeks.

At the end of each fiscal year (June 30), a member of the human resources department will purge the list of "Approved Substitute and Temporary Employees" by removing the names of the nonregular/temporary employees who are no longer needed. The names to be removed will be determined by a survey of the campus/department directors and review of work activity during the prior two (2) years.

## Employment of Regular Full-Time and Part-Time Employees

- Prerequisite for Initiating the Employment Process for Regular Full-Time and Regular Part-Time Employees

A position vacancy is a board approved regular position for which no incumbent exists. Position vacancies occur as a result of resignations, nonreemployment, dismissals, transfers, retirement, deaths and board of education approvals for the creation of new or additional positions. A position opening is a vacancy for which a decision has been made by the superintendent to replace the previous incumbent or otherwise staff the position.

Prior to initiating the employment process to fill a regular position, there must be a current position opening, the assurance of an impending position opening, or a staffing plan identifying a future position opening. It is permissible to advertise, or otherwise recruit for a position that meets one or more of the above criteria.

## Employment of Non-Regular Employees

- Prerequisite for Initiating the Employment Process for Non-Regular (Substitute and Temporary) Employees

There must be a current or anticipated need for an applicant prior to initiating the employment process for a non-regular employee. The determination that there is a current or anticipated need for a temporary employee shall be made with the approval of a Staffing Requisition by the appropriate member of the Executive Leadership Team. The director shall verify that there are appropriate funds in the budget prior to making the recommendation for employment.

A regular full-time employee may not be concurrently contracted as a regular part-time employee, but may serve as non-regular temporary employee if the non-regular work schedule does not conflict with the regular work schedule.

- Substitute Employees

The appropriate administrator shall make the determination that there is a current or anticipated need for a substitute employee.

- Temporary Employees

The determination that there is a current or anticipated need for a temporary employee shall be made with the approval of the appropriate member of the S.L.T.

The request for approval shall be in brief memorandum or email format and shall include an explanation of the tasks to be performed by the temporary employee and a specific beginning and ending date. Approval shall be indicated on the memorandum and a copy attached to the "Personnel Change Notice" sent to the human resources department for processing.

Procedures for the Employment of Personnel are maintained in Human Resources.

Adopted: June 26, 1989  
Revised: July 12, 2004; October 22, 2007;  
June 27, 2011; January 26, 2015;  
December 11, 2017

### **EMPLOYMENT OF RELATIVES**

The board of education concurs with and supports the public policy stated in OKLA. STAT. tit. 70 §§ 5-113 and 113.1, limiting the employment of individuals related to members of the board of education. In addition, the board believes that the employment of individuals related by blood or marriage to current employees creates similar possibilities for conflicts of interest, favoritism or the appearance of favoritism, and disruption of the efficient and impartial administration of technology center business resulting from family conflicts.

Therefore, the board has determined that it is in the best interest of Tulsa Tech to adopt the following employment regulations:

1. "Family members" means individuals related within the third degree by consanguinity or affinity. Degrees of relationship shall be determined as provided by OKLA. STAT. tit. 84, §§ 217-221.
2. Tulsa Tech shall not employ any family member of a current technology center employee if (a) one family member would, directly or indirectly, supervise or have disciplinary authority over another family member or (b) if one family member would evaluate another family member or (c) if the hiring of family members could result in a conflict of interest with existing vendors of Tulsa Tech.
3. Instructors presently employed who are family members shall not be assigned to the same technology center site facility.
4. Non-certified individuals who are family members shall not be assigned to the same support departments.
5. Current employees who are family members and whose work assignments do not conform to these regulations may be reassigned as may be considered feasible by the administration. No current employee will be terminated because of such nonconformity with these regulations or because reassignment was not feasible.

### **CRIMINAL RECORDS SEARCHES**

It shall be the policy of the technology center that it will obtain the results of a national criminal history record check, as defined by OKLA. STAT. tit. 74, § 150.9, of every prospective technology center employee and conduct an annual search of the Oklahoma Sex Offender and Mary Rippe Violent Crime Offender Registries with respect to all employees who offer or provide services to children, including but not limited to secondary students. The technology center shall also obtain an Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation for all prospective teachers.

The provisions of this policy shall not apply to technology center employees hired on a part-time or temporary basis for the instruction of adult students only. technology center

#### National Felony Record Search of Prospective Employees

During the first interview with each employment applicant, technology center will advise the applicant that:

1. The technology center requires a national criminal history record check of every prospective employee as a condition of employment. The technology center also requires an Oklahoma criminal history record check for every prospective teacher;
2. To enable the technology center to request the search and obtain the results, the applicant must complete and sign authorization and release form(s) provided by the technology center;
3. The technology center will only request a felony record search if the superintendent recommends employment of the applicant;
4. If the superintendent recommends employment of the applicant, the applicant must pay the search fee(s);
5. The technology center will reimburse the applicant for the search fee unless the search discloses a prior felony offense conviction;
6. If the superintendent recommends employment of the applicant, the applicant must permit himself/herself to be fingerprinted, if applicable, provide a social security number and provide any other information necessary to facilitate the national criminal history record check and/or the Oklahoma criminal history record check search; and
7. The Board of Education shall not have the authority to enter into any written contract with a prospective teacher who does not have an Oklahoma criminal history record



check on file with the technology center. No prospective teacher shall be permitted to perform work or render services to the technology center without such record check on file. A prospective teacher who has an Oklahoma criminal history record check on file with the technology center, but is awaiting the results of the national criminal history record check, may perform services for the technology center subject to the provisions of paragraph 8 below.

8. The applicant, if placed on duty prior to receipt of the national criminal history record check results, will be classified as a temporary employee until the technology center is notified that the search is clear of any felony conviction(s) within the past ten (10) years, or at any time if the conviction shows a tendency to be a danger to the health/safety of students or if the conviction indicates a potential conflict with the duties to be performed by the applicant. All criminal history record searches will be made in compliance with the Federal Fair Credit Reporting Act.

If the results of the national criminal history record check are not received by the technology center within sixty (60) days, if the record check reveals a prior felony offense conviction(s) within the past ten (10) years, or at any time if the conviction shows a tendency to be a danger to the health/safety of students or if the conviction indicates a potential conflict with the duties to be performed by the applicant, or if the record check reveals a false response to one or more of the questions on the authorization and release, the applicant shall be deemed to have resigned his or her employment. The administration will review the facts and circumstances of each situation and decide whether to recommend the resignation be accepted. Such resignation may be accepted by the board of education at any time. Under these circumstances, the applicant waives any due process procedures which might be available under federal and state law and technology center policies and procedures. The sixty (60) day temporary employment period shall begin on the first day the prospective employee reports for duty at the technology center.

The technology center may waive the requirement to obtain an initial national criminal record check for any prospective employee who has obtained certification from the Oklahoma State Department of Education within the past twelve (12) months.

The technology center may waive the requirement to obtain a new record search if the applicant for a full-time teaching position has been employed as a full-time or substitute teacher in another Oklahoma technology center, produces a copy of an existing national criminal history record check from within the past five (5) years, and produces an original letter from the former technology center stating that the employee left in good standing.

#### Felony Record Searches of Current Employees

The following rules apply to requests for record checks regarding current employees of the technology center:

##### A. General Rules

When the technology center seeks to obtain a record check regarding a current technology center employee pursuant to the terms of this policy, the employee who is the subject of that record check must complete and sign an authorization and release form provided by the technology center. The employee shall permit himself/herself to be fingerprinted, if applicable, provide a social security number and provide any other information necessary

to facilitate the record check. The technology center shall be responsible for the payment of fees associated with record checks regarding current technology center employees.

**B. Current Teachers Not Eligible for Retirement**

The technology center will review the personnel records of all certified teachers currently employed by the technology center who (1) were employed by the technology center as of May 19, 2020, and (2) **are not** eligible for retirement through the Oklahoma Teachers' Retirement System, in order to determine whether the technology center has both an Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation (the "OSBI") and a national criminal history record check on file for each teacher. In the event that the technology center does not have both of the above-referenced record checks on file regarding a teacher, the technology center will obtain the record check(s) it did not previously have on file for that teacher prior to the deadline for that teacher to renew his or her teaching certificate.

**C. Current Teachers Eligible for Retirement**

The technology center will review the personnel records of all certified teachers currently employed by the technology center who (1) were employed by the technology center as of May 19, 2020, and (2) **are** eligible for retirement through the Oklahoma Teachers' Retirement System, in order to determine whether the technology center has both an Oklahoma criminal history record check from the OSBI and a national criminal history record check on file for each teacher. In the event that the technology center does not have both of the above-referenced record checks on file regarding a teacher, the technology center will obtain the record check(s) it did not previously have on file for that teacher no later than the earlier of (1) July 1, 2022, or (2) the deadline for the renewal of the teacher's teaching certificate.

**D. Other Employees**

The technology center will review the personnel records of all other current employees of the technology center who were employed by the technology center as of May 19, 2020, in order to determine whether the technology center has both an Oklahoma criminal history record check from the OSBI and a national criminal history record check on file for each employee. In the event that the technology center does not have both of the above-referenced record checks on file regarding an employee, the technology center will obtain the record check(s) it did not previously have on file for that employee no later than July 1, 2022.

**E. Record Checks Upon Request of the Board or Superintendent.**

The technology center will request an Oklahoma criminal history record check and/or national criminal history record check regarding any current technology center employee if the board of education or superintendent requests a search of that employee's felony record.

**Felony Record Searches of Substitutes**

The technology center may, in its discretion, require a national criminal history record search for substitutes of the same type and using the same standards applicable to prospective employees, or it may obtain a current records search, if available, from a

technology center that employed the substitute in the year preceding prospective employment by technology center. Likewise, any person seeking employment as a substitute who has been employed as a full-time teacher by a technology center in the State of Oklahoma in the five (5) years immediately preceding application for employment as a substitute, is not required to obtain a national criminal history record check if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the technology center in which the teacher was last employed stating the teacher left in good standing. Similarly, any person seeking employment as a substitute who has been employed as a full-time teacher by technology center for ten (10) or more consecutive years immediately preceding application for employment as a substitute and who left full-time employment with the technology center in good standing is not be required to have a national criminal history record check for as long as the person remains employed as a substitute for consecutive years by the technology center.

#### Felony Record Searches of Volunteers

The technology center shall require a national criminal history record search for any volunteer who has substantive contact with minor students, of the same type and using the same standards applicable to prospective employees or some other national criminal history records search that uses social security numbers instead of fingerprints. All felony record searches will be made in compliance with the Federal Fair Credit Reporting Act.

#### Annual Search of Sex Offender and Violent Crime Offender Registries

Pursuant to OKLA. STAT. tit. 57, § 589, the technology center shall conduct an annual name search against the Oklahoma Sex Offenders Registry and the Mary Rippy Violent Crime Offenders Registry of all technology center employees who provide or offer services to secondary students and children.

Reference: OKLA. STAT. tit. 70, § 5-142; OKLA. STAT. tit. 74, § 150.9; OKLA. STAT. tit. 57, § 589.

**EMPLOYMENT REFERENCES -- RELEASE  
OF INFORMATION REGARDING EMPLOYEES**

Tulsa Tech receives phone calls and letters from prospective employers inquiring regarding current or former employee job performance. These inquiries are typically received regarding former technology center employees who are seeking employment. However, in some instances, inquiries relate to current employees who are seeking employment outside Tulsa Tech. Applicable law, related to employment references, provides:

An employer may disclose information about a current or former employee's job performance to a prospective employer of the current or former employee upon request of the prospective employer and with consent of the current or former employee, or upon request of the current or former employee. The employer is presumed to be acting in good faith, unless lack of good faith is shown by a preponderance of the evidence. The current or former employer shall be immune from civil liability for the disclosure unless the presumption of good faith is rebutted upon a showing that the information disclosed by the current or former employer was false and the employer providing the information had knowledge of its falsity or acted with malice or reckless disregard for the truth.

Accordingly, Tulsa Tech's response to requests for employment references shall be limited to confirmation that the individual is or was an employee of Tulsa Tech, the dates of employment, and the position held by the employee. No other information shall be furnished, as a part of an employment reference, unless Tulsa Tech receives a written consent to release information signed by the employee. All requests for employment references shall be directed to the human resources department. Employees may obtain forms appropriate for releasing information from the human resources department.

Tulsa Tech shall only release that information which is consented to by the employee or former employee unless the record or document sought is a public record. Accordingly, if the employee limits the consent to release records to certain named documents, then Tulsa Tech shall only provide the prospective employer with the materials or documents expressly identified in the release. In the event Tulsa Tech's representatives are unable to determine the materials or documents to be released because the release is unclear, the employee or the prospective employer will be advised that the release is unclear and no information will be released until the employee, in writing, delineates, to the satisfaction of Tulsa Tech, the material or documents covered by the employee's consent to Tulsa Tech's release of information.

**PERSONNEL CLASSIFICATION SYSTEM  
FOR REGULAR FULL-TIME EMPLOYEES**

It is the policy of the Board of Education of Tulsa Technology Center that regular full-time personnel shall be classified as certified personnel or non-certified personnel, and also either administrative, supervisory, instructional, instructional services or support personnel. A regular full-time employee is a staff member who has been approved by the board of education to fill a full-time position created by the board of education.

**A. Certified Personnel**

Certified personnel are regular full-time employees who are required to hold a valid Oklahoma certificate issued or recognized by the State Board of Education and/or State Board of CareerTech Education and authorizing them to teach or perform the duties and responsibilities of the position for which they are employed. The certificates required shall be clearly stated on the position description.

**1. Certified Administrative Personnel**

A certified administrator is defined as a regular full-time employee of the district who has been given written authority by the board of education to organize, direct and control the work of other administrative personnel and instructional personnel, whether certified or non-certified, supervisory personnel, instructional services personnel and support personnel.

**2. Certified Instructional Personnel**

Certified instructional personnel are defined as regular full-time teachers and counselors who are employed to deliver instruction and provide related services for students. This includes, but is not limited to, instruction in the classroom, shop or laboratory; curriculum development; student assessment and evaluation; career counseling; career tech student organization activities; student follow-up; reports and records; job placement; professional staff development activities; budget preparation and management; and other special activities as assigned by the superintendent and/or his/her designee(s).

A certified instructional employee whose job requires certification shall be classified as:

- i. probationary if the employee has completed less than three (3) consecutive complete years of service in Tulsa Technology Center School District under a written employment contract; or

- ii. career if the employee has completed three (3) or more consecutive complete years of service in Tulsa Technology Center School District under a written employment contract (School Laws of Oklahoma, Section 96, 70-6-102.1).

**B. Non-Certified Personnel**

Non-certified personnel are regular full-time employees who are not required to hold a valid Oklahoma certificate issued or recognized by the State Board of Education and/or the State Board of CareerTech Education to perform the duties and responsibilities of the position for which the individual is employed.

**1. Non-Certified Administrative Personnel**

A non-certified administrator is defined as a regular full-time employee of the district who has been given written authority by the board of education to organize, direct and control the work of other administrative personnel, supervisory personnel, instructional personnel, instructional services personnel and support personnel.

**2. Non-Certified Supervisory Personnel**

A non-certified supervisor is defined as a regular full-time employee of the district who has been given written authority by the superintendent for the purpose of assisting administrative personnel in organizing, coordinating and controlling the work of instructional personnel, instructional services personnel and support personnel.

**3. Non-Certified Instructional Personnel**

Non-certified instructional personnel are defined as regular full-time employees who are employed to deliver instruction and provide related services for students, such as adult education instructors and adult education coordinators. Duties include, but are not limited to, instruction in the classroom, shop or laboratory; curriculum development; student assessment and evaluation; career counseling; career tech student organization activities; student follow-up; reports and records; job placement; professional staff development activities; budget preparation and management; and other instructional services as assigned by the Superintendent and/or his/her designee(s).

**4. Non-Certified Instructional Services Personnel**

Non-certified instructional services personnel are defined as regular full-time employees who are employed to deliver those educational services not confined to a single classroom, shop or laboratory setting. These services include, but are not limited to, support of the delivery of instruction in the classroom; shop or laboratory; curriculum and media development; student assessment and evaluation; career counseling; career tech student organization activities; job placement; student follow-up; reports and records; recruitment and enrollment activities; financial aids; planning; public

information services; business and industrial training services; business/industry development; business office services; professional staff development activities; budget preparation and management; and other special educational services as assigned by the Superintendent and/or his/her designee(s).

5. Support Personnel

Support personnel are those regular full-time employees who provide those services not performed by administrators, supervisors, teachers, and instructional services personnel. This includes, but is not limited to, services that are necessary for the efficient and satisfactory functioning of the school district. The types of job titles included under support personnel include, but are not limited to, secretary, custodian, culinarian, teacher associate in child care, assistant plant manager, maintenance person, technician, teacher aide, and any other position so designated as support personnel by the board of education.

A staffing plan which identifies all approved, existing, and projected personnel positions by job title and personnel classification shall be maintained by the superintendent and/or his/her designee(s).

The following procedures shall be followed:

- A. The superintendent and/or his/her designee(s) shall recommend to the board of education the personnel classification for each position in the school district with input from the administrator(s) who develop the position description.
- B. The personnel classification shall be included on the position description for each position.
- C. A personnel classification shall be assigned to every regular full-time position.
- D. The superintendent and/or his/her designee(s) may recommend a change in the personnel classification of any employee provided sufficient justification for the change is presented. The board of education shall approve all changes.

## **EMPLOYEE COMPENSATION**

The Board of Education shall contract with, and fix the duties and compensation of employees of the district. The provision of employee compensation as remuneration for work performed shall be governed by federal and state law, any collective bargaining agreement in place, and this policy. Any contradiction to this policy found in the negotiated agreement shall prevail against that part of this policy for persons covered by the negotiated agreement.

### Compensation Philosophy

- A. The provision of employee compensation shall be in concert with the district's compensation philosophy. This philosophy articulates the board's desire to attract, retain, and reward employees and to offer competitive compensation and benefits.
1. The compensation strategy for all employees of the district is intentional and provides focus for achieving the district's vision, mission and goals.
  2. The compensation philosophy recognizes that it takes all staff working together to achieve the district's vision and accomplish the district's mission and goals.
  3. To attract and retain highly qualified employees, the district will strive to pay a market-driven compensation package that includes base salary or hourly wages, fringe benefits, and extra value-added contributions when appropriate. In seeking to incent improved performance, the district may provide a performance pay program.
  4. A market-driven compensation plan means that Tulsa Technology Center seeks to be a top tier technology center school districts, as well as be market competitive with the private sector for like jobs and responsibilities.
  5. Compensation will include a focus on outcomes, and reward those things that are critical to the district, such as high standards, program performance and efficient use of resources.
  6. The compensation philosophy will balance individual and organizational responsibilities with regard to career planning, taking into account the needs of the beginning employee all the way through retirement.
  7. The compensation philosophy will reflect the shared responsibility of the district, the association representing bargaining unit employees, and each individual to provide a work environment in which all employees are engaged in worthwhile work, are in control of achieving individual goals and the district's goals, and cheer progress and success.



8. The compensation philosophy serves as the guide for the development and implementation of the district's compensation plan.

B. The purpose of the compensation plan is to:

1. Enable the superintendent to make recommendations for salary proposals and increases for bargaining unit and non-bargaining unit employees in a timely manner.
2. Enable the board of education to make fair and equitable decisions about salaries for all employees.

C. Compensation for regular full-time employees represented by the bargaining unit is determined through the collective bargaining process. Every employee who is eligible to be a member of the bargaining unit is covered by the salary and fringe benefits package agreed to at the bargaining table, regardless of whether or not the employee chooses to join the association representing the bargaining unit as a dues-paying member. The process for establishing base salaries for regular full-time employees represented by the bargaining unit is based upon an array of salary schedules which are constructed in a manner to provide higher levels of compensation to the employees with the most seniority and in some cases, level of educational attainment. Each of the salary schedules is subject to the collective bargaining process.

Annually, unless otherwise provided by law, a negotiating team representing the bargaining unit and a team representing the board of education meet to develop an agreement that is subject to ratification by the members of the bargaining unit and approval by the board of education. A key part of the agreement deals with employee compensation that includes both salaries and fringe benefits.

D. The compensation plan for employees who are ineligible to be represented by the bargaining unit is structured to compensate employees based on performance. Each non-bargaining employee is on the Salary and Performance Management System (SPMS) or other board approved schedule and is assigned a salary grade level that reflects the value of the position he or she occupies. Each salary grade level has a salary range with an entry-level salary, a mid-point and a top salary level. A change to a non-bargaining unit employee's base salary is subject to an evaluation of the employee's performance on the job. Ordinarily, an employee's salary will be no less than the entry level or greater than the top salary level for the assigned salary grade level for the position occupied by the employee.

Non-bargaining employees who are paid under the guidelines of SPMS do not have a bargaining unit to represent their interests. It is the superintendent's responsibility to represent these employees.

#### Compliance with the Fair Labor Standards Act

A. It is the policy of the board to ensure compliance with the provisions of the Fair Labor Standards Act (FLSA) concerning the payment of premium pay at the appropriate rate for eligible employees who work more than forty hours in a work week. Time worked in excess of forty (40) hours in a work week is called overtime. Some employees are not eligible for the premium pay rate normally associated with overtime work, due to their job classification.

- B. There is no limit by policy or by the FLSA concerning the number of hours an employee may work, either daily or weekly. The usual, normal and regular work schedule of each regular full-time district employee is forty (40) hours per week, unless authorized to work a different schedule by his/her supervisor. Eligible employees will receive either premium pay (calculated at 1.5 times the regular rate) or compensatory (comp) time off for overtime hours worked.
- C. Employees are classified as either exempt or non-exempt. Other individuals, such as board members, contractors, volunteers, legal advisors, and certain trainees are not considered exempt or non-exempt, as these individuals are not covered by FLSA or this policy. The superintendent or his/her designee shall determine employee job classifications of exempt or non-exempt by an evaluation the specific duties, authorities, and compensation levels associated with each position.

Exempt employees are paid for the accomplishment of their responsibilities and outcomes. Exempt employees are not paid by the hour, and their pay remains the same, regardless of the number of hours worked in a work week. Nonexempt employees are paid for the number of hours worked, must be paid for all hours worked, and cannot be paid for any hours not worked.

1. Exempt employees are exempt from the overtime provisions of the **FLSA** and do not earn premium pay for time worked in excess of 40 hours per week. Employees may be classified as exempt due to their duties being executive, administrative, or professional.
  2. Non-exempt employees are subject to the overtime provisions of FLSA and are entitled to receive premium pay, at the rate of 1.5 times the regular hourly rate of pay, for hours worked in excess of forty (40) in a work week. In lieu of premium pay employees may elect to receive comp time.
- D. Non-exempt employees are not permitted to work overtime without the prior stated authorization of the employee's supervisor. An employee who works overtime without authorization will be subject to discipline, up to and including a recommendation for dismissal. If a valid reason exists preventing prior approval, the employee must bring the overtime work to the attention of the supervisor as soon as possible. Depending on district work needs, employees will be required to work overtime when requested to do so. Supervisors are required to carefully manage employee overtime in a conservative fashion and to strictly enforce the district's prohibition of unauthorized overtime.
  - E. While overtime is calculated on a weekly basis, it is paid semi-monthly, at the normal interval for all regular employee compensation in the district. Overtime for salaried non-exempt personnel is typically paid on the regular payday of the pay period following the pay period in which the overtime was worked. Any pay reduction for working less than 40 hours per week is also normally made on the pay received in the month following pay period. Regular hours and overtime hours for hourly employees, are paid in the pay period following the work. Non-regular (temporary) employees are typically considered hourly employees. In order to meet district needs, other contractual arrangements may be possible.
  - F. Non-exempt employees are not permitted to work "off the clock". Non-exempt employees are not permitted to do "volunteer" work, unless the employee is the

parent, grand parent, or guardian of a TTC student and volunteers in connection with school activities which involves the employee's child, and the activity is one for which parents or others customarily volunteer.

- G. The FLSA provides that TTC and other public institutions may, if permitted by the collective bargaining agreement, allow the provision of compensatory (comp) time in lieu of premium pay for overtime. Comp time is paid time off at another point in time, instead of additional pay for the work in excess of forty (40) hours. If a regular full-time employee is assigned to work more than forty (40) hours in a work week, the district may provide comp time in lieu of monetary payment for the extra hours worked. The provision of comp time in lieu of overtime pay is at the option of the employee, and must be agreed to in advance of the work time which exceeds 40 hours. Supervisors must document the employee's agreement to receive comp time. Employees who do not agree to receive comp time must be:

1. Paid the overtime rate for time in excess of forty (40) hours; or
2. Not work in excess of forty (40) hours in that particular work week.

This comp time is awarded at the rate of 1.5 hours of paid time off for each hour in excess of forty (40) worked in the work week. Comp time earned can only be used with prior supervisor approval and must be taken within three months of the date earned and scheduled so as to not unduly disrupt operations of the department or school. An employee may not accrue and accumulate more than 240 hours of comp time (160 hours or time worked in an overtime status). Exempt employees may not accrue any comp time.

Comp time unused upon an employee's termination will be paid at the employee's regular pay rate coincidental to the employee's final pay. Likewise, comp time unused at the end of a fiscal year will be paid to the employee at the regular pay rate, on the first pay day after year end.

- H. Exempt employees, including instructors and administrators, may not be employed in multiple positions within the district if such employment jeopardizes the exempt status of the employee's primary position. Exempt employees should never work more than 40 hours per week in an assignment which is paid by the hour. All such assignments must be temporary, short term (one semester or less) in nature. Exempt personnel may earn a salary supplement for performing additional duties providing that the additional duties are addressed in the employment contract or employment contract addendums. Non-exempt employees may be employed in multiple positions, i.e., additional assignments outside of the duties and work schedule of the employee's primary position. Whenever possible, supervisors should attempt to limit the total hours worked in all positions to forty (40) hours per work week. When this is not possible the following provisions apply:

1. Overtime will be paid to non-exempt employees who work more than forty (40) hours in a work week, whether the work is performed in one or more jobs.
2. Employees shall be paid a weighted average overtime rate which will apply to overtime hours worked that occurs by working in multiple jobs in a work week.

3. The district standard for the overtime pay rate shall be 1.5 times the weighted average of the established pay rates for each job in which work was done. The weighted average rate is calculated as follows:
  - a. Hours worked in each position, divided by the total hours worked in the week shall be the weighting factor.
  - b. Each factor is then multiplied by the established rate for the job, yielding a rate component.
  - c. All rate components are summed to determine the weighted average rate.

#### District Business Hours, Employee Schedules, and Time Reporting

- A. The superintendent shall establish and communicate standard business hours of operation. Standard business hours are established so that district staff can meet the needs and expectation of customers, both internal and external. Campus business hours will normally include evening hours for certain departmental functions like adult and continuing education. The superintendent may direct department and campus directors to adjust the business hours of their department or campus to better meet the needs of customers. Likewise, individual work schedules may be different from the department business hours to ensure proper coverage at all times, i.e., during meal periods and breaks.
- B. The work schedule for all non-exempt regular full-time employees is 40 hours per week. The minimum expectation is that all non-exempt, regular full-time employees will be at work and available for a total of 40 hours each full work week. The standard work schedule will normally result in eight paid work hours daily and 40 work hours per week. The work schedule for all exempt regular full-time employees is also 40 hours per week. The minimum expectation is that all exempt regular full-time employees will be at work and available for a total of 40 hours each full work week. Instructors and other employees with schedules that are different from the standard business hours are also required to work no less than 40 hours per week. Work schedules, including day, evening and night shifts, are utilized in order to meet the needs of the district. The responsible director will determine starting and ending shift times for the non-day shift operations. Non-exempt employees on these non-daytime shifts will also be scheduled to work 40 hours per week as a standard.
- C. The standard meal period is one hour in length. This should allow adequate time for employees to obtain nourishment as well as a brief rest from their duties. It is expected that non-exempt employees will utilize this time and will not engage in work duties while on unpaid meal break. The meal period should occur approximately in the middle of the work shift.

Non-exempt employees may not shorten their meal period without supervisor approval. Employees are generally not permitted to shorten their work shift by skipping or shortening their meal period. Ordinarily, employees are not permitted to "work through lunch" nor add their meal period to the start or end of the work shift in order to shorten their time on shift. Supervisors are authorized to set employee work schedules, which may include a modification of meal period duration. Any employee who reports an approved shortened meal period must not consume the meal while working. Meal periods may need to be "staggered" within a department in order to be assured of adequate

coverage to meet customer needs. Departments should not close in order for all employees to take their meal period together, except for special events.

Exempt employees are not required to record or report meal period time. Exempt employees are expected to be respectful of business requirements and practical in the timing and duration of meal periods and other breaks from work. Exempt employees who are permitted a shortened daily work schedule (instructors) must adjust their lunch period accordingly so that a weekly work time accumulation of no less than 40 hours is maintained. The utmost responsibility for teachers is for the supervision of students. The primary responsibilities for all other staff members include providing customer service and supporting the instructional process.

- D. Neither structured work-breaks nor break schedules are administered by the district. Some departments may provide a break schedule in order to maintain staff availability for customer contact or other reasons. Supervisors will provide guidance regarding coverage during meal periods and breaks. All employees are expected to be practical and respectful of business needs in taking time away from their tasks. No more than 15 minutes in each half day should be time off-task. This time is cumulative, in that all time taken during the half-day for visits to the rest room, smoking area, cafeteria, and personal phone calls should be included in the 15 minutes. Employee time for these activities is paid as time worked.
- E. Accurate reporting of time worked, by way of the district's timekeeping system, is a responsibility of all non-exempt employees. Adjustments to the monthly salary of non-exempt employees for time worked in excess of 40 hours per week (overtime) or time scheduled but not worked (under-time) are made to the salary in the pay period following the timeframe where adjustments are recorded. Time spent on break periods is paid time. Meal periods are not paid time. Time periods of twenty (20) minutes or longer, during which the employee is not actively performing duties, is available for the employee's personal use, and is not paid time.

Only supervisory and select administrative, instructional or professional employees are exempt from the requirement to submit time sheets. Nonexempt employees are responsible for calculating their own hours on a daily basis. Each day, the time the non-exempt employee starts and finishes work must be accurately recorded on a time record. Whenever work time changes to non-work time or the reverse, such as when the non-exempt employee leaves for lunch and returns from lunch, time entries must be accurately recorded on the time record. The time record is required to be an exact reflection of actual time worked. The non-exempt employee's supervisor must approve his/her hours worked prior to submittal to the payroll department. All additional overtime worked must be approved by a supervisor each day. The supervisor is responsible for monitoring each non-exempt employee's time in such a manner that the supervisor can attest to the reasonable accuracy of the employee's time record.

- F. In the unusual occurrence of the closure of district campuses, businesses and offices during a normal work day, for which all employees have been provided professional paid leave, it may be necessary for some employees to report to work to care for district facilities or customers. Non-exempt employees who are required to report to work when all other employees are on paid leave for such

occurrence will receive premium pay or comp time in addition to the normal wages for the time worked.

#### Base Salary and District Rates of Pay

- A. Base salary is the amount of compensation authorized for a particular regular full-time position. A regular full-time employee may receive additional compensation for additional duties or other reasons related to the individual. However, base salary is directly related to the duties, responsibilities, and contributory impact of the job to the district.

Base salary is established differently for bargaining and non-bargaining personnel. Salary schedules for regular full-time bargaining unit personnel are adopted annually following the negotiations process. The human resources department determines the appropriate title for each bargaining unit position and assigned the appropriate negotiated schedule. The individual employee's salary is then established following negotiated parameters.

- B. Non-bargaining personnel salaries are administered via the district's Salary and Performance Management System (SPMS) or other board approved system. SPMS salaries are organized as a series of salary grades with an associated range of salaries permissible for a job assigned to that grade level. An individual's salary within a range is determined partially by the employee's time in the position, the perceived performance level of the employee as compared to other similarly graded employees, and recognition of some level of equity with peers in the district as well as the marketplace.
- C. Internal equity is an important component in maintaining a viable compensation plan in support of district objectives. Various structures, practices and protocols will be administered by the human resources department to help ensure reasonable level of internal equity exists.
- D. External equity is also important if the district is to attract and retain talent critical to the district's mission. To the extent possible, the district will strive to provide salaries competitive with the marketplace in which the district operates. Salary surveys and other market research will be conducted periodically to ensure that the goal of a reasonable level of external equity with the market is maintained.
- E. Adjustments to bargained salary schedules for bargaining personnel will be through negotiations and board review for approval. Adjustments to salary structures for nonbargaining personnel shall be by superintendent recommendation subsequent to board review and approval.
- F. An employee's salary amount or rate of pay, as well as other compensation for which a regular full-time employee is eligible to be paid must be listed in the employment contract of each employee. Some fringe benefits are provided in the form of additional payments. These are provided to all eligible employees according to the benefit plan and negotiated agreement, and as such, are not individually listed in the employment contract. A list of all employee compensation and benefits for each regular full-time employee is provided either through separate documentation or electronically by way each employee's access to the district's information systems and intranet.
- G. Salaries for new employees are determined by the human resources department, recommended by the superintendent, and considered by the

board for approval. Human resources' determination of the appropriate salary shall be based on the new employee's status as bargaining or non-bargaining. A new bargaining regular full-time employee shall have a salary which is no less than the minimum step nor greater than the maximum step for the negotiated schedule for the job title and is set in accordance with the negotiated agreement, for verified employee experience and education. A new non-bargaining employee shall have a salary recommendation determined by comparison of qualifications and experience to peers within the appropriate salary grade. Other considerations in determining salary may include market competitiveness for the position, additional skills and salary history of the candidate.

- H. Rates of pay for non-regular and regular part-time employees are reflected by a special salary schedule ("Standard Rate Schedule for Part-Time Employees"). Employees subject to this rate schedule are considered hourly. Non-regular and regular part-time employees must submit time report that record the hours worked by payment.
- I. Some regular full-time employees are contracted to work for a period less than 12 months. An exempt employee on such a contract, who agrees to work during a scheduled "non-work" period, will receive additional compensation for the additional work time. An exempt employee will receive the average daily rate of his/her annual salary amount as compensation for each day worked during the non-work period. Exempt employees who work in this fashion must submit a time sheet to report the days worked for payment.
- J. Salaries for regular full-time employees are normally fixed for a period of one year, coinciding with the employment contract. Salaries may be adjusted for all bargaining unit employees annually through the collective bargaining process and Board approval of the negotiated agreement. All adjustments to individual employee salaries must be in concert with the appropriate salary schedule for each position and appropriate step within the schedule. An employee represented by the bargaining unit is not permitted to individually negotiate his/her respective salary. School law prohibits the reduction of an employee's compensation from one year to the next if the employee maintains the same position in the district.
- K. Non-bargaining employee salaries may be adjusted by superintendent recommendation and board approval. Individual salary increases for each employee may be determined with respect to the evaluated performance of the employee. Other factors may be considered in determining the appropriate salary increase (if any) for an employee.
- L. The board of education is required to consider for approval the annual budget for salary increases in aggregate, as well as consider for approval the proposed salary schedule as recommended by the superintendent.
- M. An employee who makes application for a different job, may or may not be able to port his/her existing salary to the new job. Base salaries are associated with the position and to a lesser extent, the person in the position. The employee's current salary may or may not be appropriate for the position to which the employee seeks transfer. Local administration will determine the appropriate salary for the new position, except as restricted by law and the negotiated agreement.

## Supplemental Compensation and Other Salary Adjustments

Other compensation may be paid to a regular full-time employee in addition to base salary. This additional compensation for bargaining employees is normally negotiated and specified in the negotiated agreement. Examples of additional compensation include:

- A. Adjustment for Educational Achievement. A regular full-time employee may receive a salary adjustment in recognition of achieving, at his/her expense, enhanced education levels or completion of certain pre-approved coursework related to their positional responsibilities. Requirements for bargaining employees are defined in the negotiated agreement. Requirements for nonbargaining employees, if any, are defined in the district compensation plan and approved by the board.
- B. Shift Differentials. For all non-exempt regular full-time employees and select working-supervisors who are assigned schedules requiring work during times other than the district standard business hours, supplemental pay is provided in the form of a shift differential. The differential is provided to reward the employee for working "non-standard" hours and recognizes the evening shift and night shift time periods.
- C. Merit Pay. A regular full-time employee who has demonstrated exceptional performance and who is not paid significantly more than peers may be considered for a merit pay adjustment. The process for members of the bargaining unit shall be prescribed by the negotiated agreement. The process for non-bargaining personnel shall be by recommendation of the superintendent to the board.
- D. Extra Salary Amount. Regular full-time bargaining employees may receive additional salary amounts for certain additional duties such as acting as an instructor/ coordinator, building chairperson, or other reasons as defined in the current negotiated agreement, held over from previous agreements or prescribed by law.
- E. Annual Goal Incentive. If offered, regular full-time employees may participate in the district's school-based performance pay plan, or other district provided performance pay plan. The plan shall annually be recommended by the superintendent for approval by the board. The purpose of the school-based performance pay plan will be to emphasize continuous improvement, reward group-based performance toward common goals, and focus resources on outcomes which are beneficial to the district and its stakeholders. Achievement of goals will generate a payment to each eligible and deserving employee, as defined by plan rules, and payable in lump sum once per plan year.

## Other

- A. Other cash payments to regular full-time employees may be made as a provision of the district benefit plan, fringe benefits for non-bargaining employees, the negotiated agreement and board policy. Examples of these would include salary-in- lieu of dependent health coverage, health insurance cost containment incentive, and the district matching contribution to the employee voluntary retirement savings plan.



## **Employee Compensation Procedures**

### **Recommending and Approving Salary Changes for Regular Full-Time Employees**

The administration and management of a fair and equitable compensation system is perhaps one of the most important functions of the superintendent, his/her staff, and the board of education. The process for recommending and approving salary changes includes:

- A. The board approves annual budget that includes an amount of funds budgeted for salary adjustments. The tentative budget is approved in June of each year.
- B. The board provides advice and directs the district's collective bargaining team in determining what is agreed to in negotiations with the bargaining unit representatives. The amount of funds budgeted for increases in bargaining unit employee compensation is an integral part of the budgeting process.
- C. The board and the superintendent are responsible for ensuring that all compensation complies with the basic principles of the district's compensation philosophy, and are fair and equitable.
- D. The board will vote to approve or disapprove the negotiated agreement and any salary changes included therein, after bargaining unit members ratify the agreement reached in negotiations. This should occur within a few weeks following the ratification of the agreement.
- E. The superintendent will recommend a SPMS salary administration proposal (in aggregate) for non-bargaining unit employees to the board. The amount of funds budgeted for increases in non-bargaining unit employee compensation is an integral part of the budgeting process.
- F. The Superintendent's Leadership Team recommends salary adjustments for nonbargaining unit employees to superintendent.
- G. Following the guidelines in the district compensation plan for establishing annual salary recommendations, the superintendent will present salary recommendations for all employees to the board for consideration.
  1. Bargaining Unit Employees:
    - a. The superintendent will present all recommendations agreed to in negotiations with the bargaining unit representatives.
    - b. The recommendations will include the projected cost of salary increases for bargaining unit employees.
  2. Non-bargaining Unit Employees:

The superintendent will present all salary and fringe benefit recommendations for non-bargaining employees to the board of education for approval. The recommendations will include the projected cost of salary increases for non-bargaining unit employees.
- H. Salary recommendations should be on the board meeting agenda as early as possible. In the event an agreement cannot be reached in negotiations, the final recommendation for bargaining unit personnel is presented once an agreement at the bargaining table is reached.

- I. The board will vote to approve or disapprove salaries for individual employees and authorize the execution of employment contracts.

#### Non-Exempt Employee Time Reporting

- A. All non-exempt employees who work during the district standard business hours, and most other non-exempt employees must sign in and sign out utilizing the District's timekeeping system.
  1. Clock In,
  2. Leave for lunch,
  3. Return from lunch, and
  4. Clock out.
- B. Actual clock time associated with the work must be recorded. Actual clock time is used to calculate work time. It is a violation of policy for an employee to record his/her standard work schedule times on the time sheet, when actual work times are different.
- C. Non-exempt employees should not report to work prior to the authorized reporting time. Employees should not modify the assigned meal period times without supervisor approval. Employees should not work beyond the assigned work period end time without supervisor approval.

Employee compensation is paid and remitted to the employee at regular semi-monthly intervals and other times as may be required. It is the practice of the district to pay all contracted annual salaries in twenty-four (24) increments. The business office shall determine and implement the operating procedures required to efficiently provide payment of employee compensation.

- A. Employee payments shall be reduced by the required statutory taxes (federal and state) due on employee wages. Employee payments shall be reduced by employee deductions for benefits elected and paid by the employee. Employee payments shall be reduced for contributions elected by the employee for savings plans, section 125 plans, and other voluntary obligations for remittance by the payroll department to others.
- B. Certain employee payment deductions may be taken prior to calculation of the employee's tax liability. These deductions include most employee-paid health plan premiums, health care spending accounts, dependent care spending accounts and contributions to tax sheltered accounts. These deductions will be automatically treated as pre-tax items by the payroll department.
- C. Payment prior to working (pay advances) are prohibited by law and by this policy procedure. Instructional employees and some others are offered a contract for a 12 month period with eleven (II) or less "work-months", and one (1) or more "non- work" months. Employees on this contract shall receive twenty-four (24) equally spaced semi-monthly payments regardless of when the non-work period occurs in the year.
- D. Employees not on a twelve work-month contract or not on a contract as described above, shall receive payment only for a pay period in which work is done.
- E. Upon separation from employment, a regular full-time employee will receive pay for all accrued and unused paid leave for which he/she may be eligible to

receive. This normally includes unused vacation and up to 32 hours of unused personal business leave that has not been previously converted from sick leave, but not unused sick leave. Pay following separation may include unused sick leave only under certain circumstances. Calculation of final pay due when a non-exempt employee leaves employment is based on the hours reported on the time record up through the last day of work.

Calculation of final pay when an exempt employee leaves employment is based on the assigned contract length. Exempt employees on 12 work-month contracts will be paid based on the number of days worked in the contract year, including any holidays, but excluding any unpaid off time, which occurs during the month.

<p><b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b></p>	<p><i>Employees - General</i></p> <p>Adopted: July 25, 2005 Revised: March 28, 2006; January 29, 2007; July 16, 2007; December 14, 2009; August 13, 2012; December 11, 2017; October 22, 2018; October 28, 2019; October 26, 2020</p>
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## **EMPLOYEE BENEFITS**

### **Policy**

The Board of Education shall contract with, and fix the duties and compensation of employees of the District. In addition to base salary and incentive remuneration, the District shall also provide certain other compensation as fringe benefits, referred to in this policy as “benefits”.

The provision of these benefits shall be in concert with the District’s Compensation Philosophy. This philosophy articulates the Board’s desire to attract, retain, and reward employees and to offer competitive compensation and benefits.

These benefits are collectively defined in this policy as the District benefit program. The benefits described herein and additional benefits may be provided by way of the collective bargaining agreement in place between the District and the representative Association(s) of bargaining employees.

#### **1. General Provisions**

- 1.1** The benefit program for regular full-time District employees is comprised of legally required benefits, including Social Security, Workers’ Compensation and the State Flexible Benefit Allowance; benefit plans offered by the District and authorized by the Board; and other Board authorized benefits that are received by employees as compensation.
- 1.2** Specific provisions of benefit plans shall be provided in the appropriate negotiated agreement for those employees who are members of the bargaining unit.

- 1.3 Any contradiction to this policy found in the negotiated agreement shall prevail against that part of this policy for persons covered by the negotiated agreement.
- 1.4 Additional voluntary benefit programs may be available through payroll deductions. Actual terms and conditions are controlled by plan documents. Examples of voluntary offerings include, short term disability coverage, supplemental life insurance, and dependent life insurance.
- 1.5 Non-regular employees and regular part-time employees are generally excluded from participation in District benefit plans and benefit offerings. The Board will determine annually the benefits, if any, to be available to regular part-time employees. Any benefits, which by law or other regulatory rule, are required to be available to non-regular or regular part-time employees, shall be provided in accordance to the law or rule.

## **2. District Provided Benefits**

### **2.1 Health, Dental and Vision Care Insurance**

The District provides health, dental and vision insurance for each individual regular fulltime employee. The District will pay the coverage premiums for the employee enrolling in these plans during the period of employment.

A summary of the benefits of each Group Insurance Plan is included in the corresponding certificate and/or booklet issued to each employee. The actual terms and conditions are controlled by the Group Policies.

For any regular full-time employee who has at least five years of continuous service with the District, and is the subject of dismissal due to a reduction-in-force, the District will pay the employee's COBRA premiums for medical coverage only for a period not to exceed six (6) months. This benefit will terminate when the former employee accepts other employment. Upon the passage of six months, the employee must remit COBRA premiums to retain employee medical coverage. COBRA related premiums for other benefit coverage (dental, vision) and for employee dependents is the responsibility of the employee upon termination of employment with the District.

### **2.2 Life Insurance**

The District shall provide a fixed amount of term life insurance for each regular full-time employee. The employee shall elect the beneficiaries of this policy, and the District will pay the premiums during the term of employment. Exact conditions of life insurance coverage will depend on the contract the District has with the insurance company provider approved by the Board of Education. The amount of life insurance provided shall be set by the Board annually.

### **2.3 Long Term Disability Insurance**

The District shall provide long-term disability insurance for all regular full-time employees. Exact terms of long-term disability insurance coverage will depend on the contract the District has with the insurance company.

**2.4 Dependent Insurance Benefit In Lieu of Coverage**

The District shall pay each regular full-time employee a fixed sum each month toward health, dental and/or vision insurance coverage for his/her dependents. Annually, the Board will determine the amount of this fixed sum.

The dependent premium costs above fixed sum are to be paid by the employee through payroll deductions. If the cost of dependent health insurance is less than the fixed sum, the difference each month will be added to the employee's gross pay. If the employee does not need dependent coverage, this fixed sum will be added to his/her gross pay each month, less any amounts for taxes required by law. In order to be eligible to receive this monthly payment, the employee must be working or on approved paid leave and not be in "out of pay" status.

**2.5 Health Insurance Cost Containment Incentive**

The District shall segregate the multiple health insurance plans described in section 2.1 of this policy into two groups. One group shall be the plans which carry the lowest premiums of all plans offered, and the other group shall be all other offered plans. The District shall pay an incentive to each regular full time employee for that employee's election and enrollment in one of the health plans in the lower cost group. The amount of the incentive will not exceed the difference between the average cost of each group of plans. Employees enrolling in a health plan not in the lower cost group will not receive the incentive payment. Election and enrollment is conducted once annually.

**2.6 Employee Assistance Program**

The District shall provide access to a professional referral and assistance service for each regular full-time employee and his/her immediate family members. This service will provide employee counseling and/or referral in the resolution of personal problems or concerns by way of an Employee Assistance Program. Access to this program is provided without cost to the employee.

**2.7 Retirement Compensation**

All full-time employees covered under this policy shall be eligible for membership in the Oklahoma Teachers' Retirement System effective on date of hire. Regular part-time employees who routinely and normally are scheduled to work more than 20 hours per week shall also be eligible for membership in OTRS. The District shall pay the regular full-time member's contributions on annual compensation as required by the Oklahoma Teachers' Retirement System for all eligible full-time employees. The District shall not pay the member's contribution for any eligible regular part-time employees. Supplemental retirement benefits are defined in Board Policy Supplemental Retirement Benefits.

**2.8 Professional Development Compensation**

Any full-time employee may be compensated for specific costs associated with job-related professional development, professional memberships, and professional licensure. The maximum compensation is \$500 per fiscal year.

Employees may use their discretion in applying for the following eligible items: Membership fees/dues for job related professional organizations, Education tuition and fees, Professional license renewal fees and Job-related certifications. Employees must incur the expense and submit the Professional Development Compensation Form with appropriate receipt(s) to director/supervisor for approval. To be eligible under educational tuition and job-related certification, the course/test must be successfully completed, which is defined as passing by the institution being attended or the accrediting body.

## **2.9 Tuition Waiver**

- 291 Regular full-time employees and their eligible immediate family members (spouse and son and/or daughter) may enroll in District adult programs tuition free, when space is available, and there is no additional expense to the District for the enrollment and participation in the class. If there is an additional expense, and space is available, the employee and eligible family members may enroll by paying the actual additional expense.
- 292 For those programs with no openings and a waiting list, Regular Full-time employees and their eligible immediate family members (spouse and son and/or daughter) can work through the waiting list and attend at 50% of the cost with no more than two district employees enrolled per class.
- 293 Work-related training for employees will be made available in cases that will improve the work environment.
- 294 Retirees with ten (10) years or more of service and/or spouse may attend District Short Term Adult Training and Development Courses tuition-free when space is available. For those programs with no openings, employees and spouse can attend at 50% of the cost.

## **2.10 Section 125 Flexible Benefit Plan**

The District shall maintain a flexible benefit plan to offer qualifying employees the opportunity to pay for eligible insurance premiums, medical expenses and dependent care expenses through pre-tax payroll deductions. The plan shall qualify as a cafeteria plan under Section 125 of the Internal Revenue Code of 1954 as amended.

## **2.11 Access to Voluntary Employee-Paid Benefit Plans**

The District shall endeavor to provide each regular employee with access to various voluntary benefit plans, so that the employee has the ability to select specific benefits that fulfill his/her personal needs. The District does not participate in the cost of these benefit plans, but will contract with providers to make these benefits available to each interested and eligible employee.

Some of these voluntary benefits may be Short Term Disability Insurance, Dependent Life Insurance, Long Term Care Insurance, Chronic Illness Insurance, Accidental Death and Dismemberment Insurance and others of a similar nature. The District shall allow employees to pay the plan premiums for approved voluntary benefit plans through payroll deduction.

## **2.12 Tax Sheltered Annuity and Salary Reduction Agreements**

It is the policy of the Board to allow a regular full-time employee who is routinely and normally scheduled to work 40 hours or more per week to enter into salary reduction agreement and, with the funds withheld, authorize the district to purchase an annuity of an insurance company or shares of mutual fund(s) of an investment company to be held in a custodial account on his/her behalf pursuant to Internal Revenue Service Code 403 (b)(3) and 403 (b)(7) and the School Laws of Oklahoma Section 95 (70 6 102). The amount of the salary reduction cannot exceed the maximum exclusion allowance in the IRS Section 403 (b) (2).

### **2.13 Employee Retirement Voluntary Savings Plan Salary Deferral Agreement**

It is the policy of the Board to allow a regular full-time employee who is routinely and normally scheduled to work 40 hours or more per week to enter into a deferred compensation agreement and, with the funds deferred, authorize the district to purchase shares of mutual fund(s) of an investment company to be held in a custodial account on his/her behalf pursuant to Internal Revenue Service Code 457. The amount of the salary deferral cannot exceed the maximum exclusion allowance in the IRS Section 457.

### **2.14 Voluntary Separation Early Notice Incentive**

2.14.1 Staff planning for the replacement of key instructional and support staff is critical to the smooth and efficient operations of the District campuses and departments. Early notification of planned retirements and other voluntary separations allow the Administration to ensure uninterrupted programs, classes and business operations. In order to encourage exiting personnel to provide early notification of an intention to separate from employment in the District, the following incentives may be earned by separating employees.

2.14.2 Certified contracted personnel and all instructional personnel - For early notification as follows:

2.14.2.1 A \$750 one time payment upon separation (paid with final pay) is provided for:

an accepted written notice (letter of resignation) received by January 1, for a separation (including retirement) effective as of June 30 or later, or an accepted written notice (letter of resignation) received more than 6 months prior to the final day of that instructor's scheduled classes.

2.14.2.3 A \$500 one time payment upon separation (paid with final pay) is provided for an accepted written notice (letter of resignation) received by July 1, for a separation (including retirement) effective as of January 1 or later.

2.14.3 Instructional support and support personnel - For early notification as follows:

2.14.3.1 An accepted written notice (letter of resignation) received 90 calendar days in advance of separation date (including retirement) results in a \$500 one time payment upon separation (paid with final pay).

2.14.3.2 An accepted written notice (letter of resignation) received 60 calendar days in advance of separation date (including retirement) results in a \$250 one time payment upon separation (paid with final pay).

2.14.4 An incentive may only be paid in a voluntary separation and will not be paid in the event of a separation occurring as an outcome of the RIF process, or as the outcome of a disciplinary termination. Receipt of this incentive shall not preclude the employee from participation in any other retirement or separation incentive for which he/she may otherwise be eligible.

2.14.5 Length of advance notice required to earn the indicated incentive may be shortened by Administration due to business reasons, but shall not be extended.

### **3. Regular Full-Time Employee Time-Off-Work Benefits (Leave)**

Regular full-time employees are provided with paid time off in order attend to personal business, enjoy recreation, recuperate when ill, or to care for a family member who is ill. Generally, paid leave time is scheduled with the employee's supervisor in advance, with the exception of unforeseen illness. All time on paid leave is recorded in the District's absence reporting system before or soon after returning from paid leave.

Regular full-time employees who separate from the District shall be reimbursed for accrued but unused paid leave at a rate based on the type of leave. Unused vacation, sick leave, and personal business accruals are paid to the employee upon separation.

#### **3.1 Sick Leave**

The District shall provide paid sick leave for regular full-time employees. Sick leave benefits consist of full pay for work hours absent due to illness, injury, scheduled visits to medical care providers or bereavement. Ten work-month employees receive 10 sick leave days (80 hours) per fiscal year. Eleven work-month employees receive 11 days (88 hours) per fiscal year. Twelve work-month employees receive 12 days (96 hours) per fiscal year. The annual award for each employee's sick leave is recorded on the first work day of the fiscal year, or first month of employment if different.

Unused sick leave days are cumulative and employees with five (5) years of service who leave the District are paid for all accumulated days at a rate set by the Board of Education.

Sick leave balance transfers from another Oklahoma school system may be permitted into the regular full-time employee's Tulsa Technology Center sick leave account when employment is without a break, other than for District out-of-school days. The maximum amount of sick leave transferred and eligible for use while an employee of the District, is 60 days (480 hours). Sick leave balances in excess of 60 days will be documented and filed for purposes of Oklahoma Teachers Retirement System retirement accounting.

After exhausting all sick leave, the regular full-time employee shall receive sub-deduct pay for a period of 20 days. Any employee unable to return to work after 20 days is immediately placed on Unpaid Leave of Absence (ULOA) without pay, for a maximum of the remainder of the current fiscal year, or for whatever portion of the remainder of the fiscal year needed.



Appropriate evidence may be required in order to qualify for sick leave benefits. Abuse of sick leave policy shall be subject to disciplinary action up to and including dismissal.

Regular full-time employees who exhaust their sick leave and other paid leave may request donations of sick leave through the District's Sick Leave Sharing Program. An eligible employee receives this benefit at his/her compensation rate, not that of the donor. This program is not available for use by employees who are receiving Workers Compensation Benefits. The HR department shall administer the Sick Leave Sharing Program and utilize procedures to ensure its availability to eligible employees.

### **3.2 Epidemics/Pandemics**

Center instructors and administrators shall be entitled to pay for any time lost when the Center is closed on account of epidemics or otherwise when an order for such closing has been issued by a health officer authorized by law to issue the order. Instructors and Administrators are not required to use leave for time lost in these circumstances if the campus is closed and no work is assigned.

This provision does not prevent the Center from requiring instructors and administrators to telework from home or another site when the Center campus is closed due to an epidemic. Instructors or administrators who have been directed to telework who are unable to work from home or another site due to illness or another reason should utilize their accrued leave to cover their absence.

### **3.3 Bereavement Leave**

All regular full-time employees are eligible for 5 non-consecutive days (40 hours) bereavement leave per occurrence. The term "immediate family" is defined to mean husband and wife and the following relatives: father, mother, son, daughter, brother, sister, grandparents, grandchildren, and corresponding relatives by affinity (marriage). If additional days are needed, the employee may use sick leave.

For anyone not included as immediate family, employees may use sick leave up to 2 days (16 hours) per occurrence and 4 days (32 hours) per school year.

### **3.4 Personal Business Leave**

The District shall provide paid personal business leave for regular full-time employees. Personal business leave benefits consist of full pay for work hours absent for personal business.

Regular full-time employees receive 4 personal business leave days (32 hours) per fiscal year. Personal Business leave days unused are converted to sick leave days, and accumulated at the end of the year. The annual award for each employee's personal business leave is recorded on the first work day of the fiscal year.

### **3.5 Breastfeeding—Support Employees**

For up to one (1) year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break time each day to express breast milk for her child. Time required for breastfeeding breaks is considered unpaid time under the Fair Labor Standards Act.

### **3.6 Community Service Leave**

All regular full-time employees are eligible to apply for 8 or 4-hour increments, with a limit of two 4-hour increments per fiscal year, of personal business each year for purposes of community service. The District encourages employees to be active citizens and provides this day for participation in organizations and activities of benefit to the local community. Leave may not be used for events with a political or religious purpose. Such leave is noncumulative and nontransferable.

### **3.7 Holidays**

Regular full-time employees do not work, but receive full pay for Board authorized holidays during the calendar year. The exact number of holidays may vary depending on calendar year and by employee contract term. Ten (10) work-month contracted employees are not eligible for holiday pay in a non-contract month.

Board authorized holidays consist of: Independence Day, Labor Day, Thanksgiving, the Wednesday before and the Friday, Saturday and Sunday immediately following Thanksgiving, Winter Vacation (including Saturday and Sunday immediately preceding or following the Winter Vacation), Martin Luther King's Birthday, President's Day, Wednesday, Thursday and Friday of Spring Break and Memorial Day.

### **3.8 Floating Holiday Leave (12 month employees)**

All Regular Full-time employees on 12 work-month contracts are awarded (2) non-cumulative floating holiday leave days. This leave may be taken in four (4) hour or eight (8) hour increments, totaling 16 hours annually. For current employees, floating holiday leave shall be available on the first day of the fiscal year. Employees in their first year of employment, will receive 16 hours if working 6 months or greater and 8 hours if working less than 6 months. The two (2) days or 16 hours or some combination not to exceed 16 hours may be used for discretionary purposes. Requests for floating holiday leave must be submitted to the employee's immediate supervisor at least two work days in advance. The two work day provision may be waived for extenuating circumstances by the employee's Campus or Department Director or other appropriate administrative official. The dates for all floating holiday leave be approved by the employee's Campus or Department Director or other appropriate administrative official. Approval will be based on staffing requirements, employee's length of service and extenuating circumstances.

A floating holiday leave day that has been requested and approved will not be deducted from an employee's record of vested floating holiday leave days if the employee is subsequently authorized by the Superintendent or his designee to be absent from work on that day for any other reason and the employee makes request to cancel the floating holiday leave.

### **3.8 Vacation (12 work-month employees only)**

All regular full-time employees on 12 work-month contracts are awarded time off with pay for rest, recreation or other reasons of the employee's choosing. Unused vacation leave may accumulate from year to year, except the employee will cease accruing additional vacation leave once the amount of unused vacation time equals twice the annual award amount.

The annual award of vacation leave is based on the employee's length of service with the District. The amount of annual vacation leave awarded for bargaining employees is negotiated in the collective agreement. The amount of annual vacation leave awarded for non-bargaining personnel is set annually by the Board of Education.

An employee must work one half of the days of a month in order to receive credit toward vacation for that month. Individuals who leave the employment of the District shall receive payment equal to the amount of unused vacation and personal business leave.

### **3.9 Professional Leave**

Professional leave is defined as a paid approved absence from an employee's regularly assigned duties in order that the employee may participate in activities related to the employee's profession or professional growth, such as workshops, seminars, and conferences. Upon application to and approval of the immediate supervisor, employees may be granted professional leave days to attend conferences, workshops and professional meetings. Professional leave shall not be granted to attend colleges or university or to attend or participate in activities not falling within the definition of professional leave.

### **3.10 Administrative Leave**

The Superintendent or his designee is authorized to release employees from work when the Superintendent believes it is in the best interest of the District. Examples of situations in which administrative leave may be granted are severe weather, situations in which the employee's safety may be at risk (gas leaks, fumes), or other similar circumstances.

The granting of administrative leave shall be made on an individual basis and no employee is entitled to comparable leave when another employee is granted administrative leave.

Administrative Leave authorized for a specific campus/department/site/floor does not entitle any other area to equal time off. Regular full-time employees will be paid at their regular rate of pay for any time approved as administrative leave.

### **3.11 Jury Duty and Military Duty**

Leaves of absence for jury duty shall be granted according to required regulations. Employees shall not have their pay reduced while serving on jury duty.

Leaves of absence for military duty shall be granted according to required regulations. The appropriate Oklahoma law shall determine the employee's pay status while on military leave.

### **3.12 Unpaid Leave of Absence (ULOA)**

Extended leaves of absence may be granted for justifiable purposes including professional reasons, further study and to serve in a public office. The Superintendent or his/her designee shall approve or disapprove in writing the request for a leave of absence. Approvals shall include the period of the leave, the rights of reinstatement and other benefits associated with the leave.

Regular full-time employees who have exhausted all paid leave, and cannot return to work will be placed on unpaid leave of absence. This unpaid leave expires upon any of the following: 1) return to work, 2) employment termination, or 3) the end of the fiscal year.

The employee will not earn the dependent insurance benefit-in-lieu-of coverage while on extended leave of absence.

The employee does not earn or accrue any additional leave benefits while on ULOA.

## **4 Benefits Incidental to Employment**

### **4.10 Liability Insurance**

The District shall provide liability insurance coverage for the individual professional actions of all District instructors and administrators when they are performing their duties with the District.

### **4.11 Cellular Telephone Salary Supplement**

The Superintendent or his designee shall determine employees who should be provided a fixed-amount salary supplement for the purpose of maintaining cellular telephone service for District benefit. There are two levels of salary supplement. Level A: Employees who because of the essential functions of the assigned position are required to be accessible during normal work hours and to perform assigned duties at locations other than District Campuses or buildings more than one-half of the normal work schedule. Level B: Employees who because of the essential functions of the assigned position are required to be accessible during normal work hours and hours and days beyond the normal workweek on a routine basis. Level C: The Superintendent or his designee shall determine employees who should receive a fixed amount salary supplement in order for the employee to install and maintain a high speed internet connection located in the employee's residence. The purpose of this connection shall benefit the District by allowing the employee to diagnose, assess, and resolve problems related to the District's information technology resources during after-work hours for these employees. Only those employees who have a valid reason justifying the business use of a high speed internet connection at their residence shall receive this supplement.

### **4.12 Vehicle Use**

The Superintendent is authorized to direct the assignment of District vehicles to administrators and other personnel for use in the performance of official duties and responsibilities. The District is responsible for the expenses including gas, repairs, maintenance, insurance and tag. Employees are to limit use of vehicles to valid business reasons.

## **5 Nondiscrimination**

In as much as possible by law and collective bargaining, the Board of Education intends to provide all regular full-time employees full and equal access to benefits as afforded by this policy and as may be envisioned by this policy. Certain benefits may be afforded to specific job classifications or specific positions, and not to others. In such case, this assignment of select benefits is for the purpose of providing appropriate and competitive compensation in order to attract and retain the level of talent needed in the District, and is not intended in any way to discriminate among individuals.

### **Procedures for Leave Benefits**

Eligibility for leave benefits may vary based on the employee's classification.

#### **1. Sick Leave**

##### **1.1 Accumulating Sick Leave Credit**

- 1.1.1 A regular full-time employee receives one day (8 hours) for each contract month.
- 1.1.2 Credit vests at the beginning of employment and annually and the beginning of the contract year.
- 1.1.3 A new Employee is credited one day for each month remaining in the contract year.
- 1.1.4 An employee on Leave of Absence (LOA) shall not vest in additional sick leave until returning to work.
- 1.1.5 An employee returning from LOA shall vest one day of sick leave per month for the months remaining in the contract year.
- 1.1.6 Employees must be employed one half the working days of the first month of employment or the first month the employee returns to work to receive a sick leave day for that month.
- 1.1.7 Unused and unpaid sick leave accumulated in another school district who is a member of TRS shall be transferable (with limitations) when the employment from that school district to this District is without a break, other than for District out-of- school days.

##### **1.2 Using Sick Leave**

- 1.2.1 Sick leave may be used because of personal illness, doctor and dental appointments or illness or for bereavement as a result of a death in the immediate family. The employee may use sick leave in hourly increments upon written request and approval of the appropriate administrator.
- 1.2.2 Employees may take sick leave for the adoption of a child
  - 1.2.2.1 Up to 20 days of accumulated sick leave may be taken when adopting a pre-school child.

- 1.2.2.2 When adopting a school age child a parent may be allowed up to two (2) days of accumulated sick leave.
- 1.2.2.3 If both adopting parents are employed by the District they may have the 20 days or 2 days leave period on a co-operative basis, however, only one parent may be absent at a time.
- 1.2.3 The employee must notify the appropriate supervisor as soon as possible but no later than the beginning of the workday when the employee will be absent. (Campuses and departments will develop and communicate rules and regulations for reporting absences.)
- 1.2.4 The employee will be paid the employee's regular rate of pay for each approved sick leave hour taken by the employee.
- 1.2.5 One hour of sick leave will be deducted for each hour the employee is on approved leave. An absence of a full work day results in 8 hours of sick leave deducted from the employee's balance.
- 1.2.6 Pregnancy, miscarriage, childbirth and recovery will be treated as any other illness.
- 1.2.7 Coordinated benefits may be available through the Family & Medical Leave Act.
- 1.2.8 Sick leave for bereavement of other than immediate family members is limited to two (2) days per occurrence and four (4) days per school year.

### **1.3 After Sick Leave Use**

- 1.3.1 After exhausting all sick leave the employee shall receive sub-deduct pay for a period of 20 days. (Full contract salary, less the amount of pay authorized in the policies for a substitute). If there is no sub rate for the employee's position, the salary reduction shall equal the lowest rate designated for a regular employee in his/her job/salary/ classification.
- 1.3.2 Sub deduct is available to support employees only in relation to absences extending beyond 3 work days. Occasional or "day-at-a-time" use of sub deduct is not permitted for non-instructional employees. To qualify for the sub deduct benefit, a support employee must provide evidence that a physician has deemed him/her as unable to work, as well as provide a release to return to work.
- 1.3.3 Any employee unable to return to work after 20 days is immediately placed on Automatic Leave of Absence without pay, for a maximum of the remainder of the current fiscal year, or for whatever portion of the remainder of the fiscal year needed.
- 1.3.4 Automatic Leaves of Absence are not renewable and will expire on the ending date of the employee's current contract, but in no case later than June 30 of the current fiscal year.
- 1.3.5 Health and life insurance benefits remain in force for the duration of the automatic leave as long as the employee pays all premiums.
- 1.3.6 To return to work after a single absence extending longer than three work days, employees must have a physician's statement indicating they are able to return to work with or without reasonable accommodations.

## **1.4 Unused Sick Leave**

- 1.4.1 Unused sick leave accumulates from year to year as long as the employee is continuously employed by the District.
- 1.4.2 A limited amount of unused sick leave may be converted to personal business leave subject to rules. On June 30 of each year an employee's unused personal business leave days shall be converted and added to his/her total sick leave days.
- 1.4.3 Employees with at least 5 years of continuous service, who resign or otherwise cease to be an employee, shall be paid for accrued sick leave at the rate set by the Board of Education for the number of days for which they qualify. Accrued sick leave eligible for pay shall not include any sick leave transferred from another employer.
- 1.4.4 If the employee's service is terminated by death, the District will pay the employee's estate for accrued but unused sick leave at the above defined rate.

## **1.5 Suspected Misuse of Sick Leave**

- 1.5.1 Appropriate evidence may be required in order to qualify for sick leave benefits.
- 1.5.2 The District may utilize multiple methods and tools to monitor sick leave use in order to ensure it is taken appropriately.
- 1.5.3 The District may make an investigation at any time there is suspicion that sick leave is not being used for the purpose intended.
- 1.5.4 Abuse of sick leave policy shall be subject to disciplinary action up to and including dismissal.

## **2. Vacation**

### **2.1 Accumulating Vacation Leave**

- 2.1.1 Vacation benefits are accrued monthly at a rate based on creditable years of service. The regular full-time employee's vacation leave award occurs in equal increments each month throughout the fiscal year.
- 2.1.2 Eligible employees can accumulate twice the number of vacation days earned per year. (An employee who has 3 or less years of credible service with the District can accumulate 20 days of vacation – 2 x 10 days.)
- 2.1.3 At no time shall the employee's accumulated balance exceed twice the annual allocation and no additional days can be accrued that cause the total amount to be in excess of this maximum.
- 2.1.4 An employee must work one half of the days of a month in order to receive credit toward vacation for that month.
- 2.1.5 When computing earned vacation time, absences of an employee on approved paid sick leave will be considered as time served.
- 2.1.6 All fiscal years of continuous service in which a regular full-time employee of the District works at least 9 months will count toward vacation increments.
- 2.1.7 An employee returning from approved leave of absence shall receive credit toward vacation increments for years of employment prior to the start of leave.

- 2.1.8 An employee who terminates employment for any reason except due to a reduction in force or due to the expiration of a temporary contract and is subsequently reemployed will be considered a new employee and will not be given credit for prior years of service in calculating vacation eligibility.
- 2.1.9 An employee must be reemployed within 2 years of a reduction in force or expiration of a temporary contract in order to qualify for prior years of service credit in calculating vacation eligibility.
- 2.1.10 Employees will start earning 15 days of annual paid vacation on their employment anniversary at the start of their fourth year of creditable service, and 20 days on their employment anniversary at the start of their seventh year of creditable service.

## **2.2 Using Vacation Leave**

- 2.2.1 Vacation leave may be taken in four (4) hour (one-half ½ day) increments.
- 2.2.2 Requests must be submitted via "Leave Request" to the employee's immediate supervisor at least 2 workdays in advance. (This may be waived for extenuating circumstances by the employee's Campus or Department Director or other appropriate administrative official.)
- 2.2.3 Dates for all vacations must be approved by the employee's Campus or Department Director or other appropriate administrative official.
- 2.2.4 Approval will be based on staffing requirements and employee's length of service.
- 2.2.5 Scheduled and approved vacation days will be deducted from the employee's vacation time, unless he/she submits via email a request to change previously approved vacation, and the change is approved prior to the original dates requested.
- 2.2.6 A request by an employee to change certain days of vacation to sick leave after the vacation has started will not be honored.
- 2.2.7 A vacation day that has been requested and approved will not be deducted from an employee's record of vested vacation days if the employee is subsequently called back to work or authorized by the Superintendent or the Superintendent's designee to be absent from work on that day for any reason, and the employee makes a written request via email to cancel the vacation day.

## **2.3 Unused Vacation Hours**

- 2.3.1 Upon retirement or termination, employees having earned unused vacation time will be paid their regular rate of pay for such vacation.
- 2.3.2 Upon the death of an employee, his/her accrued vacation will be paid to the beneficiary; if no beneficiary designated, to the employee's estate.

## **3. Holiday Leave**

- 3.1 The holidays shall be established each year by the BOE when it adopts the District calendar.
- 3.2 To qualify for a paid holiday, the employee must be regular full-time and employed by the District both before and after the holiday.
- 3.3 In order to qualify for holiday pay, employees must generally work their



assigned shift the day before and after a holiday or be on approved paid leave that is not Workers Compensation or Long Term Disability.

- 3.4 Employees who are not actively at work are not eligible for holiday pay for any District- paid holiday, which occurs during their leaves of absence.
- 3.5 Third shift holidays are the day before the holiday (i.e. if the holiday falls on Monday, third shift holiday is Sunday).

#### **4. Personal Business**

##### **4.1 Accumulating Personal Business Leave**

- 4.1.1 Each regular full-time employee is entitled to 32 hours (four days) of personal business leave with full pay per fiscal year.
- 4.1.2 During the first year of employment, employees will accrue eight (8) hours of personal business leave for each two full calendar months of employment up to a maximum of four personal business leave days.
- 4.1.3 Employees who have need for additional personal business leave beyond 32 hours may, with prior supervisory approval, convert up to 32 hours of unused sick leave into 16 additional hours of personal business leave.
  - 4.1.3.1 No more than 16 additional personal business leave hours may be obtained from unused sick leave, and no less than 8 hours of sick leave may be converted per request.
  - 4.1.3.2 The employee must have exhausted or will exhaust all personal leave with proposed request, and must have at least 96 unused sick leave hours available.
  - 4.1.3.3 The employee may not have been a recipient of the sick leave sharing plan in the current or prior year

##### **4.2 Using Personal Business Leave**

- 4.2.1 Requests for personal business leave must be submitted via "Leave Request" to the employee's immediate supervisor at least two workdays in advance.
- 4.2.2 The request provision may be waived for extenuating circumstances by the employee's Campus or Department Director or other appropriate administrative official.
- 4.2.3 The dates for all personal business leave must be approved by the employee's Campus or Department Director or other appropriate administrative official.
- 4.2.4 Approval will be based on staffing requirements, employee's length of service and extenuating circumstances.
- 4.2.5 Personal business leave that has been requested and approved will not be deducted from an employee's record of vested personal business leave if the employee is subsequently called back to work or is authorized by the Superintendent or his designee to be absent from work on that day for any other reason and the employee makes a request on the proper form to cancel the personal business leave.

##### **4.3 Unused Personal Business Leave**

- 4.3.1 On June 30 of each year, an employee's unused personal business leave shall be converted and added to the employee's total sick leave days. The conversion rate is one hour of unused personal leave

converts to two (2) hours of sick leave for the first 16 hours of unused personal business. Unused personal business in excess of 16 hours, converts at the rate of 1:1.

## **5. Breastfeeding**

- 5.1 The break time, if possible, shall run concurrently with any break time, paid or unpaid, already provided to the employee.
- 5.2 Each building administrator will designate a private area, other than a restroom, where an employee can express breast milk.
- 5.3 The designated area shall be a space where intrusion from co-workers, students and the public can be prevented, and one where an employee who is using this area can be shielded from view.
- 5.4 An employee may make up the time taken for such breaks by designating a lunch period as a breastfeeding break, adjusting her work schedule with the approval for her supervisor to make up the time taken for breastfeeding breaks, using personal leave for time used for breastfeeding breaks, or opting for leave without pay for time used for breastfeeding breaks.

## **6. Bereavement Leave**

### **6.1 Accumulating Bereavement Leave**

- 6.1.1 Each regular full-time employee is entitled to 5 non-consecutive days (40 hours) bereavement leave per occurrence.

### **6.2 Using Bereavement Leave**

- 6.2.1 Bereavement leave may be used as a result of a death in the immediate family.
- 6.2.2 The term “immediate family” is defined to mean husband and wife and the following relatives: father, mother, son, daughter, brother, sister, grandparents, grandchildren, and corresponding relatives by affinity (marriage).
- 6.2.3 If additional days are needed, the employee may use sick leave.
- 6.2.4 For anyone not included as immediate family, employees may use sick leave up to 2 days (16 hours) per occurrence and 4 days (32 hours) per school year.

## **7. Community Service Leave**

### **7.1 Accumulating Community Service Leave**

- 7.1.1 Each regular full-time employee is entitled to 8 hours of community service leave with full pay per fiscal year.
- 7.1.2 During the first year of employment, employees will accrue eight (8) hours of community service leave upon completing two full calendar months of employment.

### **7.2 Using Community Service Leave**

- 7.2.1 This District provided leave is available for participation in organizations and activities of benefit to the community. Leave may not be used for events with a political or religious purpose.
- 7.2.2 Proof of event may be required in order to approve.

- 7.2.3 The community service leave must be taken in 8 or 4-hour increments, with a limit of two 4-hour increments per fiscal year.
- 7.2.4 Requests for community service leave must be submitted via "Leave Request" to the employee's immediate supervisor at least two workdays in advance.
- 7.2.5 The request provision may be waived for extenuating circumstances by the employee's Campus or Department Director or other appropriate administrative official.

**7.3 Unused Community Service Leave**

- 7.3.1 Community Service Leave is noncumulative and nontransferable.

**8. Jury Duty**

- 8.1 Employees should submit to the appropriate administrator leave request using the District's leave system and provide copies of the notices or orders for jury duty as soon as they are received.
- 8.2 The leave request must indicate the expected period of absence and the reason for the leave.
- 8.3 Employees shall not have their pay reduced while serving on jury duty.

**9. Military Duty**

- 9.1 Employees should submit to the appropriate administrator a leave request using the District's leave system and provide copies of the orders as soon as they are received.
- 9.2 The leave request must indicate the expected period of absence and the reason for the leave.
- 9.3 The appropriate Oklahoma law shall determine the employee's pay status while on military leave.
- 9.4 Certified Employees.  
Military leave shall be without loss of status, efficiency rating pay or benefits during the first thirty (30) working days of such leave.
- 9.5 Support Employees.  
Military leave shall be without loss of status, efficiency rating pay or benefits during the first thirty (30) calendar days or the first thirty (30) regularly scheduled work days for support employees, or not to exceed two hundred forty (240) hours, of such leave of absence in any federal fiscal year.

**10. Professional Leave**

- 10.1 Upon application to and approval of the immediate supervisor, employees may be granted professional leave days to attend conferences, workshops and professional meetings.
- 10.2 With the application the employee shall provide proper documentation detailing the activity.
- 10.3 Professional leave shall be requested and recorded using the District's leave system and reported on the individual timesheet.

**11. Administrative Leave**

- 11.1 The granting of administrative leave shall be made on an individual basis and no employee is entitled to comparable leave when another employee is granted administrative leave.
- 11.2 Administrative leave shall be recorded using the District's leave system and reported on the timesheet.
- 11.3 Employees will be paid at their regular rate of pay for any time approved as administrative leave.

**12. Workers' Compensation** (see *Workers' Compensation* policy)

- 12.1 An employee who has accrued sick leave days may elect to coordinate sick leave with any Workers' Compensation temporary total disability benefit payments received from the District's insurer.
- 12.2 An employee on Workers' Compensation leave without any sick leave supplement from the District may continue to participate by paying the required premium in any insurance program available to employees through payroll deduction, as long as such practice does not conflict with the provisions of the insurance policy and employee meets deadline for premium payment.
- 12.3 The employee will not earn the Pay-In-Lieu of Dependent Insurance Coverage while on extended leave of absence, but may continue to cover eligible dependents by paying the required premium in any insurance program available to dependents through payroll deduction, as long as such practice does not conflict with the provisions of the insurance policy. Employees must make all premium payments of this nature in advance by contacting the payroll department.

**13. Extended Leave of Absence – Unpaid/No Benefits**

- 13.1 An employee requesting an extended leave of absence shall submit a written request for such leave to the Superintendent or his/her designee.
- 13.2 Such request should include the purpose and the beginning and ending dates of the leave and be submitted, when possible, not less than one month prior to the beginning date of the requested leave.
- 13.3 The Superintendent or his/her designee shall approve or disapprove in writing the request for a leave of absence. Approvals shall include the period of the leave, the rights of reinstatement and other benefits associated with the leave.
- 13.4 The employee will not earn the Pay-In-Lieu of Dependent Insurance Coverage while on extended leave of absence, but may continue to cover eligible dependents by paying the required premium in any insurance program available to dependents through payroll deduction, as long as such practice does not conflict with the provisions of the insurance policy. Employees must make all premium payments of this nature in advance by contacting the payroll department.
- 13.5 All extended leaves of absence shall automatically expire on June 30 of each fiscal year.
- 13.6 Extended leaves of absence may be renewed upon written request to the Superintendent or his/her designee.
- 13.7 If the employee does not return to work on the date specified in the written

- approval and does not receive approval for continuation of the leave he/she shall not be entitled to leave of absence benefits or reinstatement.
- 13.8 An employee on an unpaid leave of absence will not accrue personal business, sick leave or vacation days, nor lose days already accrued but not used.
- 13.9 Although the leave of absence will not be considered as a break in employment, the period of absence will not be counted towards years of experience.
- 13.10 An employee granted an extended leave of absence may continue to participate by paying the required premium in any insurance program available to employees through payroll deduction, as long as such practice does not conflict with the provisions of the insurance policy. Employees must make all premium payments of this nature in advance by contacting the payroll department.
- 13.11 No employee can elect to be absent without pay from his/her job. Regular full-time employees who are absent from their job after exhausting all paid leave will be considered to be "Absent Without Pay". Regular full-time employees who are considered to be "Absent Without Pay" may be required to submit appropriate evidence concerning the cause of absence. Unexcused absences can result in disciplinary action.

**14. Family and Medical Leave (FMLA) (see *Family and Medical Leave* policy)**

- 14.1 To be eligible for FMLA leave, an employee must have been employed by the District:
- 14.1.1 For at least 12 months (which need not be consecutive);
  - 14.1.2 For at least 1,250 hours during the 12 month period immediately preceding the commencement of the leave.
- 14.2 FMLA leave may be taken for any one, or for a combination of, the following reasons:
- 14.2.1 The birth of the employee's child or to care for the newborn child;
  - 14.2.2 The placement of a child with the employee for adoption or foster care or to care for the newly placed child;
  - 14.2.3 To care for the employee's spouse, child or parent (but not in-law) with a serious health condition; and/or
  - 14.2.4 The employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job.
  - 14.2.5 Qualifying exigency leave for families of all service members when the covered military member is on active duty or called to active duty in foreign deployment.
  - 14.2.6 Military caregiver leave to care for an ill or injured service member and veteran receiving medical treatment, recuperation or therapy for serious injury or illness up to five years after leaving the service.
- 14.3 Leave to care for a newborn or for a newly placed child must conclude within 12 months after the birth or placement of the child.
- 14.3.1 When both spouses are employed by the District, they are together entitled to a combined total of 12 workweeks of FMLA leave within the designated 12 month period for the birth, adoption or foster care

placement of a child with the employees, for aftercare of the newborn or newly placed child, and to care for a parent (but not in-law) with a serious health condition.

- 14.4 An employee should request FMLA leave by completing a leave request seeking approval of the supervisor.
  - 14.4.1 An Application for Family and Medical Leave Act Leave Form is to be submitted by the employee to the Human Resources department.
  - 14.4.2 However, the Human Resources Department at its option may classify appropriate and approved qualifying leave as FMLA leave, without such form being received.
  
- 14.5 If an employee has accrued paid leave (e.g., vacation, sick leave, personal leave), the employee must normally use "qualifying paid leave" first.
  - 14.5.1 "Qualifying paid leave" is leave that would otherwise be available to the employee for the purpose for which the FMLA leave is taken.
  - 14.5.2 The remainder of the 12 workweeks of leave, if any, will be unpaid FMLA leave.
  - 14.5.3 Any paid leave used for a FMLA qualifying reason will be charged against any employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, provided that the leave meets FMLA requirements.
  - 14.5.4 The substitution of paid leave for unpaid leave does not extend the 12 work week leave period.
  
- 14.6 An employee absence which is being charged to the employee's accrued sick leave, and which initially or later qualifies for FMLA, may be charged against the employee's eligible FMLA leave without an employee request.
  - 14.6.1 In such cases where the HR department classifies the qualifying paid leave as FMLA leave, the employee is to be notified within two days of the HR department becoming aware of that the absence is a qualified FMLA event.
  
- 14.7 There are different FMLA rules for instructional employees on eleven (11) month contracts, when leave is requested near (within 5 weeks) the end of the school year.
  - 14.7.1 If the employee begins any category of FMLA leave five (5) or more weeks prior to the end of the contract, and the period of leave is for more than three (3) weeks, the employee may be required to delay return to work until the start of next year's contract.
  - 14.7.2 If the employee begins any category of FMLA leave, except personal sickness, less than five (5) weeks prior to the end of the contract, and the period of leave is greater than two (2) weeks, the employee may be required to delay return to work until the start of the next contract.
  - 14.7.3 If the employee begins any category of FMLA leave, except personal sickness, three or fewer weeks before the end of the contract year, and the period of leave is greater than five (5) working days, the employee may be required to delay return until the start of the next year's contract.

### **SUPPLEMENTAL RETIREMENT BENEFITS**

It is the policy of the Board of Education of Tulsa Technology Center to offer employment benefits which provide for the welfare of employees as well as encourage the retention of necessary skills and talent in the District. While recognizing the District's interest in encouraging the retention of needed employees, this policy intends to retain specific benefit provisions offered to existing employees prior to the date of this July 2007, policy revision. This policy is intended to implement the authority granted to the Board of Education by Okla. Stat. tit. 70, § 17-105 (9) (Section 355 of the School Laws of Oklahoma).

1. Retirement is Voluntary

Early retirement shall be strictly optional with the employee. No employee shall be forced to retire earlier than desired.

2. Supplemental Retirement Income

A retiree may be eligible for Supplemental Retirement Income only if he/she was a regular full-time employee, as defined in the policy titled *Personnel Classification System for Regular Full-Time Employees* who has:

- i. been employed continuously as a regular full-time employee by this school district for at least ten (10) years preceding the date of retirement;
- ii. attained the age of sixty-two (62) prior to the date of retirement and have not attained the full retirement age as defined by the Social Security Administration as of the date of retirement;
- iii. been approved for retirement payments from OTRS; and
- iv. been employed by the school district in regular full-time status on June 30, 2007.

The retirement income supplement shall be based on the position and the salary of the employee at the time of retirement. For all eligible employees, the retirement income supplement shall be the difference between the monthly amount the retiree actually receives from OTRS and the monthly amount the retiree would have been entitled to receive from OTRS if the employee had elected to retire at the age of full retirement as defined by the Social Security Administration. Since the retirement on the date of retirement, any salary increase which the employee might have received if the employee had elected to retire at the age of full retirement as defined by the Social Security Administration, shall not be considered when figuring the retirement income supplement.

All payments under this policy shall commence with the month in which the eligible retiree receives his/her first retirement payment from OTRS and shall continue on a monthly basis until the end of the month in which the retiree attains the age of full retirement as defined by the Social Security Administration, at which date the supplemental retirement income payment will terminate. All supplemental retirement payments will terminate in the event of the retiree's death.

### 3. Supplemental Retirement Medical Insurance

Early retirees (age 55-65) and retirees under the age of 55 (who retire with full service retirement benefits [100% vested] through the Teacher's Retirement System of Oklahoma with 10 years of continuous regular full time district employment may continue medical, dental, and vision insurance coverage for themselves and their eligible dependents under the district's plan at regular group rates, provided the carrier agrees. The total premium costs for the employee and dependents must be paid by the employee except under the following conditions:

- i. The district shall pay the cost, up to \$300.00 per month, for medical, dental, and vision insurance coverage for retirees who retire at an age between 60 and 65 years old under the Teacher's Retirement System of Oklahoma. However, eligible retirees who were employees of record on June 30, 2007, may elect to receive this district benefit upon retiring with full TRS benefits (if under the age of 55), or at age 55 to age 60, at the rate of \$150.00 per month until reaching the age of 65. The \$150.00 and the \$300.00 payments will be averaged and paid out in equal monthly payments.
- ii. The retiree may choose to continue in the Oklahoma State and Education Employees Group Insurance Board (OSEEGIB) Health Plan, or the retiree may enroll in another medical insurance plan. Payments will be scheduled to commence on a district payday in the month following the latter of either the date of retirement, or the date of the eligible birthday. The final payment will be made on the payday of the month prior to the 65th birthday. In any case, the cost will be paid directly to the retiree provided he/she signs an affidavit indicating the actual cost of the plan and declaring that the money will be used to pay the premium for his/her own medical insurance. These payments will cease if the retiree enters new employment and is eligible to be covered under a paid insurance plan, in the event of the retiree's death, or upon reaching the age of sixty-five (65). In no event will the payments be made after the retiree reaches age 65.

### 4. Method of Payment

At its option, the school district may perform its obligation of providing supplemental retirement income under this policy by:

- i. purchasing a single premium annuity contract from a commercial annuity/insurance company which will fund the monthly payments to which the retiree is entitled under this policy, or



- ii. paying the monthly payments from the school district's current appropriation for salaries for the fiscal year in which such payments are made.

If the school district elects option (ii), the obligation of the school district shall be subject to annual renewal by the board of education in July of each year as required by the Oklahoma Constitutional provisions relating to fiscal year indebtedness limitations of political subdivisions. An employee who desires to receive supplemental retirement benefits under this policy shall notify the superintendent in writing at least ninety (90) days prior to the employee's retirement date. The notice shall state the proposed retirement date.

5. Rights Reserved

The board of education reserves the right to alter, amend or revoke this policy at any time, except that any such change shall not affect the rights of retirees who have previously been granted benefits under this policy. Any dispute concerning any interpretation of this policy or its application to individual facts or circumstances shall be resolved by the board of education, and its decision shall be final.

## **FAMILY AND MEDICAL LEAVE**

It is the policy of Tulsa Tech to comply fully with the requirements of the Family and Medical Leave Act of 1993 (FMLA) and all its related revisions, including the National Defense Authorization Act (NDAA), collectively referred to in this policy as "FMLA." Tulsa Tech is a covered employer and, accordingly, will provide up to 12 workweeks of unpaid leave to eligible employees. This leave must run concurrently with any paid leave the eligible employee has available. Eligible employees may also be entitled to 14 additional workweeks of leave (26 workweeks total) for servicemember family leave.

Any employee utilizing FMLA leave is required to cooperate in matters of scheduling, providing prompt notice of the need to use leave and availability for return to work, completing paperwork, etc.

This policy is not intended to create any leave obligations for Tulsa Tech in addition to those provided under the FMLA. In the event any conflict exists between this policy and the FMLA, the FMLA will be the final authority.

### Definitions

- "Eligible employees" are those employees who:
  - have been employed for at least one year by Tulsa Tech; and
  - worked at least 1,250 hours during the previous 12 month period; and
  - have requested leave for a reason covered by the FMLA; and
  - there are at least 50 employees within a 75 mile radius.

Full-time instructional employees are deemed to have met the 1,250 hours of employment requirement if they worked full time during the prior year.

- A "child" means a biological, adopted, foster or step child, a legal ward, an individual with an in loco parentis relationship with the employee or military member, and adult children who are physically or mentally incapable of self-care.
- A "serious health condition" is one which requires either in-patient care or continuing treatment by a health care provider. This includes conditions or illnesses affecting health to the extent that in-patient care is required, or absences are necessary on a recurring basis or for more than just a few days. A "serious health condition" does not include short-term conditions for which treatment and recovery are very brief as such conditions would normally be covered by Tulsa Tech's sick leave policies.

- A “year” means a rolling 12-month period measured backward from the date an employee uses any leave.
- A “workweek” means the employee’s usual or normal schedule (hours/days per week) prior to the start of FMLA leave.
- A “covered military member” (for purposes of active duty leave) is an individual serving in the Regular Armed Forces or the National Guard and Reserves and who has been called to active duty. Veterans receiving treatment or therapy, or those who are recuperating and were discharged or released for any reason other than dishonorable discharge within the 5 years preceding the employee’s request for leave are also included in this definition.
- A “covered military member” (for purposes of servicemember family leave) is an individual serving in the Regular Armed Forces or the National Guard and Reserves who is undergoing treatment or therapy for a serious injury or illness incurred or exacerbated while on active duty.
- A “serious injury or illness” is an injury or illness incurred (or exacerbated) by the servicemember in the line of duty in the Armed Forces or National Guard and Reserves which:
  - may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or
  - resulted in the member receiving a VA Service Related Disability Rating of 50% or more; or
  - substantially impairs the veterans’ ability to be gainful employed; or
  - resulted in the member’s enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Reasons for Leave

All eligible employees who meet FMLA requirements may be granted leave as provided in this policy and required by law for the following reasons:

1. for the birth of a child and to care for such child, or placement for adoption or foster care of a child;
  - If both parents are employed by Tulsa Tech, the combined amount of FMLA leave cannot exceed 12 workweeks
2. to care for a spouse, child or parent with a serious health condition;
3. for a serious health condition of the employee that makes the employee unable to perform his or her job functions;

4. for covered active duty leave with one or more of the following exigencies:

- Short-notice deployment: employees can take up to 7 calendar days leave to address issues that arise from servicemembers' call or order to active duty seven calendar days or less prior to the date of deployment;
- Military events and related activities: employees can take leave to attend official ceremonies, programs, or events sponsored by the military that are related to servicemembers' active duty or call to active duty or attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to servicemembers' active duty or call to active duty;
- Childcare and school activities: employees can take leave to arrange alternative childcare, provide childcare on an urgent, immediate need (but not every day) basis, enroll in or transfer a child to a new school or day care facility, or attend meetings with school or day care staff (such as parent-teacher conferences) due to servicemembers' active duty or call to active duty;
- Financial and legal arrangements: employees can take leave to make or update financial or legal arrangements to address servicemembers' absence while on active duty or call to active duty, such as executing powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, or obtaining military identification cards and to act as the servicemembers' representative before governmental agencies to obtain, arrange, or appeal military service benefits while servicemembers are on active duty or called to active duty and for 90 days following termination of active duty status;
- Counseling: employees can take leave to attend counseling that is provided by someone other than a healthcare provider for servicemembers or their children for needs arising from servicemembers' active duty or call to active duty;
- Rest and recuperation: employees can take up to 15 days leave to spend time with servicemembers on short-term, temporary rest and recuperation leave during a period of deployment;
- Post-deployment activities: employees can take leave to attend arrival ceremonies, reintegration briefings and events and other official ceremony or program sponsored by the military that occurs within 90 days following termination of servicemembers' active duty status or to address issues arising from servicemembers' death while on active duty, including meeting and recovering the body and making funeral arrangements; and

- Additional activities: employees can take leave to address any other events that arise from servicemembers' active duty or call to active duty when Tulsa Tech and employee agree that such leave qualifies as an exigency and agree upon the timing and duration of the leave.
5. for servicemember family caregiver leave, provided that the leave (when combined with other forms of FMLA leave) does not exceed 26 workweeks during a 12-month period;
  6. for parental care leave to care for (including making arrangements for care, patient transfer and meetings with staff at a care facility) a parent-in-law who is unable to care for him/herself while the servicemember is on active duty.

### Application for Leave

Employees who wish to utilize FMLA leave must submit an application for leave (with all required supporting documentation) on the forms available through the superintendent's office (Tulsa Tech will utilize all required forms as provided by the US Department of Labor. The forms are available at <http://www.dol.gov/whd/fmla/index.htm#Forms>). Tulsa Tech requests that, when practical, FMLA requests be submitted at least 30 days prior to the use of the leave. In emergency circumstances, Tulsa Tech may provisionally place an employee on FMLA leave if conditions appear to warrant such action. The employee is ultimately responsible for completing the necessary paperwork to finalize the use of FMLA leave at least 15 days in advance.

### Medical Documentation (for Leave Related to a Serious Medical Condition)

In addition to all medical documentation required pursuant to the FMLA, Tulsa Tech may, in its sole discretion and at its own expense, require a second opinion related to the need for FMLA leave. If the first and second opinions differ regarding the need for FMLA leave, Tulsa Tech and the employee shall mutually agree upon a provider to conduct a third opinion of the employee's need for leave. The cost of this third opinion will be paid for by the employer.

Tulsa Tech may also require supplemental certifications of the employee's continuing need for leave. These certifications may not be more than one time per month unless the employee requests an extension of leave, changes circumstances regarding the illness or injury, or Tulsa Tech receives information that casts doubt on the validity of an existing certification.

In the event an employee wishes to request an extension of leave, such request must be promptly submitted to his/her supervisor with supporting documentation from the health care provider regarding the reason for the extension. The extension is only available as long as the employee does not exceed the maximum leave permitted by the FMLA.

### Right to Conduct Surveillance

In an effort to combat misuse of leave permitted by the FMLA, an employee may be surveilled to determine if the employee is not using the FMLA leave for the purpose for which it was granted. The district may conduct non-workplace (off-site) surveillance of an employee based on an honest belief or suspicion that the employee is misusing the FMLA

leave granted. If the employee is found to be misusing the FMLA leave, the employee will be subject to all disciplinary action allowed by law, including but not limited to dismissal or nonrenewal. Circumstances which may give rise to an honest belief or suspicion of FMLA leave misuse include, but are not limited to, an employee providing inconsistent reasons for the FMLA leave, an employee engaging in a suspicious pattern of absences over a short period of time, verifiable information from co-workers evidencing misuse by an employee and significant changes in the frequency or duration of an employee's absences.

#### Intermittent Leave Or Leave On A Reduced Leave Schedule

Eligible employees may request to use their available leave on an intermittent basis by following the same application and certification process as described above and under the following conditions:

- intermittent leave in connection with the arrival of a new child must be approved by Tulsa Tech;
- employees must coordinate the intermittent leave with their supervisor to attempt to reduce the negative impact of the leave on school operations;
- Tulsa Tech reserves the right to transfer the employee to a position better suited to intermittent leave;
- if an instructional employee will be absent more than 20% of the total working days in the period in which the leave will be used, Tulsa Tech may require the employee to either:
  - take leave for a "particular duration" or time which is not greater than the duration of the planned treatment, or
  - be transferred to an alternative position.

#### Leave Taken Near the End of an Academic Term

If an instructional employee begins any type of covered leave more than 5 weeks before the end of a semester, and if the leave will last at least 3 weeks and the employee would otherwise return to work during the 3 weeks before the end of the semester, Tulsa Tech may require the employee to continue taking leave until the end of the semester.

If an instructional employee takes leave (for a reason other than the employee's own serious health condition) which commences during the 5 weeks before the end of the semester, and if the leave will last more than 2 weeks and the employee would otherwise return to work during the last 2 weeks of the semester, Tulsa Tech may require the employee to continue taking leave until the end of the semester.

If an instructional employee takes leave (for a reason other than the employee's own serious health condition) which begins during the last 3 weeks of the semester, and if the leave will last more than 5 working days, Tulsa Tech may require the employee to take leave until the end of the semester.

### The Effect of Leave on Benefits

During a period of FMLA leave, an employee will be retained on Tulsa Tech's medical insurance plan under the same conditions that applied before leave began, including making any payments the employee previously made. An employee's failure to timely pay his/her share of the medical premium may result in loss of coverage. The employee is required to pay all of the premiums for any other type of insurance coverage which may exist.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse Tulsa Tech for payment of health insurance premiums during the FMLA leave, unless the reason for the failure to return to work are due to circumstances beyond the employee's control.

Employees do not accrue or lose any seniority or employment benefits during a period of FMLA leave.

### Return to Work

Employees must update their supervisor regarding the intent to return to work, including providing all necessary releases and paperwork, at least 5 business days in advance of the expected return date.

Although Tulsa Tech cannot guarantee that an employee will be returned to his/her original position, employees will generally be restored to an equivalent position and employment conditions upon return from FMLA leave. Highly compensated employees are those individuals who are salaried and are among the highest paid 10% of the employees employed within 75 miles of the employee's worksite. A highly compensated employee may not be returned to work if it is necessary to prevent substantial and grievous economic injury to the operations of Tulsa Tech. Tulsa Tech will make all determinations regarding job duties upon an employee's return from FMLA leave.

### Failure to Return from Leave

Employees who fail to return to work when scheduled (absent an approved extension) are subject to immediate termination for cause, subject to applicable due process hearing rights.

### **SICK LEAVE SHARING PROGRAM**

The district shall establish a sick leave sharing program for regular full-time employees under the following guidelines.

#### **A. Definitions**

Certain terms used in this program shall have the following meanings:

1. "Relative of the employee" means a spouse, child, stepchild, grandchild, grandparent, stepparent, or parent of the employee;
2. "Household members" means those persons who reside in the same home, who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune;
3. "Severe" or "extraordinary" means serious, extreme or life-threatening; including temporary disability resulting from pregnancy, miscarriage, childbirth and recovery therefrom; and
4. "Regular full-time employee" means an employee who has been approved by the board of education to fill a full-time position created by the board of education.

The sick leave sharing program shall be administered by the Chief Human Capital Officer in accordance with the terms of the negotiated agreement.

#### **B. Guidelines**

1. Sick leave days may be donated to specific employees as outlined in the following procedure for management of sick leave sharing program.
2. The sick leave sharing program shall permit regular full-time employees to donate sick leave to another regular full-time employee who is pregnant or recovering from childbirth or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, physical or mental condition or the death of an immediate family member, which has caused or is likely to cause the employee to take leave without pay or to terminate employment. The sick leave sharing program shall not be utilized for worker's compensation illnesses or injuries of the employee.



- An employee may request sick leave sharing for bereavement in the case of the death of an immediate family member, when the employee's sick leave balance is exhausted. No more than five (5) days of donated sick leave for bereavement may be donated by an employee per school year.
3. Donated sick leave may be requested only after the employee has used all of his/her vested sick leave days, personal business leave days and vacation days, or within 14 days of anticipated exhaustion of all paid leave not including the sub-deduct benefit.
  4. Employees may donate only the sick leave days they have earned and the donations shall not cause their sick leave balance to fall below ten (10) days.
  5. Any shared sick leave not used by the recipient during each occurrence as determined by the sick leave sharing program committee shall be returned to the donor. The shared sick leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to the sick leave balance of each donor.
  6. The sick leave compensation will be paid at the daily rate of the donee, not the donor.
  7. Donated sick leave cannot be transferred to another school district or paid for by the district upon termination of employment.
  8. The employee shall not earn additional sick leave days while using sick leave from the sick leave sharing program.
  9. An employee shall not be entitled to receive sick leave pay for non-contract days.
  10. An employee shall not be able to use more than is required to bridge the district's long term disability plan elimination period, less any employee unused paid leave available. However, no more than one hundred (100) days of shared sick leave during total district employment.
  11. If employee requesting sick leave sharing has had disciplinary actions for attendance within the last three (3) years they are disqualified from participating.

C. Procedure for Management of Sick Leave Sharing Program

1. A written request to use the sick leave sharing program shall be filed with the Chief Human Capital Officer by the employee or a representative of the employee who wishes to use the sick leave sharing program.
2. The Chief Human Capital Officer or his/her designee and a designated representative from TAV-TACT will consider and approve qualified Sick Leave Sharing requests not related to bereavement or maternity.

3. The Chief Human Capital Officer will consider and approve qualified Sick Leave Sharing requests related to bereavement for a member of the immediate family, as well as pregnancy, miscarriage, childbirth, and childbirth recovery.
4. Employees enrolled in the district Short Term Disability program and approved for payments are eligible for donations only for the 7 (seven) day waiting period.
5. The medical certificate must be from a physician verifying the severe or extraordinary nature and expected duration of the condition and the employee may be required to produce additional certifications to verify the continued severe or extraordinary nature of the condition and the expected duration.
6. The request must meet the definition of "severe or extraordinary."
7. The employee shall also complete a release stating that Human Resources and the TAV-TACT representative will be authorized to receive information regarding the nature and extent of the applicant's condition or the condition of the household member for which leave it requested. Requests will not be considered until a release has been received from the employee.
8. The Chief Human Capital Officer or his/her designee and a designated TAV-TACT representative shall consider the request and accept or reject the use of the Sick Leave Sharing Program within five (5) work days from receipt of the written request for sick leave and subsequent receipt of all requested information. Facts to be included are name of recipient, reasons for requesting sick leave, nature of illness or injury and anticipated length of absence.
9. The recommendation shall only be made if the employee meets the criteria and abides by the procedures described in this program. Criteria to be evaluated are limited to medical condition meeting the definition of severe or extraordinary.
10. If the approval to use the Sick Leave Sharing Program is granted, Human Resources shall notify district employees via district intranet resources, within two (2) workdays of the committee's decision that an employee is in need of donated sick leave days.
11. Employees will file a form, furnished by Human Resources, indicating their desire to donate sick leave. Donations will be in units of one or more full days (preferably, one day per employee) up to an individual maximum of five (5) days per donor per occurrence. A record of donors and number of days donated will be kept and calculations will be made to move days from the donor's to the donee's sick leave record.
12. If all of the donated sick leave is exhausted before the affected employee can return to work, the President of the Association may request that Human

Resources inform district employees of the need for additional donations of sick leave days provided the total number of days does not exceed the limit of 100 days. No more than two requests in total shall be made.

13. All unused donated sick leave will be returned to the donors on a prorated basis. A donor shall not receive more days than he/she contributed.
14. The Chief Human Capital Officer or his/her designee and a designated representative from TAV-TACT shall have authority to re-evaluate the original decision regarding the recommendation to accept or reject the use of the Sick Leave Sharing Program and revise their recommendation based only on new information affective the Sick Leave Sharing Program eligibility of the requesting employee.
15. Employees by participating in the Sick Leave Sharing Program agree to abide by the decision.
16. All documents submitted by employees seeking sick leave sharing, including but not limited to medical information, and all documents relating to the donating employees, shall be maintained on a confidential basis to the extent permitted by law.
17. All donated sick leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating sick leave for purposes of the Sick Leave Sharing Program.

<b>TULSA TECHNOLOGY CENTER</b> BOARD OF EDUCATION POLICY	<i>Employees - General</i>  Adopted: December 11, 2017
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**PROFESSIONAL CREDENTIALS**

Each technology center employee is responsible for obtaining and maintaining the proper and necessary certification or licensure for the position to which he/she is assigned. Employees must provide a current copy of all credentials to the human resources office at the time of hire and promptly upon any renewal, retesting, achievement, etc.

**ASSAULT AND BATTERY  
INVOLVING TECHNOLOGY CENTER EMPLOYEES**

Any technology center employee upon whom an assault, battery, assault and battery, aggravated battery or aggravated assault and battery is committed while in the performance of any duties as a technology center employee shall immediately notify the campus director and superintendent. If Tulsa Tech employee seeks emergency medical treatment as a result of the incident, the employee may make the report after obtaining such treatment or through a designee. All such reports must state the name of the person who committed the offense, the person upon whom the offense was committed, the nature, context and extent of the offense, the date(s) and time(s) of the offense and any other information necessary to a full report and investigation of the matter. The report may be made orally or in writing. The campus director or superintendent or his/her designee will deliver a copy of this policy to Tulsa Tech employee upon receipt of the report. The campus director or superintendent will investigate the incident and take appropriate action based upon the results of that investigation. Tulsa Tech employee must cooperate in the investigation. The campus director or superintendent will notify the State Department of Education in writing of all such incidents for the previous year on July 1 of each year or the first business day thereafter if July 1 falls on a weekend or legal holiday. The report must include a description of the incident and the final disposition of the incident.

Tulsa Tech will also refer appropriate incidents to law enforcement for investigation and prosecution. Tulsa Tech's decision to report or not to report a particular incident to law enforcement does not preclude Tulsa Tech employee from making a report to law enforcement. To the extent permitted by law, Tulsa Tech will share information and cooperate with law enforcement in the conduct of its investigation and in any subsequent prosecution.

No technology center employee will be subject to any civil liability for any statement, report or action taken in reporting or assisting in reporting a battery or assault and battery committed upon Tulsa Tech employee while in the performance of any duties unless such report or assistance was made in bad faith or with malicious purpose.

Tulsa Tech will post in a prominent place at each technology center site the following notice: "Felony charges may be filed against any person(s) committing an aggravated assault or battery upon any technology center employee."

For purposes of this policy, a "technology center employee" means an instructor or any duly appointed person employed by Tulsa Tech or employees of a firm contracting with Tulsa Tech for any purpose, including any personnel not directly related to the instruction process, and members of the board of education during board meetings.

For purposes of this policy, the terms "assault," "battery" and "aggravated assault and battery" are defined as follows: An "assault" means any willful and unlawful attempt or

offer with force or violence to do a corporal hurt to another. A “battery” is any willful and unlawful use of force or violence upon the person of another. An “assault and battery” becomes “aggravated” when committed under any of the following circumstances: (1) when great bodily injury is inflicted upon the person assaulted; or (2) when committed by a person of robust health or strength upon one who is aged, decrepit or incapacitated, as defined by law.

**CAMPAIGN ACTIVITIES  
DURING REGULAR SCHOOL DAY**

The board of education recognizes and supports the right of its employees to be involved in political activities and to campaign for candidates and issues. However, the exercise of this right must not interfere with the educational process -- the delivery of educational services to the students of this technology center. Campaign activities should not be conducted by employees on scheduled duty time and employees who are on duty should not be distracted from their duties by campaign activities conducted by employees who are not on duty. The Board has determined that the following regulations are necessary to prevent such disruptions and to ensure that employees are properly performing their duties during the school day:

1. Employees may not engage in campaign activities during scheduled duty time.
2. "Campaign activities" include lobbying other employees for their support or contributions, circulating petitions, distributing literature, and planning or preparing for such activities, whether done individually or with other employees and any of which is done in regard to national, state, or local elections for offices or on referenda questions, including school board, millage levy, and bond issue elections, or in regard to elections for recognition or decertification of any employees' organization or for officers or any such organization.
3. "Scheduled duty time" means all times at which the employee is scheduled to engage in activities to fulfill his or her obligations under the employment contract, including but not limited to classroom instruction, lesson preparation, parent-teacher conferences, supervision of halls, classes and labs, or in the case of non-professional staff, their assigned duties in the administrative, food service, transportation, maintenance, or other non-educational support area.
4. Campaign activities may be conducted outside of employees' scheduled duty time only in those areas of the school facilities which are set aside for employees' use during other than scheduled duty times.
5. Employees may not direct campaign activities toward other employees who are performing scheduled duties.
6. The use of threats, duress, coercion, or intimidation in campaign activities directed at other employees is prohibited and constitutes grounds for immediate disciplinary action, including dismissal.
7. School bulletin boards and mail boxes may not be used to post or distribute campaign materials.
8. Campaign materials may not be posted on school property.

9. Violation of this policy by any employee is grounds for disciplinary action, including but not limited to dismissal.



### **EYE PROTECTION DEVICES**

It is the policy of the board of education of the technology center that every student, instructor, employee and visitor participating in or observing any course of instruction or activity involving, but not limited to, the following items shall be required to wear appropriate industrial quality eye protective devices at all times:

1. Hot liquids, hot molten metals, or other molten materials;
2. Milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials;
3. Heat treatment, tempering, or kiln firing of any metal or other materials;
4. Gas or electric arc welding, or other forms of welding processes;
5. Repair or servicing of any vehicle where there is danger of injury to the eyes;
6. Caustic or explosive materials;
7. Injurious radiation; or
8. Other hazards not enumerated.

Such devices may be furnished for all students and teachers, or made available for a moderate rental fee, and shall be furnished for all visitors to such shops and laboratories when entering working areas.

“Industrial quality eye protective devices,” as used in this policy, means devices meeting the standards of the USA practice for Occupational and Educational Eye and Face Protection, Z87.1-1968, and subsequent revisions thereof, approved by the United States of America Standards Institutes Inc.

Reference: OKLA. STAT. tit. 70, § 1210.182

<p><b>TULSA TECHNOLOGY CENTER</b> <b>BOARD OF EDUCATION POLICY</b></p>	<p><i>Employees - General</i></p> <p>Adopted: July 27, 1987 Revised: April 25, 2005</p>
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**INSTRUCTOR PRESENCE IN THE SHOP/LAB OR CLASSROOM**

It is the policy of the board of education that for instructional, safety and legal purposes, an instructor must be present or within unobstructed sight of the shop/lab or classroom when the students are present. Under no circumstances should classes be left unattended whether or not equipment is being operated.

In the event that an instructor must temporarily leave the shop/lab or classroom, the authorized campus administrator or supervisor may assign another technology center employee (i.e. counselor, office staff) to be present in the shop/lab or classroom until the instructor returns.

## **EMPLOYEE APPEARANCE**

The technology center board of education considers it important that each employee is well groomed, neat, and dressed appropriately for his or her job function. Our employees are the professional face we present to the communities we serve. Just as the appearance of our buildings and facilities communicate to our stakeholders the quality and commitment of the technology center in educating students, so does the appearance of our most important resource, our people.

Appropriate dress and hygiene are important in promoting the technology center brand and a positive image to our students, clients, visitors, tax payers and each other. The technology center has adopted a casual business dress code but it must be recognized that some positions and some situations may call for more formal business attire. This policy defines what the technology center considers to be appropriate appearance standards for all employees.

### Employees Working Primarily in an Office Environment

The technology center observes a casual business dress environment. However, there may be situations requiring more formal business attire. An employee conducting or attending meetings, seminars, roundtables, in contact with other educational or business professionals or acting as a point of contact with customers and visitors to our facilities, is expected to represent the technology center in a professional manner and dress appropriately for conducting such business.

### Employees Working in the Field, Warehouses, Cafeterias and Facilities Maintenance Environment

The technology center does not require uniforms in the workplace, but a standard of dress is required to promote a safe and productive working environment. As in an office environment, a field or facilities maintenance employee conducting or attending meetings, seminars, roundtables, in contact with other business professionals, or acting as a point of contact with customers and visitors to our facilities, is expected to represent the technology center in a professional manner and dress appropriately.

### General Guidelines for Everyone

The technology center wishes to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Any item of clothing or apparel that is judged by the technology center to be unsafe, potentially offensive or harassing, provocative or distracting may be prohibited.

## Regular Workday Clothing

Shoes should be in good repair and appropriate for the environment. An office environment work place suggests that shoes may be dressy or business casual. Permitted shoes for men include dress shoes, boots, deck shoes; and for women are high heels, flats, dressy sandals or other shoes compliant with accepted business decorum. Employees whose primary work site includes instructional labs or shops, or employees whose job is in the field or facilities maintenance may wear safety shoes, or other foot wear approved by their supervisor. In shop or lab areas, closed-toe or safety shoes may be required. In any case, employees should select footwear with concern for safety and appropriateness to the environment in which they will be working.

Shirts and tops should be neat, laundered and without obvious signs of wear and tear. Shirts and other tops should be worn in a neat professional manner, cover the midriff and not allow for excessive exposure of the back, shoulders or chest of the employee. For men working in an office or indoor environment, shirts should have a collar; or if collarless, be suitable for wear with a sports coat or suit jacket. No top may feature an excessive number of, or excessively sized imprinted or embroidered words, logos or pictures. Shirts and tops bearing the technology center emblem are permitted.

Skirts, pants, and other like clothing should be neat, laundered and in reasonably good condition. All pants, trousers and similar clothing for men and women should fit properly and not include tags, designs, slogans, decorative openings or gaps, straps or other distracting features. Dress slacks, "Dockers", corduroy pants, are permitted. Employees whose primary work site includes instructional labs or shops, or employees whose regular work site is in the field, a warehouse or shop, or in facilities maintenance may wear laundered jeans (denim pants) that are in good repair.

Hats, caps and head coverings are typically not permitted in the classroom, labs or other office workplaces. Exceptions are made for safety equipment (hard hats), work primarily conducted outdoors, and facilities maintenance work. Head coverings (hats, caps, scarves) related to personal religious beliefs are permitted in all work places where safety would not be compromised.

Employees in certain roles may be permitted to wear other attire. Specific examples include instructors in health careers, cosmetology, or other appropriate programs who may wear surgical "scrubs" or similar career specific apparel. Instructors should look professional in all programs, including automotive, aviation, machining and related shop-based programs. Instructors in these type programs are encouraged to wear lab coats or other approved protective outer wear in those areas.

Facilities employees engaged in mowing or other groundskeeping work, vehicle maintenance, construction activities in out-of-service areas, and other duties where dust, dirt, chemicals and environmental extremes are present, are permitted exceptions to the dress requirements of this policy by the appropriate supervisor during the time such work is being performed. In the conduct of such duties, the wearing of T-shirts, sweat shirts, and other normally prohibited apparel may be authorized. Facilities employees are not relieved from the requirements of appropriate dress and grooming when working in a manner or area where close contact with students, clients and visitors may occur.

Except as provided above, the following items are not acceptable in the technology center workplace at any time: bare feet, “flip flops” and any other style of footwear that cannot be described as business appropriate; shirtlessness, tee shirts (T-shirts), halter tops, tube tops, muscle shirts, sweat shirts, tank tops, spaghetti straps, athletic apparel (i.e. exercise suits); any shirt or blouse worn in a fashion contrary to usual and accepted business fashion; shorts, sweat pants, athletic pants, and excessively tight fitting or excessively baggy pants or trousers; “cut-offs” and clothing with frayed cuffs/hems; pajama bottoms; “sagging”; pants and skirts worn in a fashion contrary to usual and accepted business fashion; form-fitting spandex clothing; pants or skirts worn in a fashion where the midriff is exposed; sexually provocative clothing; clothing with profanity, slogans, jokes or intended humorous statements or pictures; nude or semi-nude pictures; sexually suggestive slogans, cartoons, or drawings; the observable lack of undergarments and exposed undergarments.

Supervisors are permitted to make exceptions to the requirements of this policy and procedure in light of a specific situation and need. As an example, if an office employee is required to participate in an unusual task, such as taking inventory of records stored in a warehouse, the supervisor may permit the employee to wear jeans and a tee shirt to work in order to accomplish that task.

### Friday and Summer Attire

While Tulsa Technology Center dress policy may be described as business casual, the District allows the dress policy to be somewhat further relaxed on Fridays and during the summer when students are not present. Regardless of the relaxed dress requirements during these times, all employees are reminded that professional appearance is always required when meeting with our clients, students, and others external to our organization. An employee conducting or attending meetings is expected to represent Tulsa Technology Center in a professional manner and dress appropriately for conducting such business, regardless of the day of the week.

Except in work areas where safety requirements would prohibit, these items of clothing are permitted in all work places on Friday and during the summer period between semesters: Jeans and denim clothing, athletic shoes, golf shirts, “polo” shirts or other collared shirts bearing collegiate or other logos. Long-sleeved sweaters may be worn without a collared shirt. In allowance of the foregoing permissions, Friday and summer work attire should remain compliant with the other non-conflicting elements of this policy.

### Grooming

Employees are expected to take care in personal grooming to present a professional, intentional, and groomed appearance. While length of hair is not a subject of this policy, an employee’s hair should be clean and maintained in a style not radically different from commonly accepted fashion or local standards of professional appearance. Facial hair should be trimmed and not be unkempt or otherwise create an appearance of neglect or excessiveness. Exceptions regarding employee hair and grooming are permitted based on religious beliefs held by the employee or legitimate recognized customs of the employee’s particular culture or ethnicity. It is the policy of the technology center to respect cultural differences as far as practical for the technology center, and to make reasonable workplace accommodations for an employee’s faith-based requirements.

Employees should be considerate of co-workers, students and visitors. Good personal hygiene is a must. The use of perfume and cologne should be limited out of courtesy to those who may have a sensitivity, such as an allergy, to these odors.

### Body Modifications

Similar to attire, body art and other modifications should not be excessive, significantly prominent or overly distracting in appearance. When possible, an attempt to minimize the display of body modifications (prominent tattoos and piercings other than earlobes) should be undertaken in order to be consistent with community customs and standards of professional appearance.

### Enforcement

Employees who are uncertain if an article of clothing or grooming standard is compliant with this policy should seek the guidance of the supervisor prior to wearing or otherwise exhibiting the clothing item or grooming style at work. Supervisors are responsible for the enforcement of this policy. Apparent violations of this policy should be handled discreetly and consist of a “closed door” meeting between the supervisor and the offending employee. The purpose of this meeting is to serve as a courtesy notice to the employee of an apparent violation of policy and preserve the employee’s dignity, as well as allowing the employee a reasonable opportunity to remedy the violation. Supervisors should consult first with the next level of management before initiating or undertaking any disciplinary action resulting from apparent employee noncompliance with any provision of this policy and procedure.

### **EMPLOYEE TELEWORK**

Telework is defined as working at home or at another off-site location that is linked electronically (via computer, telephone, fax, etc.) to the district's data and/or telecommunications network. Teleworking is a voluntary and cooperative arrangement between the district and an employee, based upon the needs of the job, work group, and the district. Once initiated, a teleworking arrangement may be discontinued, at any time at the request of either the teleworker or the district.

Teleworking allows an employee to work at home, when traveling, or in an alternate location for all or part of the regular work week. Teleworking is not an entitlement; it is not a district-wide benefit; and is not intended to replace or supplement any paid leave benefits associated with an employee's personal inability to be at the work-site.

Under no circumstances is an employee permitted to work at home as a teleworker without prior permission. An employee may not unilaterally elect to work from home or another non-district location, instead of reporting to his/her worksite. The superintendent or his/her designee may authorize eligible employees to work from home or another remote location when a business need exists, the employee cannot report to the regular worksite, the employee's work is essential to the ongoing operation of the district, and the timing of the work to be performed is critical. Employee time away from the worksite, that is not utilized for telework, shall be reported appropriately via the district's) Leave System or shall be unpaid. Employee requests for a teleworking arrangement must be approved by the employee's supervisor prior to submittal to the superintendent or his designee.

This policy does not apply to situations where a supervisor may allow an employee to work at home for a day part, or entire day, on a temporary, infrequent basis.

## **REPORTING THREATENING BEHAVIOR**

### Reports to Law Enforcement

All district officers, employees and school board members have a legal obligation under Oklahoma law to report to law enforcement verbal threats or acts of threatening behavior which reasonably have the potential to endanger students, school personnel or school property. Under this policy, "Threatening Behavior" means any verbal threat or threatening behavior, whether or not it is directed at another person, which indicates potential for future harm to students, school personnel or school property. If a District official, employee or school board member reasonably believes that a person has made a verbal threat or exhibited threatening behavior which has the potential to endanger students, school personnel or school property, and—given the immediacy of the behavior—it is reasonable to do so, the individual should first report the matter to school administration.

### Reports to Site Administrator or Other School Officials

Instances of verbal threats or acts of threatening behavior which reasonably have the potential to endanger students, school personnel or school property should also be reported to the site administrator or other school official. This reporting obligation exists in all instances, including conduct at school or connected with school activities and conduct that happens off of school property. Accordingly, all employees have an obligation to notify the site administrator or other school official, if for any reason the employee believes that verbal threats or acts of threatening behavior have been made which reasonably have the potential to endanger students, school personnel or school property.

### Immunity for Good Faith Reports

Oklahoma law provides that any district employee who in good faith makes a report to an appropriate law enforcement office has immunity from civil liability and employment discipline that might otherwise be incurred or imposed if the employee reasonably believes a person is making verbal threats or exhibiting threatening behavior.

Reference: Okla. Stat. tit. 70, § 24-100.8



<b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b>	<i>Employees - General</i>  Adopted: October 26, 2020
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**COMPLIANCE WITH STATE AND FEDERAL LAWS  
REGARDING EMPLOYEE LEAVE AND PAYROLL PROCEDURES**

The board of education recognizes that the state or federal government may enact new laws and regulations that effect the technology center’s leave policies for employees. The technology center will comply with such laws and regulations applicable to its employees.

To the greatest extent possible, the technology center will construe additional leave granted by a state or federal act to run concurrently with leave granted to employees under existing policies, procedures, and/or contracts. The technology center will implement any new mandated employee leave provisions consistent with any regulations or guidelines issued by the governing authority granting such leave.

Further, the technology center will comply with any state or federal laws applicable to the pay of its employees, including those applicable to the garnishment of wages.

When appropriate, the technology center will seek advice from local, state, or federal authorities and/or its legal counsel as to any obligations under newly issued laws and regulations.

**REPORTING STUDENT SUBSTANCE ABUSE**

The board recognizes the complexity of problems which may be associated with student substance abuse. The concern is for the well-being and best interests of students at all times. Therefore, the following procedure will be utilized by instructors in reporting students who appear to be under the influence, as defined by law, of: low-point beer, alcoholic beverages, or controlled dangerous substances.

When it appears to an instructor that a student may be under the influence of low-point beer, alcoholic beverages, or controlled dangerous substances (drugs), the instructor will report the matter in writing to the superintendent. Whenever possible, the instructor should attempt to obtain a corroborative observation from another instructor or administrator.

The report of the instructor will state the date, time, and place of the incident. It will also describe the actions of the student or other circumstances from which the instructor concluded that the student appeared to be under the influence of low-point beer, alcoholic beverages, or controlled dangerous substances.

The superintendent or his/her designee will also immediately meet with the student, and if the student is a minor, notify the student's parent or legal guardian of the report. The notification to the student's parent or legal guardian may be verbal, but will be promptly confirmed in writing.

**SUSPENSION, DISMISSAL  
AND NONREEMPLOYMENT OF ADMINISTRATORS**

Certified Administrators

Full-time certified administrators may be suspended with pay if the administration or the board believes such an action is in the best interest of the district. Within ten (10) days of the effective date of the suspension the administrator shall either be returned to work or dismissal or nonrenewal proceedings will be commenced against the administrator.<sup>1</sup> To commence dismissal or nonrenewal proceedings, the administrator must be given a written statement which states the proposed action, lists the reasons for the action and notifies the administrator of applicable hearing rights.

If the administrator requests a hearing within ten (10) days after receiving the written notice regarding the adverse employment action, he/she will receive a hearing which complies with all aspects of the law. An administrator's failure to request a hearing within the ten (10) day period waives the administrator's hearing right. The board's decision is final.

Non-Certified Administrators

Full time non-certified administrators will be suspended, demoted, terminated or nonreemployed according to the provisions established for the suspension, demotion, termination or nonreemployment of support employees. Like all support employees, non-certified administrators who have been employed less than one (1) year are at-will employees with no right to a hearing before the board in the event of a termination or nonreemployment action.

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<sup>1</sup> If the suspension is based on a criminal charge or indictment, the suspension *may* be extended through full adjudication at trial, but not during any appeal proceeding.

**SUSPENSION, DISMISSAL  
AND NONREEMPLOYMENT OF TEACHERS**

**I. Definitions and Scope**

- A. "Teacher" means a duly certified or licensed person who is employed to serve as a counselor, librarian, school nurse, or any instructional capacity. An administrator shall be considered a "teacher" only with regard to service in an instructional, nonadministrative capacity.
- B. "Dismissal" means the discontinuance of the teaching service of a teacher during the term of a written contract.
- C. "Nonreemployment" means the nonrenewal of a teacher's contract upon expiration of the contract.
- D. "Suspension" means the temporary discontinuance of a teacher's services during the term of a contract pending dismissal or nonreemployment.
- E. "Career teacher" means a teacher who:
- i. was employed by the district prior to the 2017-2018 school year and has completed three (3) or more consecutive complete school years in such capacity in the district under a written teaching contract; or
  - ii. was first employed by the district during or after the 2017-2018 school year under a written teaching contract and:
    - completed three (3) consecutive, complete school years in the district and has an evaluation rating of "superior" for at least two (2) of those years; or
    - completed four (4) consecutive, complete school years in the district with averaged rating of "effective" or higher for the four (4) year period with ratings of at least "effective" for the last two (2) of the four (4) years; or
    - Although the law permits an employee to establish career status after completing four (4) consecutive, complete school years in the district with a board approved principal and superintendent recommendation, the board will not approve any of these recommendations.

- F. "Probationary teacher" means a teacher who:
- i. was employed by the district prior to the 2017-2018 school year and has completed fewer than three (3) consecutive, complete school years in such capacity in the district under a written teaching contract; or
  - ii. was employed by the district during or after the 2017-2018 school year under a written teaching contract and has not met the requirements to be a career teacher as described above.
- G. "Abandonment of contract" means a teacher's failure to report at the beginning of the contract term or otherwise perform the assigned duties when the teacher has accepted other employment or is performing work for another employer that prevents the teacher from fulfilling the obligations of the employment contract.
- H. This policy does not apply to:
- i. substitute teachers,
  - ii. adult education teachers or instructors,
  - iii. teachers employed on temporary contracts, and
  - v. administrators, except with regard to service in an instructional, non-administrative position.
- I. This policy does apply to teachers employed in positions *fully funded* by federal or private categorical grants in regard to dismissals or suspensions during the term of employment under the grant, but not in regard to "nonreemployment" at the expiration of the grant.

## II. Grounds for Dismissal or Nonreemployment

### A. Cause

1. A career teacher may be dismissed or not reemployed for:
  - (a) willful neglect of duty,
  - (b) repeated negligence in performance of duty,
  - (c) incompetency,
  - (d) unsatisfactory teaching performance,
  - (e) instructional ineffectiveness (starting in 2017-2018, this includes but is not limited to being evaluated as "needs improvement" or lower for 3 consecutive years),
  - (f) mental or physical abuse to a child,

- (g) commission of an act of moral turpitude,
- (h) abandonment of contract,
- (i) criminal sexual activity or sexual misconduct (as those terms are defined by law) which has impeded the effectiveness of the teacher's performance of school duties,
- (j) failure to meet local school board staff development requirements,
- (k) engaging in acts which could form the basis of criminal charges sufficient to result in denial/revocation of a teaching certificate, or
- (l) any other grounds hereafter allowed by law.

2. A career teacher shall be dismissed or not reemployed for conviction of a felony, conviction of any sex offense subject to Oklahoma's Sex Offenders Registration Act or another state's or the Federal Sex Offender Registration Provisions, or instructional ineffectiveness. Starting in 2017-2018, this includes teachers with an ineffective rating for 2 consecutive school years.

Although the law permits the board to approve a superintendent's recommendation that ineffective teachers be retained, the board will not approve such recommendations.

3. A probationary teacher may be dismissed or not reemployed for cause, including but not limited to engaging in acts which could form the basis of criminal charges sufficient to result in denial/revocation of a teaching certificate. Starting in 2017-2018, cause includes, but is not limited to, an ineffective rating for two (2) consecutive school years or failure to obtain career status in four (4) years.

A probationary teacher shall be dismissed or not reemployed for conviction of a felony, conviction of any sex offense subject to Oklahoma's Sex Offenders Registration Act or another state's or the Federal Sex Offender Registration Provisions,

4. A cause listed 1(a) – (e) for a career teacher, or any cause related to inadequate teaching performance for a probationary teacher, shall not be a basis for a recommendation to dismiss or not reemploy a teacher unless corrective action procedures involving admonishment / plan for improvement have been followed. Dismissal or nonreemployment for any cause not listed in 1(a) – (e) for a career teacher, or not related to inadequate teaching performance for a probationary teacher, shall not require corrective action procedures (i.e. admonishment) to be followed.

**B. Corrective Action – Admonishment / Plan for Improvement**

1. When the administrator who has evaluated a teacher pursuant to Technology Center policy identifies poor performance, conduct or an evaluation rating that the administrator believes may lead to a recommendation for the teacher's dismissal or nonreemployment, the administrator shall:
  - (a) admonish the teacher, in writing, and make a reasonable effort to assist the teacher in correcting the poor performance or conduct;and
  - (b) establish a reasonable time for improvement, not to exceed two (2) months, taking into consideration the rating or the nature and gravity of the teacher's performance or conduct.
2. Whenever a member of the board of education, superintendent, or other administrator identifies poor performance or conduct that may lead to a recommendation for dismissal or nonreemployment of a teacher, the administrator who has responsibility for evaluation of the teacher shall be informed and shall admonish the teacher as described above. If the administrator fails or refuses to admonish the teacher within ten (10) days after being informed of the problem, the board, superintendent or other administrator who identified the problem shall admonish the teacher.
3. If the teacher does not correct the poor performance or conduct cited in the admonishment within the time specified, the admonishing official shall make a recommendation to the superintendent for the teacher's dismissal or nonreemployment. The superintendent shall furnish a copy of the recommendation to the board of education.
4. The District will not prohibit, or take disciplinary action against, a teacher for:
  - (a) Disclosing public information to correct what the teacher reasonably believes evidences a violation of the Oklahoma Constitution or law or rule promulgated pursuant to law;
  - (b) Reporting a violation of the Oklahoma Constitution, or state or federal law; or
  - (c) Taking any of the above actions without giving prior notice to the teacher's supervisor or anyone else in the teacher's chain of command.

Reporting means providing a spoken or written account to a supervising teacher, administrator, school board member, representative from the State Department of Education, law enforcement official, district attorney and/or parent or legal guardian of a student directly impacted by the actions.

The District may discipline any teacher who violates a student or parent/legal guardian's confidentiality rights and protections pursuant to the Family Educational Rights and Privacy Act (FERPA) and any other state or federal law which requires confidentiality of information concerning students.

### III. Procedures for Dismissal or Nonreemployment

#### A. Commencement of Action

- i. Whenever the superintendent determines that cause exists for a district teacher's dismissal or nonreemployment, the superintendent shall submit a written recommendation to the board of education. The recommendation shall state the specific ground(s) (statutory grounds, in the case of a career teacher) and specify the underlying facts on which the recommendation is based.
- ii. In the absence of a recommendation from the superintendent pursuant to this section, or when the board of education chooses not to accept the superintendent's recommendation as to reemployment of a teacher, the board may initiate dismissal or nonreemployment action without a recommendation provided that it adheres to the other provisions of this policy and that the corrective action procedures, if applicable, have been followed.

#### B. Suspension

Whenever the superintendent believes cause exists for a teacher's dismissal and that the immediate suspension of the teacher would be in the best interests of students, the superintendent, or the board of education on the recommendation of the superintendent, may suspend the teacher without notice or hearing. The suspension shall not deprive the teacher of any teaching compensation or other benefits to which he/she would otherwise be entitled under the teaching contract or law. Within ten (10) days after the suspension becomes effective, the board of education shall initiate a hearing for dismissal pursuant to this policy. However, in a case involving a criminal charge or indictment, such suspension may extend to such time as the teacher's case is finally adjudicated, except such extension shall not include any appeal process.

#### C. Notice and Hearing

- i. Prior to taking action to dismiss or nonreemploy a teacher, the board clerk or designee shall deliver a copy of the recommendation (or comparable statement of the grounds and underlying facts if the board is acting on its own volition) and notice of hearing rights to the affected teacher. The notice shall contain the date, time, and location of the hearing and shall be delivered by (i) certified mail, restricted delivery, return receipt requested; (ii) personal delivery, with a signed acknowledgment of receipt from the teacher; or (iii) process server. Delivery must be made to the teacher prior to the first Monday in June for a nonreemployment. The hearing shall be held between 20 and 60 days from the teacher's receipt of the hearing notice.



- ii. The teacher hearing before the board of education shall be conducted pursuant to procedures established by the State Department of Education. In the absence of or to the extent not inconsistent with those procedures, the hearing shall be conducted as prescribed in the paragraphs below.
- iii. The hearing shall commence with a statement to the teacher of the teacher's rights at the hearing. Following this statement, the school administration shall present facts showing the cause for the teacher's dismissal or nonreemployment. The teacher shall then have the right to present the teacher's side of the matter. After both the school administration and the teacher have fully presented their respective positions, the board of education shall deliberate on the evidence regarding the teacher's dismissal or nonreemployment in executive session.
- iv. At the hearing, the teacher shall be entitled to be represented by counsel, to cross-examine witnesses presented by the school administration, to present witnesses on the teacher's behalf and to present any relevant evidence or statement which the teacher desires to offer. The burden of proof for any dismissal or nonreemployment shall be on the superintendent (or designee), and the standard of proof shall be a preponderance of the evidence.
- v. After due consideration of the evidence and testimony presented at the teacher's hearing, the board shall vote, in open session, on the following: (1) findings of fact based on the evidence submitted and (2) whether to dismiss or nonreemploy the teacher. The decision shall be made by a majority of the board of education members present at the meeting and shall be final and nonappealable  

The motion to dismiss or nonreemploy the teacher should state the specific cause for dismissal or nonreemployment, although such cause need not be a statutory cause for a probationary teacher.
- vi. The teacher shall be sent notice of the board's decision by certified mail, restricted delivery, return receipt requested, or substitute process. The notice shall state the basis for the board's decision.
- vii. The teacher shall receive any compensation or benefits to which the teacher is entitled until such time as the board's decision is final. If the teacher's hearing is for nonreemployment, and not for dismissal, the teacher's compensation and benefits may continue only until the end of the teacher's current contract.

D. Criminal Matters

Whenever the superintendent (or board) makes a recommendation for a teacher's termination based on conduct which could form the basis of criminal charges sufficient to warrant revocation of the teacher's certificate, the superintendent shall forward a copy of the recommendation to the Oklahoma

State Department of Education and the teacher at the conclusion of any due process provided to the teacher or upon acceptance of the teacher's resignation.

Reference: Okla. Stat. tit. 70, § 6-101, OAC 210-1-5-8

**REDUCTION IN FORCE**

It is the policy of Tulsa Technology Center that when in the judgment of the superintendent it is in the best interest of the School District to consider a Reduction-In-Force (RIF) plan, the following shall apply:

- A. The Board of Education has the exclusive authority to approve or disapprove a RIF plan.
- B. The Superintendent will be responsible for recommending a RIF plan to the Board of Education in compliance with this policy.
- C. The need to reduce or eliminate programs or services and the positions in a program or service area will be the determining factors for recommending a RIF plan, not the individual who occupies a position.
- D. Any regular full-time employee whose employment is recommended for termination due to the implementation of a RIF plan will have the opportunity to receive a hearing before the Board of Education prior to the Board's decision on the recommendation.
- E. A Reduction-In-Force may affect any employee.
- F. A program review process will be followed when a Reduction-In-Force applies to Career Training Program FTE.
- G. The Board of Education may approve a RIF plan based on one or more of the following reasons:
  - 1. to uphold the Mission of the District;
  - 2. existing or projected diminished financial resources;
  - 3. existing or projected low enrollment in program(s); defined as below 60% of capacity
  - 4. existing or projected low program placement rates; defined as below 70% positive placement
  - 5. existing or projected lack of supply of qualified personnel;
  - 6. reorganization or change in District organizational structure;
  - 7. existing or projected lack of need for a position;

8. existing or projected changes in labor market and/or economic conditions;
9. natural or human-caused disaster; or
10. other reasons subject to approval by the Board of Education

H. The RIF plan will consist of:

1. Identification and review by the Board of Education, programs and departmental operations where a business need exists to realign or restructure staff, possibly impacting the continued employment of certain regular full-time employees.
  2. Identification and review by the Board of Education, individuals who may possibly be impacted by said realignment or restructuring of certain programs or departmental operations.
- I. Written procedures will be followed to implement a RIF plan for nonbargaining personnel. The Reduction-In-Force (RIF) procedures for employees who are members of a bargaining unit will be negotiated as a part of the bargaining unit agreement.
- J. The decision of the Board of Education on a Reduction-In-Force (RIF) plan shall be final and non-appealable.

### **Nonbargaining Personnel**

#### Definitions

Certain terms used in these procedures shall have the following meanings:

"Regular Full-Time Employee" shall mean an employee who has been approved by the Board of Education to fill a full-time position created by the Board of Education.

"Nonbargaining Employee" shall mean a regular full-time employee of the District who by the nature of his/her position is not eligible to be a member of a bargaining unit.

"Reduction-In-Force" shall mean action by the District Board of Education reducing the number of regular full-time employees, not on temporary contracts, in the District because of the adoption of a RIF plan that eliminates one or more positions.

"Reduction-In-Force Plan" (RIF Plan) shall mean a document which defines the programs or departments for which a reduction in the number of positions is recommended. The plan will include identification of the specific positions which are to be eliminated and the names of employees whose employment may be affected by implementation of the RIF Plan.

#### General

After the Board of Education approves a Reduction-in-Force Plan as specified in the Reduction-In-Force policy, the Superintendent shall recommend to the Board of Education

the non-renewal of employment contracts for impacted employees. The basis for the recommendation of nonrenewal shall be a reduction-in-force.

## **SECTION 1.0 CRITERIA-PERSONNEL AFFECTED**

The following criteria shall be used to determine the regular full-time non-bargaining employee(s) to be affected by a reduction-in-force:

- 1.1 Volunteers or those who have communicated an intention to leave the employment of the District will first be considered in the RIF. If possible, these individuals will be included in the RIF plan, sparing others who otherwise may have been selected for non-renewal.
- 1.2 Part-time and temporary employees holding RIF targeted positions shall be reduced first, before regular full-time employees.
- 1.3 Probationary employees who have not yet attained the required period of service in order to be subject to Board policy Suspension, Demotion, Termination or Nonreemployment of Support Employees for non-renewal of employment contract shall be next considered for reduction.
- 1.4 If a department, program, area or position being reduced is staffed by a single, regular full-time employee, the employee occupying that position shall be recommended for reduction.
- 1.5 For multiple-employee departments, programs, or areas which have positions that are substantially the same (such as assistant directors, industrial coordinators), the Superintendent shall consider the combination of all of the following factors and what is in the best interest of the District in determining who will be recommended for reduction:
  - 1.5.1 Employee performance in responsibility area.
  - 1.5.2 Expertise in the duties and responsibilities of the position.
  - 1.5.3 Experience in the occupation.
  - 1.5.4 Related formal education or training.
  - 1.5.5 Related professional development (workshops, seminars, etc.)
  - 1.5.6 Certification or licenses if required for the position.
  - 1.5.7 Length of regular full-time employment in the position in the District.
  - 1.5.8 Length of continuous regular full-time employment in the District.

## **SECTION 2.0 PROCEDURES FOR NOTIFICATIONS**

In conformity with Oklahoma School Law, regular full-time non-bargaining employees, not on temporary contracts, who are to be recommended for reduction due to the

implementation of a RIF Plan shall have the right to a hearing before the Board of Education. The following procedures shall be used:

- 2.1 The Superintendent or his/her designee shall give the employee written notice by Certified Mail-Restricted Delivery-Return Receipt Requested of the opportunity to have a hearing before the Board of Education and to present, either orally or in writing, reasons and evidence of why the employee should not be reduced. A. The certified administrator shall have ten (10) workdays from the date of receipt of notification, to request a hearing before the Board. B. The non-certified employee shall have ten (10) workdays from the postmark date on the above written notice to request the Hearing.
- 2.2 If the employee desires a hearing before the Board of Education, he/she must mail or deliver a written request for the hearing to the Clerk of the Board of Education within the ten (10) workday period. If the employee fails to take this action in a timely manner, he/she will be deemed to have waived his/her right to a hearing.
- 2.3 If the employee requests a hearing before the Board of Education, the hearing shall be conducted in open session at a next or next succeeding regular Board meeting or at a special Board meeting, no sooner than ten (10) workdays or later than sixty (60) calendar days after receipt of the employee's request.

### **SECTION 3.0 REDUCTION-IN-FORCE HEARING**

- 3.1 If the employee requests a hearing within the time specified in Section 4.1, he/she shall be notified in writing by Certified Mail—Restricted Delivery—Return Receipt Requested, of the time, date and place of the hearing on the Reduction-In-Force before the Board of Education. The hearing shall not be conducted earlier than ten (10) working days after the mailing of the hearing notice to the employee.
- 3.2 The hearing shall be conducted by the Board of Education in open session during an official meeting.
- 3.3 The Superintendent or his/her designee will present a statement of the reason(s) for recommending the Reduction-In-Force.
- 3.4 At the conclusion of the statement by the Superintendent or his/her designee, the employee or his/her designee will be given the opportunity to make any statement to the Board of Education of any reasons why the recommendation for the Reduction-In-Force should not be approved.
- 3.5 Following the statements in 3.3 and 3.4 above, the Board of Education may convene in executive session to deliberate on the statements.
- 3.6 The Board will vote in open session by individual voice vote on the recommendation for the Reduction-In-Force.
- 3.7 The employee shall be notified by Certified Mail-Restricted Delivery-Return Receipt Requested of the Board of Education's decision.

3.8 The decision of the Board of Education at the hearing shall be final.

#### **SECTION 4.0 REINSTATEMENT OF DEPARTMENT, PROGRAM, AREA OR POSITION**

4.1 When a department, program, area or position is closed due to the implementation of a RIF Plan, and it becomes feasible to reopen the position, the Superintendent may make that recommendation to the Board of Education. In that event, the former regular full-time nonbargaining employee without previous documented poor performance or disciplinary history, released through the RIF Plan shall have first right of refusal in the reverse order in which they were released for a period of one (1) year from the date of actual reduction, provided he/she meets the job qualifications and competencies as specified in the position description.

4.2 An employee recalled to employment within the period of less than one year (365 calendar days) of the date of the dismissal shall retain previous service credit for vacation (if applicable). An employee returning to work within the same calendar year must retain the benefit elections made prior to dismissal, for the remainder of the calendar year.

#### **SECTION 5.0 MISCELLANEOUS**

All notices required herein shall be sent to the employee at his/her address shown in the District's personnel office. It shall be the responsibility of an employee to notify the District's personnel office in writing of any change of address.

**RESIGNATION OF CERTIFIED PERSONNEL**

Employees may submit a written resignation from employment with Tulsa Tech at any time. The resignation must be written, dated, signed and specify the date upon which it is effective. The resignation must be submitted to the human resources office. An acknowledgment of receipt of hand-delivered copies shall be placed on the face of the resignation.

The human resources office is authorized to accept the written resignation of any employee and shall advise the employee in writing that the resignation has been accepted. The superintendent shall advise the board of education of the employee's resignation.

Payment of final compensation shall be processed and disbursed at the scheduled times.



## **EVALUATION OF TEACHERS AND ADMINISTRATORS**

It is the policy of the Board of Education of Tulsa Technology Center to review and evaluate annually all teachers and certified administrators, including the Superintendent. Additionally, the practices and procedures employed in the conduct of evaluations shall be periodically reviewed and modified as needed. Representatives selected by the teachers shall be consulted or involved in the review of the teacher evaluation process.

Evaluation practices and methods employed shall:

1. Be based upon a set of minimum criteria developed by the State Board of Education and may include additional criteria as agreed upon with representatives selected by the teachers;
2. Be prescribed in writing at the time of adoption and at all times when modifications thereto are adopted. The procedures and all modifications shall be promptly made available to all teachers;
3. Provide that all evaluations be made in writing and that evaluation documents and responses thereto are to be maintained in a personnel file for each teacher;
4. Provide that every probationary teacher shall be evaluated at least two times per school year, once prior to end of 1<sup>st</sup> semester and once prior to April 1<sup>st</sup> of each year;
5. Provide that every career teacher shall be evaluated not less than once every year, except as otherwise provided by law;
6. Provide that, except for the Superintendent who shall be evaluated by the Board of Education, all certified personnel, including administrators, shall be evaluated by certified administrative personnel designated by the Board; and
7. Provide that all personnel designated by the Board of Education to conduct the certified personnel evaluations shall be required to participate in training prior to conducting such evaluations.

Whenever any evaluation is made of a teacher, a true copy of the evaluation shall be presented to the teacher. The teacher shall acknowledge the written evaluation by his/her signature thereon. Within ten (10) working days after the evaluation, the teacher may respond and said response shall be made part of the record. Except by order of a court of competent jurisdiction, evaluation documents and the responses thereto shall be available only to the evaluated teacher, the Board of Education, the administrative staff making the evaluation, the Board and administrative staff of any school to which such teacher applies for employment and such other persons as are specified by the teacher in writing.

### **DYSLEXIA AWARENESS PROGRAM**

The technology center recognizes that many students suffer from dyslexia and may require further assistance in the classroom. Accordingly, starting with the 2020-2021 school year, the technology center will offer an annual dyslexia awareness program to provide teachers with training and resources on dyslexia and to foster a better learning environment for affected students.

Beginning with the 2020-2021 school year, the annual dyslexia awareness program will, at a minimum, include:

1. Training in awareness of dyslexia characteristics in students;
2. Training in effective classroom instruction to meet the needs of students with dyslexia; and
3. Available dyslexia resources for teachers, students and parents.

Reference: Okla. Stat. tit. 70, § 6-194 (F)

**TULSA TECHNOLOGY CENTER  
BOARD OF EDUCATION POLICY**

*Employees - Support*

Adopted: December 11, 2017

Revised: October 22, 2018

**EVALUATION OF SUPPORT PERSONNEL**

An approved evaluation instrument will be used to evaluate support personnel on the basis of goals, job performance competencies and core values. Evaluations of support employees will be completed no later than June 1<sup>st</sup> of each year. Signed evaluations will be maintained in Tulsa Technology Center's Learning Management System.

**SUSPENSION, DEMOTION,  
TERMINATION OR NONREEMPLOYMENT OF SUPPORT EMPLOYEES**

1. Definitions

- A. "Support Employee" shall mean an employee of Tulsa Tech who provides those services, not performed by professional educators or licensed teachers, which are necessary for the efficient and satisfactory functioning of Tulsa Tech.
- B. "Full-time Support Employee" shall mean a support employee who regularly works the standard period of labor which is generally understood to constitute full-time employment for the type of services performed by the employee and who is employed by Tulsa Tech for a minimum of 172 days per year.
- C. "Suspension without pay" shall mean the temporary denial of a support employee's right to work and receive any pay and other benefits during the term of the suspension. "Suspension without pay" may be as a disciplinary measure as provided in paragraph 4.B(1), below or as a suspension pending investigation as provided in paragraph 4.B(2), below. If a final decision is made under the procedures stated below that a suspension without pay was improper, the support employee shall receive full pay and other benefits for the period of suspension.
- D. "Suspension with pay" may occur in those situations in which the superintendent or his or her designee, or a supervisor of the support employee perceives a significant hazard in keeping the support employee on the job, in which event the support employee may be asked to immediately leave Tulsa Tech's premises and the support employee is temporarily relieved of his or her duties pending a hearing under paragraph 4, below.
- E. "Demotion" shall mean a reduction in pay during the term of the support employee's contract. "Demotion" shall not mean a change in job description or work assignment or duties.
- F. "Termination" shall mean the discharge of the support employee from his/her employment with Tulsa Tech during the term of his/her contract and does not include the cessation of employment upon expiration of the support employee's contract.
- G. "Non-reemployment" shall mean the failure to offer a support employee a new contract for the next successive school year after the contract under which the support employee is presently employed has expired.

2. Policy On Suspension, Demotion, Termination Or Non-Reemployment Of Full-Time Support Employees

A full-time support employee who has been employed by Tulsa Tech for more than one year shall be suspended, demoted, terminated or non-reemployed during the term of his/her contract only for cause as provided in this policy. In addition to the definition of cause stated in section 3 of this policy, "cause" shall also specifically include lack of funds or lack of work. Any support employee who has been employed by Tulsa Tech for less than one year (12 months) is not entitled to invoke the procedures of this policy and such employee's contract can be terminated at any time without cause.

3. Cause For Suspension, Demotion, Termination Or Nonreemployment

- A. A support employee may be suspended, demoted, terminated or non-reemployed during the term of his/her contract for any of the following:
- i. Violation of any rule, regulation or requirement issued by the office of the superintendent or board of education of Tulsa Tech; or
  - ii. Conduct not otherwise specified in the above rules, regulations or requirements which constitutes insubordination, neglect of duty, incompetency in job performance, dishonesty, or causing or allowing damage, destruction or theft of technology center property.
- B. The rules, regulations and requirements referred to above and the Rules for Conduct shall be furnished to each support employee at the time of his/her initial employment. In the event these rules are updated, a copy shall be timely distributed to support employees.

4. Procedures For Suspensions Without Pay, Terminations And Demotions

- A. Any full-time support employee is subject to disciplinary action in the form of a suspension without pay, demotion or termination. Prior to instituting any such disciplinary action the full-time support employee shall receive the following hearing rights:
- i. The superintendent or his or her designee shall orally advise the support employee of the cause or basis for the proposed disciplinary action;
  - ii. The superintendent or his or her designee shall explain to the support employee the evidence against the support employee;
  - iii. The superintendent or his or her designee shall allow the support employee an opportunity to present his or her side of the matter.
- B. After the support employee is afforded the above hearing rights the superintendent or his or her designee may take any of the following actions:

- i. Suspension without pay for ten (10) working days or less as a disciplinary measure;
  - ii. Suspension without pay pending investigation as to whether cause exists for the termination of the support employee;
  - iii. Demotion of the support employee;
  - iv. Termination of the support employee;
  - v. Conclude that no disciplinary action is appropriate.
- C. The support employee shall have the right to appeal to the board of education a suspension without pay as a disciplinary measure, a demotion or a termination as set forth in the Procedures for Appeal to the board of education in section 6 below.

5. Procedures For Non-Reemployment

Prior to being non-reemployed, a full-time support employee who has been employed by Tulsa Tech for more than one (1) year shall be entitled to the following hearing rights:

- A. The board of education or the superintendent or his or her designee shall advise the support employee, in writing, of the board's intention to consider and act on the non-reemployment of the support employee for the subsequent fiscal year;
- B. The written notification shall set out the cause(s) for such action;
- C. The support employee shall have the right to contest his or her non-reemployment before the board of education as set forth in the Procedures for Appeal to the board of education in section 6 below.

6. Procedures For Appeal To The Board Of Education

- A. After any suspension without pay as a disciplinary measure, or prior to the effective date of any demotion, termination during the term of his/her contract or non-reemployment, the support employee shall receive notice of his/her right to a hearing before the board of education as herein provided.
- B. All notices shall be sent to the support employee by certified mail at the address of the support employee shown on the school records. If the support employee refuses to accept the notice or fails or refuses to pick up the notice after being notified by the post office to do so, then the support employee shall be deemed to have received the notice on the date that the notice was postmarked. The postmark shall be used to determine the timeliness of the notice.
- C. A support employee who has been notified in writing of his/her suspension without pay as a disciplinary measure, demotion or termination during the term of his/her contract or non-reemployment may notify the clerk of the

board of education of Tulsa Tech within ten (10) working days of the postmark on the notice if the support employee desires a hearing before the board of education. If the support employee fails to notify the clerk of the board of education of Tulsa Tech in writing within ten (10) working days of the postmark on the notice that the support employee requests a hearing, the support employee shall be deemed to have waived the right to a hearing and the suspension without pay as a disciplinary measure, demotion or termination action shall be final and, in the case of a non-reemployment, the board may take final action to non-reemploy the employee without further notice or hearing rights.

D. Hearing before board of education:

- i. Upon timely notice as set forth above, the support employee shall be entitled to a hearing before the board of education. The hearing shall be conducted at the next, or next succeeding, regularly scheduled meeting of the board of education if the request for the hearing was received at least ten (10) days prior to the next, or next succeeding, regularly scheduled board of education meeting. At the request of the support employee or at the discretion of the board of education, the board of education shall call a special meeting to conduct the requested hearing, which special meeting shall be held no earlier than ten (10) days nor later than thirty (30) days after receipt of the support employee's request.
- ii. At the hearing before the board of education, the support employee shall be entitled to be represented by counsel, to cross-examine witnesses presented by Tulsa Tech, to present witnesses on his/her behalf and to present any relevant evidence or statement which the support employee desires to offer. The hearing shall be conducted in "open" session. The hearing shall commence with a statement to the support employee of his or her rights at the hearing. Following this statement, Tulsa Tech administration shall present facts showing the cause for the support employee's suspension without pay as a disciplinary measure, demotion, termination or non-reemployment. The burden of proof shall be upon Tulsa Tech administration. The support employee shall then have the right to present his/her side of the matter. After both Tulsa Tech administration and the support employee have fully presented their respective positions, the board of education shall deliberate on the evidence in executive session. The board of education shall announce its findings and decision immediately in open session by individual voice vote. The decision shall be made by a majority of the board of education members present at the meeting.
- iii. As to suspension as a disciplinary measure, demotion or termination, the board of education may affirm, modify or reverse the action taken against the support employee, including increasing or decreasing the severity of the original action. As to non-reemployment, the board may reemploy or non-reemploy the employee for the subsequent fiscal year.

- iv. The decision of the board of education at the hearing shall be final and non-appealable.

7. Miscellaneous

This policy shall be effective immediately upon adoption by the board of education and shall supersede all previous policies regarding the subject matter contained herein. The board of education reserves the right to modify or amend this policy from time to time in any manner consistent with applicable law.

Nothing contained in this policy shall prevent the board of education from acting on its own volition in matters pertaining to suspension, demotion, dismissal or non-renewal of support employees.

**SUPPORT EMPLOYEE RULES FOR CONDUCT**

A support employee may be suspended, demoted, terminated or nonreemployed for violation of any of the following Rules for Conduct, as well as other standards of conduct included in school district policies:

1. Falsification of personnel or other records.
2. Unexcused failure to be at work station at starting time.
3. Leaving work station without authorization prior to lunch periods, or end of work day.
4. Abandonment of job (3 or more consecutive or non-consecutive absences in a rolling 6 month period without following the proper reporting procedures).
5. Unapproved or excessive absenteeism.
6. Chronic absenteeism for any reason.
7. Unapproved or excessive tardiness.
8. Chronic tardiness.
9. Wasting time or loitering during working hours.
10. Leaving work area during work hours, without permission, for any reason.
11. Possession of weapons on school premises<sup>1</sup>, in school district vehicles or while on duty.
12. Removing technology center property or records from the premises without proper authority.

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<sup>1</sup> Support personnel who are either (a) over the age of twenty-one (21) or (b) who are a military member or veteran and over age eighteen may possess a firearm in the school parking lot but that weapon must be stored in the employee's vehicle pursuant to Oklahoma law.



13. Willful abuse, misuse, defacing, or destruction of technology center property, including tools, equipment, or property of other employees.
14. Theft or misappropriation of property of employees or students of the technology center.
15. Sabotage.
16. Distracting the attention of others.
17. Refusal to follow instructions of supervisor.
18. Refusal or failure to do work assignment.
19. Unauthorized operation of machines, tools, or equipment.
20. Threatening, intimidating, coercing or interfering with employees or supervisors.
21. Threatening, intimidating, coercing or exploiting students or others connected with the district.
22. The making or publishing of false, vicious, or malicious statements concerning any employee or supervisor.
23. Creating a disturbance on school premises including but not limited to engaging in quarrelsome behavior and fighting.
24. Creating or contributing to unsanitary conditions.
25. Actions or omissions that jeopardize the health, safety, life, or property of self or others.
26. Practical jokes injurious to other employees, students or technology center property.
27. Possession, consumption, or reporting to work under the influence of beer, alcoholic beverages (including wine), non-prescribed drugs, or controlled dangerous substances.
28. Disregard of known safety rules or common safety practices.
29. Unsafe operation of motor driven vehicles or equipment.
30. Operating machines or equipment without using the safety devices provided.
31. Gambling, lottery, or any other game of chance on technology center property.
32. Unauthorized distribution of literature, written or printed matter of any description on technology center property.

33. Posting or removing notices, signs, or writing in any form on bulletin boards of school district property at any time without specific authority of the administration.
34. Poor workmanship.
35. Immoral conduct or indecency including abusive and/or foul language.
36. Excessive personal calls during working hours, except for emergencies. This includes in-coming and out-going calls.
37. Walking off job.
38. Clocking in or out on another employee's time card or time sheet.
39. Smoking or using tobacco products in an unauthorized area, including the use of e-cigarettes, personal vaporizers and other similar devices, regardless of whether those devices are used with cartridges containing nicotine.
40. Refusal of job transfer, if the transfer does not result in a demotion.
41. Abuse of "breaks" (rest periods) or meal period policies.
42. Insubordination of any kind.
43. Dishonesty of any kind, including withholding pertinent information from a supervisor.
44. Wrongdoing of any kind.
45. Violation of a law or regulation.
46. Sexual harassment of an employee, a student or a third party such as a patron or vendor.
47. Engaging in discriminatory conduct (including discrimination based on race, religion, color, national origin, sex, sexual orientation, gender expression, gender identity, pregnancy, disability, genetic information, veteran status, or age) against an employee, student, or third party.
48. Violation of a policy or rule enacted to ensure orderly and proper job performance or for the safety of self or others.
49. Misuse or abuse of any technology center leave policy or guidelines.
50. Any intentional act or omission which constitutes a material or substantial breach of job duties, responsibilities or obligations.
51. Any conduct which the employee knew or should have reasonably known was a violation of school rules or policies.

52. When it is in the best interest of the technology center, any support personnel may be suspended, demoted, terminated or nonreemployed.
53. Because of the substantial difficulty of retaining competent support employees on a temporary basis over an extended period of time, a support employee shall be subject to termination or nonreemployment for inability to perform the essential job requirements if the employee is unable due to illness or accidental injury to return to work for his or her regularly scheduled hours and to perform the essential duties of the position (with or without reasonable accommodation) within 12 work weeks or the number of work days equal to the employee's total accumulated sick leave days, whichever is longer, measured from the date of the first absence due to the condition resulting in the extended absence. The administration may, in its discretion, extend additional unpaid leave as an accommodation of a disability.

**RESIGNATION OF SUPPORT EMPLOYEES**

Employees may submit a written resignation from employment with Tulsa Tech at any time. The resignation must be written, dated, signed and specify the date upon which it is effective. The resignation must be submitted to the human resources office. An acknowledgment of receipt of hand-delivered copies shall be placed on the face of the resignation.

The human resources office is authorized to accept the written resignation of any employee and shall advise the employee in writing that the resignation has been accepted. The superintendent shall advise the board of education of the employee's resignation.

Payment of final compensation shall be processed and disbursed at the scheduled times.

## **ALCOHOL AND DRUG TESTING FOR BUS DRIVERS**

### **Purpose**

The purpose of this policy is to prevent accidents and injuries resulting from alcohol or controlled substance use by drivers of commercial motor vehicles. This policy is intended to comply with the technology center's 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.
- iv. If the confirmation test result is lower than 0.02, nothing further is required of the driver.
- v. 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.
- vi. 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*

- i. The driver has an alcohol concentration of 0.04 or higher as measured on a breath test.
- ii. The driver displays behavior or appearance characteristics of alcohol misuse.
- iii. The driver is under the influence of or is impaired by alcohol, as shown by behavioral, speech, and performance indicators of alcohol misuse.
- iv. The driver possesses alcohol while on duty.
- v. The driver uses alcohol during duty performance.
- vi. The driver has used alcohol within the four hours prior to performing duties.
- vii. The driver has had an accident within the last eight hours and has not taken a breath test showing clearance from prohibited alcohol levels.
- viii. The driver has refused to take a breath test for alcohol use.
- ix. 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*

- i. 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.
- ii. A supervisor or administrative employee has actual knowledge that a driver has used a controlled substance.

- iii. The driver has a verified positive test for a controlled substance.
- iv. The driver displays behavior or appearance characteristics of controlled substance use.
- v. 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:

- i. Fails to appear for any test as directed by the technology center.
- ii. Fails to remain at the testing site until the testing is complete.
- iii. Fails to provide a urine specimen.
- iv. Fails to provide a sufficient amount of urine when there is no adequate medical explanation for the failure.
- v. Fails to permit a directly observed or monitored collection.
- vi. Fails or declines to take a second test the technology center or collector has directed.
- vii. 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.
- viii. 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).
- ix. 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.”

- i. DOT regulations prohibit employers from standing employees down, before the MRO has completed verification of the test result.
- ii. 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.

- iii. 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.
- iv. 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.

## **COMPLIANCE WITH REGULATIONS REGARDING THE FMCSA CLEARINGHOUSE**

The technology center is committed to complying with all federal regulations and assuring the safety of its students. Therefore, it is the policy of the technology center to comply with all Federal Department of Transportation (DOT) agency regulations regarding mandatory use of the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse (Clearinghouse) to screen its current and prospective CDL employees before and throughout their employment with the technology center. This policy supplements the technology center's existing drug and alcohol testing policies regarding bus drivers.

The technology center may contract with a Consortium/Third-Party Administrator (Consortium) to manage its compliance with this policy and law regarding the Clearinghouse, except its obligations to register and set up and account with the Clearinghouse and pay for queries.

### **Definitions**

"CDL Employee" means an employee of the technology center who performs a safety-sensitive function and must hold a CDL as a condition of their employment. This definition expressly includes any individual subject to drug testing under the technology center's *Drug Testing for Bus Drivers* policy.

"Current CDL Employee" means an CDL employee who was hired prior to January 6, 2020.

"Prospective CDL Employee" means either:

- a current employee of the technology center who seeks to perform safety-sensitive functions for the first time after January 6, 2020, and must hold a CDL as a condition to perform those safety-sensitive functions, or
- an applicant for a position within the technology center who was or will be hired after January 6, 2020, for which holding a CDL is a condition of employment.

### **Non-Delegable Duties Regarding the Drug and Alcohol Clearinghouse**

The technology center shall itself register and set up an account with the Clearinghouse and purchase queries from the Clearinghouse. It shall not contract with a Consortium to perform those duties.

### **CDL Employees Hired After January 6, 2020: Pre-Employment Screening**

- The technology center shall require all prospective CDL employees to register themselves with the Clearinghouse and provide the technology center with digital consent to obtain all information available from a full query.
- Until January 6, 2023, the technology center shall also secure the prospective CDL employee's written consent to obtain from previous and current DOT-regulated employers the following information covering the past three (3) years:
  - Any verified positive, adulterated, or substituted controlled substances test result; any alcohol confirmation test with a concentration of 0.04 or

higher; any refusal to submit to a test in violation of 49 C.F.R. § 382.211; or any employer has reported actual knowledge, as defined at § 382.107, that the driver used alcohol on duty in violation of § 382.205, used alcohol before duty in violation of § 382.207, used alcohol following an accident in violation of § 382.209, or used a controlled substance, in violation of § 382.213.

- The technology center shall obtain the necessary consent and conduct a full query through the Clearinghouse for all prospective CDL employees and obtain results that confirm the prospective CDL employee's Clearinghouse record contains none of the violations listed in this section before permitting any prospective CDL employee to perform a safety-sensitive function for the technology center, including operating a CMV.
- Once a prospective CDL employee has been hired, the technology center will conduct query requirements on the employee to the same extent those required on Current CDL Employees.

### **Current CDL Employees: Conducting Queries from the Clearinghouse**

- At least annually (defined as once per 365-day period), the technology center shall conduct queries (full or limited) from the Clearinghouse on each CDL employee to determine whether information exists in the Clearinghouse. Any query run on an employee (including any full query run on a prospective CDL employee) shall count towards this requirement.
- When the technology center runs full queries on its CDL employees, it shall require those employees to register with the Clearinghouse and provide digital consent for the technology center to obtain all information available from a full query.
- The technology center may, in lieu of full queries, annually obtain its CDL employees' written consent and perform limited queries of the Clearinghouse.
  - Should a limited query show that information exists within the Clearinghouse about a particular CDL employee, the technology center shall, within 24 hours of conducting the limited query, require the employee to register with the Clearinghouse (if not already registered) and provide digital consent for the technology center to obtain all information available from a full query; the technology center shall then conduct a full query to confirm the CDL employee's Clearinghouse record contains none of the prohibitions listed below.
  - If the technology center fails to conduct a full query with the prescribed 24 hours, it shall not permit the CDL employee to continue to perform safety-sensitive functions until the technology center obtains a full query showing none of the prohibitions listed below.

### **Prohibitions**

- The technology center shall not permit a CDL employee to perform any safety-sensitive function if they refuse to provide the necessary consents or the results of a Clearinghouse query demonstrate any of the following:
  - a verified positive, adulterated, or substituted controlled substances test result; an alcohol confirmation test with a concentration of 0.04 or higher; a refusal to submit to a test in violation of 49 C.F.R. § 382.211; an employer has reported actual knowledge, as defined at § 382.107, that the driver used alcohol on duty in violation of § 382.205, used alcohol before duty in violation of § 382.207, used alcohol following an accident in violation of § 382.209, or used a controlled

substance in violation of § 382.213, except where a query of the Clearinghouse demonstrates that:

- (1) That the driver has successfully completed the Substance Abuse Professional (SAP) evaluation, referral, and education/treatment process set forth in part 40, subpart O, of title 49; achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the SAP.
- (2) That, if the driver has not completed all follow-up tests as prescribed by the SAP in accordance with 49 C.F.R. § 40.307 and specified in the SAP report required by § 40.311, the driver has completed the SAP evaluation, referral, and education/treatment process set forth in part 40, subpart O, of title 49 and achieves a negative return-to-duty test result, and the employer assumes the responsibility for managing the follow-up testing process associated with the testing violation.

### **Recordkeeping Requirements**

- The technology center shall retain for three (3) years a record of each Clearinghouse query it runs and all information received in response to each query made. The technology center shall additionally retain any written employee consent to limited queries for a period of not less than three (3) years from the last date a query was run on the employee.

### **Updating the Clearinghouse**

- The technology center or a Service Agent on behalf of the technology center, shall, by the close of the third business day following the date on which it obtained information related to a CDL employee, update the Clearinghouse with all information required under 49 C.F.R. §382.705(b), in any of the following circumstances:
  - An alcohol confirmation test with a concentration of 0.04 or higher or a refusal to test for alcohol.
  - Refusal to test for drugs when a determination by an MRO is not required.
  - Actual knowledge (defined by 49 C.F.R 382.107) that a driver has used alcohol on duty, used alcohol within four (4) hours of coming on duty, used alcohol prior to a post-accident test, or has used a controlled substance.
  - Negative return-to-duty test results (drug and alcohol testing); and
  - Completion of a follow-up test.
- A SAP or MRO as defined in the *Drug Testing for Bus Drivers* policy shall report any information required by 49 C.F.R. 382.705 in the circumstances required pursuant to that regulation. The circumstances that must be reported include:
  - Verified positive, adulterated, or substituted controlled substance tests results (MRO);
  - Refusal-to-test determination by the MRO (MRO);
  - A negative return-to-duty test (SAP); and
  - An employer's report of completion of follow-up testing (SAP);

### **Use of the Drug and Alcohol Clearinghouse to Comply with 40 C.F.R. § 40.25**

- As of January 6, 2023, the technology center shall use the Clearinghouse in accordance with 49 C.F.R. § 382.701(a) to comply with its obligations under 49 C.F.R.

§ 40.25 regarding its drug and alcohol testing requirements for CDL employees; except, where an employee subject to follow-up testing has not successfully completed all follow-up tests, the technology center shall then request the employee's follow-up testing plan directly from the previous employer in accordance with § 40.25(b).

Additionally, the technology center shall request information required under § 40.25 directly from those employers regulated by a DOT agency other than FMCSA if a prospective CDL employee was subject to an alcohol and controlled testing program under the requirements of a DOT Agency other than FMCSA.



## **STUDENT RECORDS**

### Purpose

This policy and the procedures included within it are intended to satisfy the requirements of the Family Educational Rights and Privacy Act (FERPA) and Oklahoma law. The board of education authorizes the superintendent to inform parents of minor students, adult students and the public of the policy and to take appropriate action to implement the policy and procedures.

### Definitions

For purposes of this policy, the following definitions apply:

**Student** - Any individual who attends or has attended a program of instruction sponsored by the board of education of the technology center and for whom it maintains education records.

**Eligible student** - A student who has reached age 18 or is attending a postsecondary school.

**Parent** – A parent of a student, including a natural parent, a guardian or an individual acting as a parent in the absence of a parent or guardian. The technology center will assume that either parent has a right of access to records regardless of custody orders unless the technology center has been provided with evidence that the right of access has been revoked. Documents such as a court order or other legally binding document relating to such matters as divorce, separation or custody that specifically revoke the right to inspect and review records must be provided to the technology center to prevent parent access to student records.

**Education records** - Any record (in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or other method of recording information) directly related to a student and maintained by the technology center or a party acting for the technology center, except:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records of a law enforcement unit of the technology center, but only if education records maintained by the technology center are not disclosed to the unit, and the law enforcement records are maintained separately from education records; maintained solely for law enforcement purposes; and disclosed only to law enforcement officials of the same jurisdiction.

3. An employment record made and maintained in the normal course of business that is not available for use for any other purpose and that relates exclusively to a student in his or her capacity as a technology center employee. (This provision does not include employment activities for which a student receives a grade or credit in a course.)
4. Records on an eligible student that are:
  - A. Made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in a professional capacity or assisting in a paraprofessional capacity;
  - B. Made, maintained or used only in connection with treatment of the student (treatment does not include remedial educational activities or activities that are part of the program of school instruction); and
  - C. Disclosed only to individuals providing the treatment.
5. Alumni records that relate to the student after he or she no longer attends classes provided by the technology center that are not directly related to the individual as a student.
6. Grades on peer-graded papers before they are collected and recorded by a teacher.

Personally identifiable information – The term includes, but is not limited to any information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty. The term also includes information requested by a person who the technology center reasonably believes knows the identity of the student to whom the education records relates. Personally identifiable information includes the student's name; the student's parents' or other family member's name; the student's or family's address; a personal identifier such as the student's social security number, student number or biometric record; and other indirect identifiers such as the student's date of birth, place of birth and mother's maiden name.

Dates of attendance -

1. The period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year, a spring semester or a first quarter.
2. The term does not include specific daily records of a student's attendance at an educational agency or institution.

Directory information - Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Student identification numbers, if displayed on school ID badges, are also considered directory information *unless* the use of a password or PIN is required to authenticate the use of the ID number.

Authorized representative – An individual directly employed by a local or state educational agency, an entity designated by the local or state educational agency, or an individual employed by such entity engaging in audits, evaluations or any other compliance or enforcement activity.

Early childhood education program – Head Start or Early Head Start programs, state licensed or regulated childcare programs, and other similarly situated programs.

Education program – Elementary, secondary, postsecondary, career and technical institutes and schools or any program that is principally engaged in the provision of education.

### Annual Notice

The technology center will notify parents of minor students and eligible students annually of their rights under FERPA by means of a technology center newsletter, newspaper notice, school handbook or individual notice. The notice will inform parents of minor students and eligible students that they have the right to:

1. Inspect and review the student's education records. The notice will also identify the procedure for exercising this right.
2. Seek amendment of the student's education records that the parent of a minor student or eligible student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights. The notice will also identify the procedure for requesting amendment.
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA and its implementing regulations authorize disclosure without consent. The technology center will also include in the notice its policy for disclosing education records to schools in which the student subsequently seeks or intends to enroll, its criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.
4. File a complaint with the U.S. Department of Education concerning the technology center's alleged failure to comply with FERPA.

The technology center will arrange to provide translations of its annual notice to non-English speaking parents of minor students in their native language and to effectively notify parents of minor students or eligible students who are disabled.

All rights and protections given parents under FERPA and this policy transfer to the student when he or she reaches age 18 or enrolls in a postsecondary school. The student then becomes an "eligible student."

### The Right to Inspect and Review the Student's Education Records

Parents of minor students and eligible students may inspect and review the student's education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. The parent of a minor

student or eligible student may also provide consent to have a representative inspect and review the records. Access will be provided during school hours and within no more than 45 days of the request.

Access to a student's confidential records will be provided upon request before any IEP meeting or hearing relating to the identification, evaluation or educational placement of a student or the provision of a free and appropriate education to the student and in all cases within no more than 45 days of a request.

The technology center will not withhold a parent's or eligible student's right to inspect and review student records because of debts owed the technology center.

The right to inspect education records also includes the right to an explanation and interpretation of the records by school officials.

Parents or eligible students should submit to the student's campus director a written request that identifies as precisely as possible the records he or she wishes to inspect. Since a student's records may be maintained in several locations, the campus director should offer to collect copies of records or the records themselves from site locations, so they may be inspected at one site. However, if parents of a minor student and eligible students wish to inspect records where they are maintained, the campus director will make every effort to accommodate their wishes. The campus director will make the needed arrangements as promptly as possible and notify the parent of a minor student or eligible student of the time and place where the records may be inspected.

When a record contains information about students other than the eligible student, the parent of a minor student or eligible student may not inspect and review the records of the other students.

The technology center is not required to give an eligible student access to treatment records (as defined by the term "education records" in the Definitions section of this policy), but the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

#### Provision of Records to Receiving Virtual Charter School

The technology center shall transmit a student's records to a virtual charter school within three (3) school days after receiving notice that the student has transferred to the virtual charter school.

#### Copies of Records

The technology center will provide the parent of a minor student or eligible student with a copy of the student's education records under the following circumstances:

1. If mutually agreed by both the parent of a minor student or eligible student and the technology center.
2. If failure to provide copies would effectively prevent the parent of a minor student or eligible student from exercising the right to inspect and review the records. This may arise when a valid reason, such as working hours, the distance between record

location sites or health, prevents a parent of a minor student or eligible student from personally inspecting and reviewing a student's education record.

3. At the request of the parent of a minor student or eligible student when the technology center has provided the records to third parties by the prior consent of the parent of a minor student or eligible student.
4. At the request of the parent of a minor student or eligible student when the technology center has forwarded the records to another school where the student seeks or intends to enroll.

The technology center will charge a fee for copies of education records. When a fee represents an unusual hardship, the record custodian may waive it in part or entirely. However, the technology center reserves the right to make a charge for copies such as transcripts it forwards to potential employers or to colleges and universities for employment or admissions purposes.

The technology center's fee for copies provided under FERPA will range from no cost to .25 per page (actual copying cost less hardship factor). The technology center will not charge for the costs of search and retrieval.

Types and Locations of Education Records in Tulsa Tech

<b>TYPES</b>	<b>LOCATION</b>	<b>CUSTODIAN</b>
Cumulative Records (current students)	Datatel Student Information System	District Registrar
Cumulative Records (former students – 1990 through present)	Datatel Student Information System	District Registrar
Cumulative Records (former students - 1986 – 1989)	SAS	District Registrar
Cumulative Records (former students - 1986 and older)	Application Xtender	District Registrar
Health Records	Campus Director's office	Campus Director
Speech Therapy Records Psychological Records Special Test Records	Career Services Center	Coordinator of Disability Services
Transportation Records	District Services Center	District Safety Coordinator

Directory Information

The technology center designates the following information contained in a student's record as "directory information," and it will disclose that information without the prior written consent of the parent or eligible student:

1. The student's name;
2. The student's address;
3. The student's telephone listing;
4. The student's date and place of birth;
5. The student's dates of attendance;
6. The student's grade level (i.e., 11<sup>th</sup>, 12<sup>th</sup> grade, etc.);
7. The student's participation in officially recognized activities;
8. The student's degrees, honors and awards received;
9. The most recent educational agency or institution attended;
10. The student's photograph; and
11. The student's electronic mail address.

The technology center will notify parents of minor students and eligible students annually of the designated items of directory information by means of a technology center newsletter, newspaper notice, school handbook or individual notice. Parents of minor students and eligible students have the right to exclude directory information from public access by notifying the superintendent's office in writing of any or all of the items they refuse to permit the technology center to designate as directory information about that student. The student's records will be marked to indicate the items the technology center will designate as directory information about that student. This designation will remain in effect until it is modified by the written direction of the minor student's parent or the eligible student.

#### Use and Disclosure of Student Education Records

Technology center officials may release information from a student's education record if the minor student's parent or the eligible student gives his or her signed and dated prior written consent for the disclosure. The written consent must:

1. Specify the records that may be disclosed;
2. State the purpose of the disclosure; and
3. Identify the party or class of parties to whom the disclosure may be made.

The technology center will only release information from or permit access to a student's education record with a minor student's parent or eligible student's prior written consent, except in the following instances permitted by FERPA:

1. The disclosure is to other technology center officials, including instructors, within the technology center whom the technology center has determined to have legitimate educational interests.

A technology center official is a person employed by the technology center as an administrator, supervisor, instructor, or support staff member, including health or medical staff and law enforcement unit personnel; a person serving on the board of education; a person or company with whom the technology center has contracted to perform a special task, such as an attorney, auditor, medical consultant or therapist; or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another technology center official in performing his or her tasks.

A technology center official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. The technology center will use reasonable methods to ensure that officials obtain access to only those education records in which they have legitimate educational interests. The technology center will ensure that its policy for controlling access to education records is effective and remains in compliance with the legitimate educational interest requirement of the FERPA regulations.

A contractor, consultant, volunteer or other party to whom the technology center has outsourced institutional services or functions may be considered a technology center official, provided that the outside party performs an institutional service or function for which the technology center would otherwise use employees; is under the technology center's direct control concerning the use and maintenance of education records; and is subject to the requirements of FERPA regulations governing the use and re-disclosure of personally identifiable information from education records.

2. The disclosure is to officials of another school, school system or institution of post-secondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is related to the student's enrollment or transfer. (Parents of minor students and eligible students have a right to obtain copies of the records disclosed under this provision).
3. The disclosure is to authorized representatives of the Comptroller General of the United States, the U.S. Secretary of Education, or State and Local Educational authorities. Military services representatives shall have access to student directory information unless the parent, legal guardian or the student age 18 or older specifically denies such access in writing. Military services representatives have the same access to secondary school students as is generally provided to post-secondary institutions or prospective employers unless denied in writing by the parent, legal guardian or student age 18 or older.
4. The disclosure is in connection with financial aid for which the student has applied or that the student has received, if necessary to determine eligibility for the aid, the amount of the aid, the conditions for the aid, or to enforce the terms and conditions of the aid.

5. The disclosure is to organizations conducting studies for or on behalf of the technology center to develop, validate or administer predictive tests, administer student aid programs or improve instruction in compliance with Section 99.31(a)(6) of the FERPA regulations.
6. The disclosure is to accrediting institutions to carry out their accrediting functions.
7. The disclosure is to parents of a student if the parents claim the student as a dependent as defined in Section 152 of the Internal Revenue Code of 1986.
8. The disclosure is to comply with a judicial order or lawfully issued subpoena. The technology center will make a reasonable effort to notify a minor student's parents or the eligible student before making a disclosure under this provision unless:
  - A. the disclosure is in compliance with a federal grand jury subpoena and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
  - B. the disclosure is in compliance with any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
  - C. the disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of an offense listed in the Patriot Act or an act of domestic or international terrorism as defined by law;
  - D. the technology center initiates legal action against a parent or student, the technology center may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the technology center to proceed with the legal action as plaintiff; or
  - E. the parent or eligible student initiates legal action against the technology center, the technology center may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the technology center to defend itself.
9. The disclosure is to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making this determination, the technology center may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the technology center determines that there is an articulable and significant threat, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.



10. The disclosure contains only “directory information” as defined in this policy, and the parent of a minor student or eligible student has not refused to allow the technology center to designate that item as directory information for the student.
11. The disclosure is made directly to the parent of a minor student or eligible student.
12. If a state law adopted before November 19, 1974, allows certain specific items of information to be disclosed in personally identifiable form from student records to state and local officials or authorities concerning the juvenile justice system and the system's ability to effectively serve the student whose records are released or if a state law adopted after November 19, 1974, allows such information to be disclosed to state or local officials concerning the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.

Prior to the release of education records without a parent or eligible student’s advance written consent, the technology center will require an authorized representative of the entity receiving the records to complete a written agreement. The agreement will state, at a minimum:

- the identity of the authorized representative
- the specific personally identifiable information that is to be disclosed
- a clear description of the activity and purpose for the disclosure
- the authorized representative will not re-disclose the personally identifiable information
- the authorized representative will destroy the personally identifiable information within the time set forth in the agreement

The technology center will use reasonable methods to identify and authenticate the identity of parents, students, school officials and any other parties to whom the technology center discloses personally identifiable information from education records.

Upon request, the minor student's parent or eligible student may obtain a copy of any records disclosed under this provision.

#### Record of Requests for Access and Disclosures Made From Education Records

The technology center will maintain an accurate record of each request for access to and each disclosure of personally identifiable information from the education records of each student. The technology center will maintain this record with the student’s education records as long as the records are maintained.

For each request or disclosure the record will include:

1. The name of the party who requested or received personally identifiable information from the education records; and
2. The party’s legitimate interests in requesting or obtaining the information.

The technology center will record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception in FERPA:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom the technology center disclosed the information.

As permitted by FERPA, the technology center may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the minor student's parent or eligible student. The technology center will inform a party to whom such disclosure is made of this nondisclosure requirement.

In the alternative, the technology center may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosure of the information on the technology center's behalf if:

1. The disclosures meet the requirements of the Use and Disclosure of Student Education Records section of this policy (§99.31);
2. The technology center makes a record of the disclosure that includes the names of the additional parties to whom the receiving party may disclose the information on the technology center's behalf and the legitimate interests each additional party has in requesting or obtaining the information (§99.32(b)); and
3. The technology center maintains a record of the names of state and local educational authorities and federal officials and agencies that may make further disclosures of personally identifiable information from the student's education records without prior written consent and maintains this record with the student's education records as long as the records are maintained (§99.32(b)(2)).

#### Procedures to Seek to Correct Education Records

Parents of minor students and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading or in violation of student rights. The technology center will not use this procedure to consider a request to change the grade a teacher assigns for a course.

For purposes of outlining the procedure to seek to correct education records, the term "incorrect" will be used to describe a record that is alleged to be inaccurate, misleading or in violation of student rights. The term "correct" will be used to describe a record that is alleged to be accurate, not misleading and not in violation of student rights. Also, in this section, the term "requester" will be used to describe the parent of a minor student or the eligible student who is asking the technology center to correct a record.

To establish an orderly process to review and correct an education record for a requester, the technology center may make a decision to comply with the request for a change at several levels in the procedure.

First level decision - When a parent of a minor student or eligible student finds an item in the student's education record that he or she believes is incorrect, he or she should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, the custodian will provide the requester a copy of the questioned record at no cost; ask the requester to initiate a written request for the change; and follow the procedure for a second level decision.

Second level decision - The written request to correct a student's education record through the procedure at this level should specify the correction the requester wishes the technology center to make. It should at least identify the item the requester believes is incorrect and state whether he or she believes the item: is inaccurate and why; is misleading and why; or violates student rights and why. The requester must sign and date the request.

Within two weeks after the record custodian receives a written request, he or she will: study the request, discuss it with other school officials (such as the person who made the record or those who may have a professional concern about the technology center's response to the request), make a decision to comply or decline to comply with the request and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, the record custodian decides the record should be corrected, he or she will effect the change and notify the requester in writing that he or she has made the change. Each such notice will include an invitation for the requester to inspect and review the student's education record to make certain the record is in order and the correction is satisfactory.

If the custodian decides the record is correct, he or she will make a written summary of any discussions with other officials and of his or her findings in the matter. He or she will transmit this summary and a copy of the written request to the superintendent.

Third level decision - The superintendent or designee will review the material provided by the record custodian and, if necessary, discuss the matter with other officials (such as the technology center attorney or the board of education (in executive session)). He or she will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take longer, the superintendent or designee will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the superintendent or designee decides the record is incorrect and should be changed, he or she will advise the record custodian to make the changes. The record custodian will advise the requester of the change as he or she would if the change had been made at the second level.

If the superintendent or designee decides the record is correct, he or she will prepare a letter to the requester which will include:

1. The technology center's decision that the record is correct and the basis for the decision;
2. A notice to the requester that he or she has a right to ask for a hearing to present evidence that the record is incorrect and that the technology center will grant such a hearing;
3. Instructions for the requester to contact the superintendent or designee to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The technology center will not be bound by the requester's positions on these items, but will, so far as possible, arrange the hearing as the requester wishes.); and
4. Advise that the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense.

Fourth level decision - After the requester has submitted (orally or in writing) his or her wishes concerning the hearing officer and the time and place for the hearing, the superintendent or designee will, within a week, notify the requester when and where the technology center will hold the hearing and who it has designated as the hearing officer.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education record is incorrect, as shown in the requester's written request for a change in the record (second level).

Within one week after the hearing, the hearing officer will submit to the superintendent or designee a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit his or her recommendation, based solely on the evidence presented at the hearing, that the record should be changed or remain unchanged.

The superintendent or designee will prepare the technology center's decision within two weeks of the hearing. That decision will be based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. However, the technology center's decision will be based solely on the evidence presented at the hearing. Therefore, the superintendent or designee may overrule the hearing officer if he or she believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the technology center's decision, the superintendent or designee will take one of the following actions:

1. If the decision is that the technology center will change the record, the superintendent or designee will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second level decision.
2. If the decision is that the technology center will not change the record, the superintendent or designee will prepare a written notice to the requester, which will include:
  - A. The technology center's decision that the record is correct and will not be changed;

- B. A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the technology center's decision; and
- C. A notice that the requester may place in the student's education record an explanatory statement that states the reasons he or she disagrees with the technology center's decision and/or the reasons he or she believes the record is incorrect.

Final administrative step in the procedure - When the technology center receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education record as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record, and whenever the questioned part of the record is disclosed, the explanatory statement will also be disclosed.

### Complaints

If a parent of a minor student, an eligible student or a citizen of the technology center believes that the technology center is violating FERPA, that person has a right to file a complaint with the Department of Education. The contact information is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5091  
Telephone: (202) 260-3887

### Availability of policy

Copies of this policy will be available for the parent of a minor student and eligible student review in the campus director's office of each technology center site and in the superintendent's office.

### **Notification of Rights Under FERPA**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that affords parents of minor students and "eligible students" over 18 years of age certain rights with respect to the student's education records. They are:

1. The right to inspect and review the student's education records within 45 days from the day Tulsa Tech receives a request for access.

Parents of minor students or eligible students must submit a written request to the campus director or appropriate technology center official that identifies the record(s) they wish to inspect. This administrator will make arrangements for access to the education records and will notify the parent of a minor student or eligible student of the time and place where these records may be inspected.

2. The right to request correction of the student's education records that the parent of a minor student or eligible student believes inaccurate, misleading or otherwise in violation of the student's privacy rights.

Parents of minor students or eligible students may ask Tulsa Tech to amend a record they believe is inaccurate, misleading or otherwise in violation of the student's privacy rights. They must submit a written request to the campus director or appropriate technology center official, clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading or otherwise in violation of the student's privacy rights.

If Tulsa Tech decides not make changes in the record as requested, Tulsa Tech must notify the minor student's parent or eligible student of the decision and advise them of their right to a hearing regarding the request for correction. Additional information about hearing procedures will be provided to the minor student's parent or eligible student at the time of this notification.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent (34 CFR § 99.31).

Technology center officials with legitimate educational interests are permitted disclosure without consent. An official is a person employed by Tulsa Tech as an administrator, supervisor, instructor, or support staff member, including health or medical staff and law enforcement unit personnel; a person serving on the board of education; a person or company with whom Tulsa Tech has contracted to perform a special task, such as an attorney, auditor, medical consultant or therapist; or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another official in performing his or her tasks.

An official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, Tulsa Tech will disclose education records without consent to officials of another technology center in which a student seeks or intends to enroll.

Technology centers may disclose, without consent, "directory" information; however, Tulsa Tech must inform parents and eligible students about directory information, allowing them a reasonable amount of time to request that Tulsa Tech not disclose directory information about that student.

Technology centers must notify parents of minor students and eligible students annually of their rights under FERPA by means of a special letter, bulletin, student handbook and/or other means left to the discretion of each technology center.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Tulsa Tech to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5901

### **DIRECTORY INFORMATION NOTICE**

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that the technology center, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your or your minor child's education records. However, Tulsa Tech may disclose appropriately designated "directory information" without written consent, unless you have advised Tulsa Tech to the contrary in accordance with technology center procedures. The primary purpose of directory information is to allow Tulsa Tech to include this type of information from education records in certain school publications. Examples include:

- Recognition lists;
- Graduation programs; and
- Press releases.

Two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA) of 2015, to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their minor child's information disclosed without their prior written consent. Directory information will not be released to outside organizations for commercial or non-commercial purposes.

If you do not want Tulsa Tech to disclose directory information from your or your minor child's education records without your prior written consent, you must notify the superintendent in writing. Tulsa Tech has designated the following information as "directory information," and it will disclose that information without prior written consent:

1. The student's name;
2. The student's address;
3. The student's telephone listing;
4. The student's date and place of birth;
5. The student's dates of attendance;
6. The student's grade level (i.e., 11<sup>th</sup> grade, 12<sup>th</sup> grade, etc.);
7. The student's degrees, honors and awards received;
8. The most recent educational agency or institution attended;
9. The student's photograph; and
10. The student's electronic mail address.

No parent or eligible student can opt out of the requirement that a student wear his or her ID badge which shows the student's school ID number.

**Agreement for Receipt of  
Records Containing Personally Identifiable Information**

**Name of Entity Receiving Records:** \_\_\_\_\_

**Authorized Representative:** \_\_\_\_\_

**Activity or research being conducted which necessitates the disclosure of records:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Records to be disclosed:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Personally identifiable information contained in disclosed records:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Initials**

\_\_\_\_\_ I acknowledge that the records being released to me contain personally identifiable information regarding a student of the school district.

\_\_\_\_\_ I agree, as a representative of \_\_\_\_\_ that this information will not be re-disclosed.

\_\_\_\_\_ I further agree, as a representative of \_\_\_\_\_ that this information will be destroyed on or before \_\_\_\_\_ . The method of destruction will be: \_\_\_\_\_ .

I certify that I am an authorized representative of: \_\_\_\_\_  
On behalf of the entity, I agree to abide by the terms and conditions set forth in this agreement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## **RETENTION AND DESTRUCTION OF DOCUMENTS**

This policy is adopted to ensure that Tulsa Tech complies in good faith with state and federal laws regarding the preservation of information and records. Records covered by this policy are those created or received by Tulsa Tech that involve: (1) the transaction of official business; (2) the expenditure of public funds; or (3) the administration of public property. This policy is to be used as a guideline for the retention, preservation and disposal of certain records.

As used in this policy, “record” means any document, book, paper, photograph, microfilm, computer tape, disk, record, sound recording, film recording, video record or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business the expenditure of public funds, or the administration of public property. Record does not mean computer software, non-technology center personal effects, or (unless public disclosure is required by other laws or regulations), personal financial information, credit reports or other financial data obtained by or submitted to Tulsa Tech for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of becoming qualified to contract with Tulsa Tech.

### Records to be Retained

1. Permanent Records are those records that possess continuing value because they document the organization, functions, policies, decisions, procedures, and essential transactions of Tulsa Tech or protect the legal and financial rights of Tulsa Tech and persons directly affected by Tulsa Tech. They must be retained permanently.
2. Essential Records mean those technology center records necessary to the operation of Tulsa Tech during an emergency created by a disaster, or necessary to protect the rights and interests of persons or to establish and affirm powers and duties of Tulsa Tech and its related entities in the resumption of operations after a disaster. Essential records are designated for permanent preservation and Tulsa Tech should be careful to ensure that a minimum of two (2) copies of the records are maintained at different locations to avoid loss or destruction.
3. Statutorily Required Records mean those technology center records that are required by state or federal law to be preserved for a finite period of time and in accordance with applicable record keeping requirements.
4. Other Records mean those technology center records that are not Permanent Records, Essential Records, or Statutorily Required Records. Other Records should be retained, in Tulsa Tech’s discretion, for so long as they are needed.
5. Convenience or Reference Copies - This policy does not apply to copies of records created for the user’s convenience.

## Format of Retained Records

Retention requirements apply equally to electronic and paper records. This Document Retention policy does not specify which formats shall be used for records creation and retention. This policy's objective is provide Tulsa Tech with the discretion to maintain individual records in the most efficient and cost effective format consistent in accordance with sound records management principles or as required by law. To the extent paper records are to be retained, originals should be retained to the extent practical.

### 1. Microformat

Tulsa Tech may elect to maintain records on microforms or in electronic format provided the following conditions are satisfied:

- A. All microfilming and microfiching is performed in accordance with law, including Archives and Records Commission;
- B. Tulsa Tech retains at least one (1) user copy of all master negatives; and
- C. The use of microformats is not prohibited by state and federal law.

### 2. Optical Imaging Systems

Tulsa Tech may elect to retain records in an optical imaging format provided the following conditions are satisfied:

- A. All optical imaging systems and applications are in compliance with Archives and Records Commission; and
- B. The storage of records in optical imaging format is not prohibited by state and federal law.

## Storage of Records

### 1. Off-Site Records Storage

Tulsa Tech may store records at an off-site storage center. An off-site storage center may be used, provided:

- A. Records can be removed from the office environment;
- B. Access to records is limited to only authorized personnel;
- C. Information retrieval services are available, including the ability to make copies;
- D. The storage of records in an off-site storage center is not prohibited by state and federal law.

### 2. On-Site Records Storage

Tulsa Tech may store records at an on-site storage center. An on-site storage center

may be used, provided:

- A. Records can be removed from the office environment;
- B. Access to records is limited to only authorized personnel; and
- C. Information retrieval services are available, including the ability to make copies;
- D. The storage of records in an on-site storage center is not prohibited by state and federal law.

#### Electronic Recordkeeping Systems (except e-mail systems)

If Tulsa Tech elects to store records in an electronic recordkeeping system, the following conditions apply:

- 1. All electronic records must be backed up on a regular basis and all back up media must be stored in separate locations under proper environmental conditions;
- 2. All data must be secured against accidental or unauthorized addition, modification, or deletions of records; and
- 3. The maintenance of records in an electronic format is not prohibited by state or federal law.

#### E-Mail Systems

Electronic mail (e-mail) records that need to be preserved should be either:

- 1. Printed in hard copy and kept in the appropriate file;
- 2. Downloaded to a computer file and kept electronically or on disk as a separate file; or
- 3. Stored in an electronic recordkeeping system accordance with this policy.

#### Responsibility for Oversight and Implementation and Additional Provisions

Responsibility for oversight and implementation of this policy is vested in the superintendent or such person(s) designated by the superintendent. Nothing within this policy prevents the superintendent or the superintendent's designee from prescribing additional document retention and/or destruction requirements as the need arises.

<b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b>	<i>Records</i>  Adopted: December 11, 2017
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**DESTRUCTION OF SPECIAL EDUCATION RECORDS**

Tulsa Tech destroys all inactive files after five (5) years. However, sixty (60) days before Tulsa Tech destroys the records, it will contact the minor student's parents/eligible student and give them the opportunity to take possession of the child's inactive file. Parents of minor students/eligible students will be provided a form to sign in order for records to be released.

**TRANSFER AND RELEASE  
OF CONFIDENTIAL INFORMATION**

Tulsa Tech adopts this policy pursuant to Okla. Stat. tit. 10, § 620.5.

For purposes of this policy, "confidential information" means any information regarding a student receiving services supported in whole or in part by state or federal funds, a family member of such student, or other persons residing in the home of such student, and which is required by state or federal law or regulation to be maintained in a confidential manner.

Tulsa Tech will transfer and release confidential information in accordance with this policy to:

1. The Department of Human Services;
2. The Department of Mental Health and Substance Abuse Services;
3. The State Department of Health;
4. The State Department of Education;
5. The State Department of Vocational and Technical Education;
6. The Oklahoma Commission on Children and Youth;
7. The J.D. McCarty Center for Handicapped Children;
8. The Department of Corrections;
9. Private agencies receiving public funds pursuant to a grant or contract with one of the agencies listed in (1) through (8) and providing institutional, community residential or community-based services to children and families as defined by Okla. Stat. tit. 10, § 1101;
10. Persons and agencies subject to the rules promulgated by the agencies listed in (1) through (8); and
11. Statutorily-constituted juvenile bureaus.

Unless otherwise permitted by state or federal law or regulation, confidential information will only be released to the above-described entities pursuant to (1) a court order or (2) an informed consent that has been executed by (a) the parent or guardian of the minor student or other person authorized by state or federal law to execute such consent, if the subject of the confidential information is a student or (b) the individual who was the subject of the confidential information or other person authorized by law to execute such consent on his or her behalf, if

the subject of the confidential information is an adult. Tulsa Tech will use the State of Oklahoma Standard Form Consent for the Release of Confidential Information.

Tulsa Tech will follow the rules promulgated by the State Department of Education or the Oklahoma Department of Career and Technology Education for authorizing access to confidential information for the purpose of gathering statistical information or conducting studies or researches otherwise authorized by law.

Tulsa Tech shall charge \$.25 per page for all copies made pursuant to this policy plus the actual cost of mailing the copies.

**TULSA TECHNOLOGY CENTER  
BOARD OF EDUCATION POLICY**

*Records*

Adopted: June 26, 1989  
Revised: November 9, 1992;  
October 27, 2003; October 22, 2007; September  
14, 2009; December 11, 2017; October 26, 2020

**OPEN RECORDS**

The board of education adopts this policy statement in connection with the Oklahoma Open Records Act (the "Act").

Philosophy

Tulsa Tech, as a tax supported institution, recognizes that the public has a right to be fully informed concerning its operations. Tulsa Tech strongly believes that informed citizens are vital to the successful functioning of the democratic government process which this technology center desires to exemplify to its students.

In order to achieve these goals, the board of education hereby states that all records of Tulsa Tech, except those records designated as confidential in this policy Statement, or, otherwise, as required by federal or state law, shall be open to any person for inspection, copying and/or mechanical reproduction during regular business hours. All persons requesting the right to inspect non-confidential records of Tulsa Tech shall be accorded prompt access to those records.

Confidential Records Not Available for Inspection

As permitted by the Act, Tulsa Tech hereby designates the following records as confidential and not open for public inspection:

1. Records which can be kept confidential under federal or state law.
2. Personnel records which relate to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline or resignation.
3. Personnel records where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, employment applications submitted by persons not hired, and transcripts from institutions of higher education.
4. Bid specifications for competitive bidding prior to publication; contents of sealed bids prior to bid opening; computer programs or software (but not the data thereon); and appraisals relating to the sale or acquisition of real estate prior to the award of a contract – if disclosure would give an unfair advantage to competitors or bidders.
5. Personal communications received from a person exercising rights secured by the Oklahoma or United States Constitution, except for the fact that a communication has been received and that it is or is not a complaint. Any response to such personal communications shall be confidential only to the extent necessary to protect the identity of the person exercising the right.

6. Individual student records, except for: (a) statistical information not identified with a particular student if such information is maintained in a composite form; and (b) directory information as defined in the Act, if, pursuant to the Family Educational Rights and Privacy Act that information (i) has been designated by Tulsa Tech as directory information and (ii) the parent(s) or the eligible student have been notified of and have not exercised their non-release rights.
  - A. Instructor lesson plans, tests and other teaching materials.
  - B. Personal communications concerning individual students.
  - C. Personal notes and personally created materials, when made prior to taking action, making a recommendation or issuing a report. Confidentiality does not extend to departmental budget requests prepared as an aid to memory or research leading to the adoption of a public policy or the implementation of a public project.
  - D. The home address of any person employed or formerly employed by Tulsa Tech.
7. The home telephone number of any person employed or formerly employed by Tulsa Tech, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Records Custodian

The board hereby designates its associate superintendent of operations, or if such person is not available during regular business hours, then the administrative assistant to the superintendent, as the person authorized to release non-confidential public records for inspection, copying or mechanical reproduction.

Under Oklahoma law, the board clerk is the custodian of the district's copy of required school board election related filings. Copies of these documents can be obtained by making a request through the clerk's designee, the administrative assistant to the superintendent.

Fees for Records and for Search of Records

The following fees shall be charged for records reproduction and any compensable search for records:

*Paper Production:*

- 8 ½" x 11" \$.25 per copy
- 8 ½" x 14" \$.25 per copy
- 11" x 17" \$.50 per copy

*Electronic Production*

- Document conversion (TIFF or PDF) \$.25 per page

In addition to the costs noted above, when a request for public records would clearly cause excessive disruption of Tulsa Tech's essential functions or is solely for commercial purpose, Tulsa Tech will charge \$50 per hour. The requestor will be charged this hourly rate for all search time, review time, and, if necessary, time spent redacting records prior to production.



Tulsa Tech does not consider publication in a newspaper or broadcast by news media as resale or use of data for trade or commercial purpose. However, Tulsa Tech shall charge the news media and others the direct cost of copying electronic data.

A search fee shall not be charged when the release of documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

Costs associated with reproduction of public records shall be paid by, or on behalf of the requestor, at the time documents requested are to be picked up. In the event of a large records request, Tulsa Tech may request a deposit, to be set by the records custodian, to be made at the time of the request.

#### Request for Records

Requests for public records shall be made to the attention of the associate superintendent of operations. The request shall identify with specificity the record or records sought. Where the request for records is unclear or confusing, the superintendent may request that the requestor provide a more precise explanation or description of the records requested. Tulsa Tech shall produce records requested promptly, taking into consideration the accessibility of the record, the number and type of records requested, and the press of technology center business.

An individual requesting public records, pursuant to the Act, is requested to use Tulsa Tech's request form to expedite the processing of the request.

#### Appeal of Denial of Records

If inspection of documents designated as confidential is denied, the person requesting access to such documents shall have a right to appeal the denial to the superintendent.

**OPEN RECORDS ACT SCHEDULE OF FEES**

Black & white copy (not exceeding 8.5 x 14" in size)	<i>.25 per page</i>
Color copy (not exceeding 8.5 x 14" in size)	<i>.50 per page</i>
Certified copy	<i>\$1.00 per page</i>
Oversized copy (exceeding 8.5 x 14")	<i>.50 per page</i>
Video tape or DVD copy <sup>1</sup>	<i>\$10.00 per tape</i>
Audi tape or CD copy <sup>2</sup>	<i>\$10.00 per tape</i>
Mailing fee (if mail delivery is requested)	<i>Actual cost</i>
Research fee (for research, review, and redacting exceeding 15 minutes)	<i>\$50.00 per hour</i>

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<sup>1</sup> For each video tape or DVD copy requested, requestor must supply a new, blank standard VHS tape or DVD.

<sup>2</sup> For each audio tape or CD copy requested, requestor must supply a new, blank standard audio cassette tape or tapes or CD. No mini-audio cassette tapes will be accepted.

## **STUDENT ADMISSION TO FULL-TIME PROGRAMS**

The purpose of this policy is to set out the eligibility requirements and guidelines for admitting students to Tulsa Tech. It is the policy of the board of education that no person shall, on the grounds of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to, discrimination under any education program or service or any other activity for which the board is responsible.

Secondary students residing within Tulsa Tech site areas must be regularly enrolled in a high school located in Tulsa Tech site areas in order to attend a technology center program tuition free.

Secondary students residing out of the district must make application to the assistant superintendent for instruction or his/her designee for admission and shall be responsible for paying tuition. (With the exception of those covered by Reciprocity Agreements.)

Secondary and adult students are admitted to programs on the basis of their interest, indicators of ability to succeed in their chosen occupation, aptitude and prior performance in school and work. In addition, other factors may be considered that affect the student's ability to fully participate or complete a program, or to obtain professional credentials at the program's conclusion.

Students may be admitted to specified programs on an advanced standing status provided they meet certain criteria.

### Procedures

The purpose of these procedures is to establish written guidelines to be followed if a person seeks to appeal a decision to deny him/her admission to a full-time program pursuant to the board's above policy.

### General Information

Any person seeking admission to Tulsa Tech or to a full-time program has the right to appeal a denial of admission as set forth in these procedures. The purpose of these guidelines is to provide due process procedures for the appeal of admission denial decisions. All aspects of the appeal process shall be kept confidential. Only those individuals directly involved are to have access to any names or information. No reprisals of any kind shall be taken by the administration, faculty or any employee against any person seeking admission because the person is involved directly or indirectly in an appeal. Unless otherwise mutually agreed, the time limitations for appeal are binding on both the person seeking admission and Tulsa Tech.

## Filing an Appeal

A person denied admission shall file a written request for an admission appeal hearing on an approved form. The appeal hearing request shall be filed with the superintendent if admission is denied to Tulsa Tech or with the campus director if admission is denied to a program. This request form must be filed within five (5) school days after receipt of notification of denial of admission to Tulsa Tech or a program. The request form for an appeal hearing must be completed with the following: (1) a brief statement of the basis for the appeal; and (2) a statement why the person appealing believes the decision was incorrect.

## Appeal Hearing

Within fifteen (15) school days of the receipt of the appeal request form, the superintendent or the campus director, as appropriate to the appeal, will convene a meeting of the appeal committee. The appeal committee consists of:

1. Voting members:
  - A. Chairperson is the superintendent (or designee) if admission is denied to Tulsa Tech. If admission is denied to a program, the campus director will serve as chairperson.
  - B. The assistant superintendent for instructional services.
  - C. A representative from the personnel department.
2. Non-voting member: recording secretary appointed by the chairperson.

Notice of the date, time and place for the appeal hearing shall be sent by U.S. Certified Mail to the person seeking admission or parent/guardian of secondary students under 18 years of age seeking admission. The appeal hearing will be closed. Only members of the appeal committee, the person seeking admission, parent/guardian of a secondary student under 18 years of age seeking admission, the person the complaint is against, and that person's supervisor, may be present for the entire meeting. The appeal hearing shall provide an opportunity for the person seeking admission to present a statement. The appeal committee will make a decision regarding the appeal by secret ballot. The recording secretary will record the votes in the minutes and give the results to the chairperson who will announce the results. Written notification will be sent by U.S. Certified Mail to the appellant. Minutes will be made available to the student or parent/guardian upon written request to the appeal committee chairperson. The decision of the appeal committee is final.

## **ENROLLMENT FOR THOSE CONVICTED OF FELONIES**

Although Tulsa Tech exists to provide educational opportunities, certain circumstances require careful review and consideration prior to student enrollment at the center. No person seeking admission will be unilaterally excluded solely on the basis of a felony conviction, but those with felony convictions are subject to administrative review. This review will seek to determine whether the individual poses a threat to other students or staff and will educate the potential student regarding limited employment opportunities in certain fields due to the felony conviction.

Any currently-enrolled student who is charged with a felony must promptly disclose the charges to the campus director.

All situations will be evaluated on a case-by-case basis.

### Administrative Review Process

Upon learning that an individual with a felony conviction has applied for enrollment at Tulsa Tech, an administrator will determine the nature of the crime, the applicant's version of the events, the amount of time which has passed since the crime was committed, rehabilitation which has occurred since the crime, the applicant's current status with the court system and any other factor deemed to be relevant to the specific circumstances.

### Career Counseling

Certain careers, especially health related careers, often prohibit licensure/employment of individuals who have been convicted of:

- Violent crimes (e.g., murder, assault, armed robbery)
- Sex crimes of any nature or kind
- Manufacture, sale or possession of drugs with intent to distribute
- Child or elder abuse

Because many clinical sites will not permit a convicted felon from participating in clinicals, enrollment in such a program will not be permitted due to a student's inability to complete the program requirements.

### Registered Sex Offenders

Individuals seeking admission to Tulsa Tech must disclose their status as a registered sex offender. A failure to make this disclosure will result in removal from Tulsa Tech. Applications for admission by registered sex offenders will be reviewed for the purpose of determining whether admission is in the best interest of other students and the center. In

any instance involving the admission of a registered sex offender, the student will be subject to specific guidelines, provided by the superintendent. These guidelines will govern the student's school enrollment, attendance, and participation in school activities. Violation of administrative guidelines issued to the student will result in the student's removal.

## **MINOR STUDENT RESIDENCY**

The district is established for the purpose of serving the educational interests of resident students. This includes homeless students, students who are not documented citizens, and students whose parents/guardians are not documented citizens. The district will not inquire into a student or parent/guardian's citizenship status as a part of enrollment, and will only use information regarding a student's living situation to better serve the student. The district will periodically review its practices and the documents it seeks as a part of establishing residency within the district to ensure that its processes are not overly burdensome and do not discourage the enrollment of homeless students and/or undocumented students.

### Definitions

For purposes of this policy, the terms listed below have the following meanings:

"Residence," "residency" and "legal residence" mean the student's present place of abode, provided that it is a place where important family activities (such as sleeping, eating, working, relaxing, and playing) take place during a significant part of each day. Mere presence alone is not sufficient to establish residency. Documentary evidence that may be submitted to establish residency is identified below.

"Person having legal custody" means a person who is legally responsible for the care of a secondary student pursuant to: a proper attorney-in-fact affidavit, the order of a court, or placement by a governmental agency responsible for making custody determinations and/or placements.

### Basic Residency Requirements

State law provides that a child's residence for school purposes is the district in which the (1) parents, (2) guardian or (3) person having legal custody of the child holds legal residence. Children may also establish residency if their attorney-in-fact is a resident of the district. Children who are foster children are granted residency in the district if they attended the district prior to entering foster care, if their current or prior foster family is/was a resident of the district, or if another child in their current foster home attends school in the district pursuant to a transfer.

Tulsa Tech does not permit students to establish residency based on the affidavit of a person who has assumed permanent care and custody of the child under OKLA. STAT. tit. 70, § 1-113.

### Procedure for Resolving Residency Disputes

Tulsa Tech recognizes that there may be occasions when there is a dispute regarding residency. Upon enrollment, technology center staff will verify that the student is a resident of the district or is otherwise entitled to attend school at Tulsa Tech for any reason authorized by law. As a part of this verification process, Tulsa Tech will obtain the student's

address and, if applicable, proof of high school enrollment. By providing this address to Tulsa Tech, the student's parent/guardian/person having legal custody is representing that this address is the student's residence. Tulsa Tech may also require, in order to verify residency, certified copies of court orders, guardianship documents, written agreements and affidavits relating to the care, custody and control of the student and any other information Tulsa Tech deems relevant.

If at any time a technology center administrator has a reasonable belief that the reported residence may not be the residence of a secondary student for purposes of school attendance, the administrator shall notify the student's parent, guardian, or person having legal custody that there is a question regarding the student's legal residency. The parent, guardian, or person having legal custody will have an opportunity to submit information regarding the residency to the district's residency officer. All notices required by this policy shall be in writing. Additionally, reasonable alternative arrangements for documenting communications will be made for those persons who are visually impaired or otherwise unable to communicate in writing.

Information or documentation to prove student residency in the district shall include but not be limited to proof of provision of utilities, payments of ad valorem taxes, local agreements or contracts for purchasing/leasing housing, driver's licenses, income tax returns, notes, mortgages, contracts and any other source of proof that is not in conflict with statutory provisions relating to the residence of students.

Any question or dispute as to the residence of a student not deemed to be a "homeless student" shall be determined by the residency officer and the board of education pursuant to the following procedures:

1. The student's parent, guardian, or person having legal custody must notify the residency officer in writing of the review request within three (3) school days from the date of written denial of admittance or from the date of written notification that the student is considered not to be a resident of the district. Upon receipt of a request for review, the residency officer shall allow the parent, guardian, or person having legal custody to provide additional pertinent information in accordance with the district's criteria and the statutory provisions regarding residency. This information must be submitted with the request for review.
2. The residency officer must render a decision and notify the student's parent, guardian, or person having legal custody of the student of the decision and reasoning therefore in writing within three (3) school days of receipt of the request for review.
3. If the student's parent, guardian, or person having legal custody of the student disagrees with the residency officer's decision, such person shall notify the residency officer in writing within three (3) school days of his or her receipt of the residency officer's decision. The residency officer will submit his or her findings and all documents reviewed to the board of education. The board of education will review the decision and the documents submitted on behalf of Tulsa Tech and the student and will render a decision at the next board meeting. The decision of the board of education shall be the final administrative decision.



4. In an effort to place students in school as quickly as possible, timelines shall be followed unless due to emergency circumstances both parties agree to an extension of timelines.

#### Miscellaneous Policy Provisions

Hearings involving more than one student where students are related or residing in the same household may be consolidated at the discretion of the residency officer and the board of education.

If the residency dispute involves an 18-year-old student, all notices will be delivered to the student.

If already enrolled and attending school at Tulsa Tech, a student involved in a dispute related to the student's residency may remain in school until available appeals are exhausted when the student or the student's parent, guardian, or person having legal custody has filed an appeal in the manner and within the time permitted by this policy.

The residency officer shall be in charge of maintaining the files related to a residency dispute and ensuring that the administrators and others directly involved in such a dispute forward their records of the dispute following their involvement, and otherwise keeping all communications involving the dispute. Tulsa Tech's residency officer is Dr. Rick Palazzo.

The board of education understands that there may be some instances where residency may be established on a date other than the date the student was enrolled in Tulsa Tech. For any period during which a student is enrolled in Tulsa Tech, but is not a resident of the district, Tulsa Tech may charge tuition if it is established that the student's parent, guardian, or person having legal custody of the student knew or should have known that the student who is the subject of the residency dispute was not a resident of the district. The tuition shall be based on a per capita cost of educating a student in the district during the preceding year. This issue may be raised along with other issues related to the residency dispute and shall be heard in the same manner.

Tulsa Tech shall provide for educational services for homeless children as required by law.

Tulsa Tech reserves the right to require re-verification of student residency at the beginning of each school term.

A copy of this policy shall be provided to the student's parent, guardian, or person having legal custody of the student as soon as possible following the inception of any residency dispute.

#### Special Definitions and Procedures Applicable to Homeless Children and Youth

##### 1. Definitions

“Homeless children and youth” means secondary students who lack fixed, regular and adequate nighttime residence, and includes:

- A. children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate

accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

- B. children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- C. children and youth who are living in cars, parks, public spaces, buildings, substandard housing, bus or train stations, or similar settings; and
- D. migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless

## 2. Enrollment, Records and Immunizations

Federal law provides that homeless children and youth, individually or through a parent, guardian, or person having legal custody may choose to attend the school in the area in which they are currently living. The district's residency officer will determine whether a student is a homeless child or youth for purposes of establishing residency and promptly advise the parent, guardian or person having legal custody of the student of the decision, both orally and in writing, if possible. If there is no such person, the residency officer will advise the student. Tulsa Tech will enroll each homeless student and permit his or her full participation in all school programs, whether or not the student is accompanied by a parent, guardian or a person having legal custody of the student, and without proof of residence, current immunizations and traditional enrollment documentation, such as school records and medical/immunization records. Tulsa Tech's homeless liaison may assist the student and school in obtaining those items. A parent, guardian or person having legal custody who disagrees with the residency officer's determination may appeal the decision to the board of education under the procedure identified below. If there is no parent, guardian or person having legal custody available, the student may appeal the decision.

### Appeals Procedures

Tulsa Tech will make every effort to resolve disputes regarding homeless children at the lowest level possible by utilizing the following process:

- 1. At the time a homeless student seeks enrollment, Tulsa Tech will notify the student or his/her family of these procedures and provide the student/family with a copy of this policy.
- 2. Tulsa Tech will promptly notify Tulsa Tech's homeless coordinator that a homeless student seeks enrollment, and will seek to involve the coordinator in decisions regarding the student's education.
- 3. Students/families who disagree with a decision regarding the student's education may meet with the coordinator for an informal resolution. The coordinator will notify the student/family that a written complaint may be submitted within five (5) days (or longer if agreed upon by the parties).

4. If the coordinator receives a written complaint, the coordinator will prepare a decision (plan of action) and provide it to the student/family within five (5) days of receipt of the written complaint. The coordinator will also notify the student/family of the right to appeal to the superintendent.
5. Students/families who are still dissatisfied with a decision regarding the student's education may file a written appeal with the superintendent within five (5) days of receipt of the coordinator's plan. The superintendent will meet with the student/family within five (5) days of receipt of the appeal. The superintendent will issue a decision within five (5) days of the meeting with the student/family. The superintendent will also notify the student/family of the right to appeal to the board of education.
7. Students/families who are still dissatisfied with a decision regarding the student's education may file a written appeal with the board of education by submitting a written notice to the superintendent within five (5) days of the superintendent's decision. The appeal will be placed on the next agenda (or the following agenda, if the appeal is received after the agenda posting deadline) and the board's decision is final at Tulsa Tech level. Students/families who are still dissatisfied with a decision regarding the student's education may file an appeal with the Oklahoma State Department of Education utilizing the procedures established by the OSDE.

#### Special Definitions and Procedures Applicable to Transitioning Military Children

##### 1. Definitions

"Children of military families" means a school-aged child, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

"Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Military Reserve on active duty orders pursuant to Title 10, Sections 1209 and 1211 of the United States Code.

"Military student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

"Transition" means (a) the formal and physical process of transferring from school to school or (b) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

"Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

"Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

"Uniformed service(s)" means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and Public Health Services.

2. Establishing Residency

State law provides that transitioning military children placed in the care of a noncustodial parent or other person standing in loco parentis, may attend school in the school district in which the noncustodial parent or person standing in loco parentis to the transitioning military child holds legal residence. Similarly, transitioning military children placed in the care of a noncustodial parent or other person standing in loco parentis may continue to attend the school in which the student was enrolled while residing with the custodial parent. A special power of attorney relating to the guardianship of a military child and executed under applicable law shall be sufficient for purposes of enrollment and all other actions requiring parental participation and consent.

3. Enrollment

Tulsa Tech will promptly accept unofficial or “hand-carried” educational records and transcripts in lieu of official education records and transcripts for transitioning military children. Upon receipt of such records, Tulsa Tech will promptly enroll the transitioning military child. However, upon enrollment, Tulsa Tech will request official educational records and transcripts from the school in the sending state. Tulsa Tech’s residency officer will determine whether a student is a transitioning military student for purposes of establishing residency and promptly advise the parent or other person standing in loco parentis of the decision, both orally and in writing, if possible. A parent or other person standing in loco parentis who disagrees with the residency officer’s determination may appeal the decision to the board of education under the procedure identified above.

4. Course Level and Educational Program Placement

To the extent that this technology center is in a receiving state, Tulsa Tech may subsequently perform course placement and educational program evaluations of a transitioning military student. However, Tulsa Tech will initially place the transitioning military student in courses and programs comparable to those in which the student was a participant while in the sending state, Tulsa Tech will make these accommodations whether or not the student has fulfilled the necessary prerequisites.

5. Extracurricular Activities

When appropriate, Tulsa Tech will provide transitioning military children the opportunity to participate in extracurricular activities, regardless of application deadlines.

6. Immunizations

Transitioning military children shall have thirty (30) days from the date of enrollment to obtain any immunizations required by Oklahoma law. For a series of immunizations, such children must obtain initial vaccinations within thirty (30) days.

7. Tuition

Tulsa Tech may not charge tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a

school district other than that of the custodial parent if the parent or other person standing in loco parentis lives within the boundaries of this district.

### **PHYSICAL RESTRAINT OF STUDENTS WITH DISABILITIES**

The purpose of this policy is to define the circumstances under which technology center personnel may use physical restraint for students with disabilities in compliance with those guidelines set forth in the SDE's Special Education Handbook ("Physical Restraint Guidelines").

For purposes of this policy, the term "physical restraint" is defined as a person's restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does **not** include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

Physical restraint should never be used for the purposes of discipline or as a punishment, to force compliance, as a convenience for staff or to prevent property damage. The use of chemical and/or mechanical restraint, as defined in the Physical Restraint Guidelines, is prohibited.

Technology center personnel may use physical restraint for students with disabilities only under the emergency circumstances identified in the Physical Restraint Guidelines and only if the elements identified by the Physical Restraint Guidelines exist.

The use of physical restraint for students with disabilities shall also be subject to any written Procedures utilized by the district to further explain the responsibilities of technology center staff members.

### **SECLUSION OF STUDENTS WITH DISABILITIES**

The purpose of this policy is to define the circumstances under which technology center personnel may use seclusion for students with disabilities in compliance those guidelines set forth in the SDE's Special Education Handbook ("Seclusion Guidelines").

For purposes of this policy, the term "seclusion" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. This includes situations where a door is locked as well as where the door is blocked by other objects or held by staff. Any time a student is involuntarily alone in a room and prevented from leaving should be considered seclusion regardless of the intended purpose of the name applied to this procedure or the name of the place where the student is secluded. Seclusion does not include timeout, which is a behavior management technique implemented for the purpose of calming and redirecting.

Seclusion should never be used for the purposes of discipline or as a punishment, to force compliance, as a convenience for staff or to prevent property damage. Seclusion should not be used to manage behavior.

Technology center personnel may use seclusion for students with disabilities only under the emergency circumstances identified in the Seclusion Guidelines and only if the elements identified by the Seclusion Guidelines exist.

School personnel may only utilize seclusion procedures if they have training in:

1. Conflict de-escalation;
2. The crisis cycle and interventions at each stage;
3. Possible effects of seclusion;
4. Appropriate use of seclusion rooms (including escorting and placing a student in a seclusion room);
5. Hold current CPR and First Aid certification; and
6. Monitoring the wellbeing of students.

Seclusion training should be recurrent and with annual updates and result in some form of certification or credential.

Any student placed in seclusion based on the criteria in the Seclusion Guidelines must be continuously monitored visually and aurally by a school employee. Additionally, (a) the student must be allowed to go to the bathroom upon request, (b) the student must be permitted water to drink upon request, and (c) immediate action must be taken if the student displays any signs of medical distress.

A “seclusion room” is defined as a room or other confined area in which a student with a disability is placed in isolation from other persons from which the student is prevented from leaving. A seclusion room must meet the following criteria:

1. It must be of adequate size permitting the student to sit or lie down;
2. It must have adequate lighting;
3. It must be equipped with heating, cooling, ventilation, and lighting systems that are comparable to those in other rooms throughout the building where the seclusion room is located;
4. It must be free of any objects that pose a potential risk of harm to the student with a disability;
5. If equipped with a door that locks, the lock must automatically disengage in case of an emergency, such as fire or severe weather; and
6. It must allow continuous visual and auditory monitoring of the student with a disability.

The use of seclusion for students with disabilities shall also be subject to any written procedures utilized by the district to further explain the responsibilities of technology center staff members.



**EDUCATIONAL SERVICES FOR STUDENTS UNDER SECTION 504 AND  
TITLE II OF THE AMERICANS WITH DISABILITIES ACT**

Tulsa Tech recognizes its responsibilities to students who are or may be qualified persons with disabilities under Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act ("Title II"). In an effort to ensure that technology center employees understand and implement the requirements of Section 504 and Title II, the board of education adopts the following policy.

Qualified Individual with a Disability

All qualified persons with disabilities within the jurisdiction of Tulsa Tech are entitled to a free appropriate public education ("FAPE"), regardless of the nature or severity of the person's disability. Section 504 and Title II define a person with a disability as any person who (a) has a physical or mental impairment that substantially limits one or more major life activities, (b) has a record of such an impairment or (c) is regarded as having such an impairment. The definition of disability shall be construed in favor of broad coverage of individuals, to the maximum extent permitted by Section 504 and Title II.

The term "physical or mental impairment" means (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The phrase "physical or mental impairment" includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. The following are excluded from the term "physical or mental impairment:" (a) an individual who currently engages in the illegal use of drugs; (b) homosexuality and bisexuality; (c) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders; (d) compulsive gambling, kleptomania, or pyromania; and (e) psychoactive substance use disorders resulting from current illegal use of drugs.

The term "major life activities" includes, but is not limited to, functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A "major life activity" also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. Also, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

### Mitigating Measures

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:

1. medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
2. use of assistive technology;
3. reasonable accommodations or auxiliary aids or services; or
4. learned behavioral or adaptive neurological modifications.

The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

For purposes of this policy, a "qualified person with a disability" is a person with a disability who is (a) of an age during which it is mandatory under Oklahoma law to provide such services to persons with disabilities; (b) of an age during which persons without disabilities are provided such services; or (c) a person for whom a state is required to provide a FAPE under the Individuals with Disabilities Education Act.

### Appropriate Education

An appropriate education may comprise education in cooperation with a sending school, which may offer education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all or portions of the school day or education at Tulsa Tech. Special education may include specially designed instruction in classrooms, at home, or in private or public institutions and may be accompanied by related services such as speech therapy, occupational and physical therapy, psychological counseling and medical diagnostic services necessary to the child's education. While Tulsa Tech may not be involved in many of these education opportunities, it may be a provider of specially selected options.

An appropriate education in the sending school will include:

- Regular or special education and related aids and services designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met;
- The education of each student with a disability with nondisabled students, to the maximum extent appropriate to the needs of the student with a disability;

- Evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided special education or related services; and
- Establishment of due process procedures that enable parents and guardians to receive required notices, review their child's records and challenge identification, evaluation and placement decisions, and that provide for an impartial hearing with the opportunity for participation by parents and representation by counsel, and a review procedure.

Tulsa Tech will work, as appropriate, with the sending school to design education programs for student with disabilities to meet their individual needs to the same extent that the needs of nondisabled students are met. Tulsa Tech will provide the quality of education services to students with disabilities that equals the quality of services provided to nondisabled students. Tulsa Tech will provide teachers for students with disabilities who are trained in the instruction of individuals with disabilities. Tulsa Tech will provide comparable facilities for students with disabilities and make appropriate materials and equipment available. Tulsa Tech will not exclude students with disabilities from participating in nonacademic services and extracurricular activities on the basis of disability. Tulsa Tech will provide persons with disabilities an opportunity to participate in nonacademic services that is equal to that provided to persons without disabilities. These services may include transportation, health services, recreational activities, special interest groups or clubs sponsored by Tulsa Tech, and referrals to agencies that provide assistance to persons with disabilities and employment of students.

#### Educational Setting

Tulsa Tech will place students with and without disabilities in the same setting, to the maximum extent appropriate to the educational needs of the students with disabilities. Tulsa Tech shall place students in the regular education environment unless Tulsa Tech demonstrates that the education of the student in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. Students with disabilities will participate with nondisabled students in both academic and nonacademic services, including meals, to the maximum extent appropriate to their individual needs and the program in which they are enrolled.

As necessary, Tulsa Tech, in cooperation with the sending school and as related to the program in which the student is enrolled, will provide specific supplementary aids and services for students with disabilities to ensure an appropriate education setting. Supplementary aids may include, but are not limited to, interpreters for students who are deaf, readers for students who are blind, and equipment to make physical accommodations for students with mobility impairments.

#### Evaluation and Placement

The district shall annually undertake to identify and locate every qualified child with a disability residing in the district's jurisdiction who is not receiving a public education and take appropriate steps to notify children with disabilities and their parents or guardians of the district's duties under Section 504 and Title II.

Examples of situations in which school personnel may reasonably conclude that a student needs or is believed to need special education or related aids and services includes (a) when a teacher, based on observation of or work with the student, expresses a view that an evaluation is needed, or (2) when the parent of a student has requested an evaluation.

Tulsa Tech will work cooperatively with the sending district to make evaluation and placement decisions in accordance with appropriate procedures required by law.

### Section 504/Title II Plan

When the sending school's multidisciplinary group determines that a student is eligible for educational services under Section 504 and Title II, it should work closely with Tulsa Tech to prepare a plan documenting how Tulsa Tech will participate to provide FAPE for that student. Any plan for a student will identify the educational services, related services and supplementary aids and services needed to meet the student's individual educational needs, the person(s) responsible for implementing each component of the plan, the starting and ending dates for each component and a date, no less than annually, on which the sending school will review the plan.

Tulsa Tech will provide appropriate education and related aids and services free of charge to students with disabilities and their parents or guardians, except for fees equally imposed on nondisabled persons or their parents or guardians.

### Procedural Safeguards

Tulsa Tech will employ procedural safeguards regarding the identification, evaluation or educational placement of persons who, because of disability, need or are believed to need special instruction or related services. Technology center personnel will rely on sending schools to notify parents or guardians of any evaluation or placement actions and will allow parents or guardians to examine the student's records maintained by Tulsa Tech. Tulsa Tech relies on sending schools to provide parents or guardians with a copy of its *Section 504 of the Rehabilitation Act of 1973/Title II of the Americans with Disabilities Act Information and Procedural Safeguards form* annually at the student's Section 504 plan meeting and when the sending school (a) seeks parent or guardian consent for Section 504 evaluation or reevaluation, (b) receives a complaint from the parent or guardian alleging failure to comply with Section 504 or Title II requirements, (c) receives a request from the parent or guardian for a copy of the *Procedural Safeguards form*, and (d) takes any action with respect to the identification, evaluation, or educational placement of the student.

Tulsa Tech will participate in, as appropriate and consistent with its obligations to the student, an impartial hearing by an objective, neutral hearing officer that will allow parents or guardians to challenge identification, evaluation and placement procedures and decisions. If parents or guardians disagree with Tulsa Tech's decisions, they will be afforded an impartial hearing, with an opportunity for their participation and for representation by counsel. Tulsa Tech will participate fully in any impartial administrative review procedure by an objective, neutral review officer to parents or guardians who want to challenge the hearing decision. If the parent or guardian wants to challenge the administrative review decision, he or she may file an action in state or federal court. Tulsa Tech will defer, as appropriate, to the legal obligations of the sending school.

## Retaliation

Tulsa Tech prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in Tulsa Tech's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. Tulsa Tech will take steps to prevent the alleged perpetrator or anyone else at Tulsa Tech from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, Tulsa Tech will take strong responsive action. Persons with complaints or concerns about the application of this policy should contact:

Tulsa Technology Center  
Attention: Superintendent  
P.O. Box 477200  
Tulsa, OK 74147

**DISCIPLINARY REMOVAL OF  
SECONDARY STUDENTS WITH DISABILITIES**

Definitions

For purposes of this policy, the following definitions apply:

“Child with a disability” includes students who have been identified as having a disability or for whom an initial evaluation has been sought under the Individuals with Disabilities Act, Section 504 of the Rehabilitation Act, or Title II of the Americans with Disabilities Act.

"Controlled substance" means a drug or other substance identified under schedules I, II, III, IV or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. § 812(c).

"Illegal drug" means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

“School day” means any day, including a partial day, that students are in attendance at Tulsa Tech for instructional purposes.

“Serious bodily injury” means bodily injury that involves –

1. a substantial risk of death;
2. extreme physical pain;
3. protracted and obvious disfigurement; or
4. protracted loss or impairment of the function of a bodily member, organ or mental faculty.

"Weapon" means a dangerous weapon as defined by 18 U.S.C. § 930(g)(2), specifically, a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2½ inches in length.

Case-By-Case Determination

Technology center personnel must consider any unique circumstances on a case-by-case basis when determining whether a change of placement is appropriate for a student with a disability who violates the code of student conduct.

### Short-Term Disciplinary Removal

District personnel may remove a student with a disability who violates the code of student conduct from the student's current placement to an appropriate interim alternative educational setting, another setting or suspension, for not more than ten (10) consecutive school days and for additional removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct, as long as those additional removals do not constitute a change of placement.

A change of placement occurs if:

1. the removal is for more than ten (10) consecutive school days; or
2. the student has been subjected to a series of removals that are ten (10) days or less during the same school year that constitute a pattern.

School personnel determine whether a pattern exists by considering the following factors:

- the series of removals total more than ten (10) school days in a school year;
- the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
- such additional factors as the length of each removal, the total amount of time the student has been removed and the proximity of the removals to one another.

However, in an effort to promote uniformity in the decision-making process, the board of education has determined that it is in the district's best interest that it not require school personnel to weigh these factors to determine the existence of a pattern in each instance. Instead, when the student's short-term removals exceed ten (10) school days over the course of the school year, the district will follow the process identified in this policy for implementing a long-term removal.

In school alternative placements for more than ten (10) consecutive school days or that may constitute a pattern of exclusion may be a change of placement if the student does not receive education services required under the student's IEP or Section 504 / Title II Plan.

### Educational Services During a Short-Term Disciplinary Removal

Tulsa Tech will provide a student with a disability the same level of services it provides students without disabilities during removals for ten (10) school days or less during the school year.

After a student with a disability has been removed from his or her current placement for ten (10) school days in the same school year, if a subsequent removal is imposed for not more than ten (10) consecutive school days and is not a change of placement, technology center personnel, in consultation with the student's special education teacher and the sending school district, will determine the extent to which services are needed, so as to enable the student to continue to appropriately progress in the general curriculum, although in another

setting, and to appropriately advance toward meeting the goals set out in the student's IEP or Section 504 / Title II Plan.

### Notification

On the date on which the decision is made to make a disciplinary removal that constitutes a change of placement of a student with a disability because of a violation of the district's code of student conduct, technology center personnel will notify the sending school district as well as the minor student's parents of the decision and ensure that the sending school provides the parents of students who are eligible for special education and related services under the IDEA with a copy of the *Parents Rights in Special Education: Notice of Procedural Safeguards* form. Personnel will provide the parents of students who are eligible for special education and related services only under Section 504/Title II with a copy of the district's *Section 504 Information and Procedural Safeguards* form.

### Special Circumstances

Technology center personnel may also remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. carries or possesses a weapon at school, on school premises, or to or at a school function;
2. knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance at school, on school premises or at a school function; or
3. has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

### Making a Manifestation Determination

Tulsa Tech will notify the sending school of any incidents involving the need to make a manifestation determination. These determinations will be made with full notice to and cooperation with the sending school. Except for removals that will be for not more than ten (10) consecutive school days and will not constitute a change of placement, within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of Tulsa Tech's code of student conduct, the student's sending school's IEP or Section 504 / Title II team will meet to review all relevant information in the student's file, including the student's IEP or Section 504 / Title II Plan, any teacher/instructor observations psychological evaluation date related to the student's current behavior, and any relevant information provided by the sending school and parents to determine:

1. if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
2. if the conduct in question was the direct result of an inappropriate placement or Tulsa Tech's failure to implement the IEP or Section 504 / Title II Plan.

The conduct will be determined to be a manifestation of the student's disability if the student's IEP or Section 504 / Title II team determines that a condition in either (a) or (b) of this paragraph was met.



If the student's IEP or Section 504 / Title II team determines that the conduct in question was the direct result of Tulsa Tech's failure to implement the IEP or 504 Plan, immediate steps will be taken to remedy those deficiencies.

#### Determination that Behavior Is a Manifestation of the Student's Disability

If the IEP team determines that the conduct was a manifestation of the student's disability, the team will either:

1. conduct a functional behavior assessment, unless Tulsa Tech had conducted a functional behavior assessment before the behavior that resulted in the change of placement occurred and further functional behavior assessment is deemed unnecessary, and implement a behavior intervention plan for the student; or
2. if a behavior intervention plan already has been developed, review the behavior intervention plan and modify it, as necessary, to address the behavior.

If the Section 504 / Title II team determines that the conduct was a manifestation of the child's disability, the team will determine what, if any, modifications to the student's educational placement are necessary, including conducting a functional behavior assessment and developing or revising a behavior intervention plan (if appropriate).

A parent or guardian who disagrees with the manifestation determination may file a complaint requesting an impartial due process hearing.

Except as provided in this policy, the IEP or Section 504 / Title II team will return the student to the placement from which the student was removed, unless the parent, sending school and Tulsa Tech agree to a change of placement as part of the modification of the behavior intervention plan.

#### Determination that Behavior Is Not a Manifestation of the Student's Disability

If the behavior that gave rise to the violation of Tulsa Tech's code of student conduct is determined not to be a manifestation of the student's disability, then school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

A parent or guardian of a minor student who disagrees with the manifestation determination may file a complaint requesting an impartial due process hearing.

#### Educational Services During a Long-Term Disciplinary Removal

During a long-term disciplinary removal, a student eligible for special education and related services under the IDEA will:

1. continue to receive educational services so as to enable the student to continue to appropriately progress in the sending school's general education

curriculum, although in another setting, and to appropriately advance toward achieving the goals set out in the student's IEP; and

2. receive, as appropriate through the sending school, a functional behavior assessment and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

The student's IEP team will determine appropriate services and the location in which services will be provided. These services may be provided in an interim alternative educational setting determined by the IEP team.

During a long-term disciplinary removal, a student eligible for special education and related services only under Section 504/Title II will receive educational services to the same extent that a student without disabilities would receive educational services during a disciplinary removal for the same offense. In some instances a long-term disciplinary removal may effectively remove the student from Tulsa Tech and may limit or eliminate the student's return to Tulsa Tech.

#### Appeal to Hearing Officer Under the IDEA

The parent of a student eligible for special education and related services under the IDEA who disagrees with any decision regarding placement or the manifestation determination under this policy, or Tulsa Tech, if school personnel believe that maintaining the current placement of the student is substantially likely to result in injury to the student or others, may appeal the decision by filing a due process hearing complaint seeking an expedited hearing.

In making the determination, Tulsa Tech acknowledges that the hearing officer may:

1. return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of the applicable provisions of the IDEA or that the student's behavior was a manifestation of the student's disability; or
2. order a change of placement of the student to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

These procedures may be repeated, if the sending school or technology center believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

When an appeal has been requested by either the parent, sending school or Tulsa Tech, the student will remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period set for the placement, whichever occurs first, unless the parent, sending school and Tulsa Tech agree otherwise.

The sending school or technology center may also seek a court order to remove a student with a disability from Tulsa Tech or change the student's current educational placement if technology center personnel believe that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

### Providing Records to Disciplinary Decisionmaker

If Tulsa Tech initiates disciplinary procedures that it concludes would constitute a change of placement for a student with a disability, school personnel will ensure that the student's special education and disciplinary records are provided for consideration to the sending school personnel making the final determination regarding the disciplinary action.

## **DIRECT THREAT**

### **Definition**

“Direct threat” means an individualized determination that a student with a disability poses a direct threat to the health or safety of others, based upon reasonable judgment that relies on current medical knowledge or on the best available evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices or procedures or the provision of auxiliary aids or services will mitigate the risk.

### **Policy**

When the district intends to impose adverse action on a student based on a direct threat, notification in writing of the district direct threat inquiry will be provided to the parent of the student and/or the adult student who is the subject of the direct threat inquiry. This notification, subject to exceptional circumstances (as defined below), will include:

1. An invitation to provide documents and other information related to the inquiry and notice that if a response is not received within 24 hours, the direct threat inquiry will proceed with the documents and other information the district has available;
2. The name and contact information of the district employee conducting the inquiry;
3. Notice that the student will not be subject to disciplinary action on the basis of unfounded fear, prejudice, and stereotypes;
4. The district’s determination that a student poses a direct threat to the health or safety of others will be an individualized assessment based upon reasonable judgment that relies on current educational, psychological, medical knowledge, threat assessment inquiry, and any other available evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices or procedures or the provision of auxiliary aids or services will mitigate the risk
5. Notice that in exceptional circumstances, such as situations where safety is of immediate concern, the district may take interim steps pending a final decision regarding adverse action against the student so long as minimal due process (i.e., notice of the proposed action, the opportunity to present information on the student’s behalf, and a right to appeal) is provided in the interim and due process is offered later;

6. Notice of the student's applicable appeal rights in the event of discipline or other adverse action; and
7. A copy of this policy.

The site administrator shall be responsible for determining whether the student poses a direct threat. The site administrator may consult with the student's medical, psychological, or therapeutic professional providers, if the parent or adult student consents to such consultation.

If the site administrator determines that a student poses a direct threat to others, the district will communicate the nature of the adverse action to the parent of the student and / or the adult student. Additionally, the district may condition the student's future receipt of a benefit or service upon the student's provision of documentation showing the student is no longer a threat. Such evidence may include, but is not limited to, a treatment plan or periodic reports from a physician.

In cases resulting in the interim suspension or other adverse action, an appeal may be filed with the district's Superintendent. The adversely affected adult student or the student's parent shall have ten (10) calendar days from the notice of the interim suspension or other adverse action to appeal to the Superintendent. The Superintendent shall schedule a meeting to consider the interim suspension or other adverse action and the objections of the affected student. Following this meeting the Superintendent may adopt the decision of the site administrator, enter the Superintendent's own decision, adopt the relief requested by the affected student, or take other action deemed necessary to achieve a reasonable resolution of the appeal. The decision of the Superintendent shall be final. The Superintendent's decision shall be rendered within fifteen (15) calendar days from the appeal meeting scheduled to discuss and consider the appeal.

Regardless of threat assessment activities, disciplinary action and referral to law enforcement are to occur when required by school board policy or Oklahoma laws.

### **Special Education Direct Threat Policy**

When the district intends to impose adverse action on a student with a disability or perceived disability based on a direct threat, notification in writing of the district direct threat inquiry will be provided to the parent of the student and / or the adult student who is the subject of the direct threat inquiry, as well as, IDEA Parents Rights in Special Education: Notice of Procedural Safeguards or Section 504/Title II: Information and Procedural Safeguards, whichever is applicable. This notification, subject to exceptional circumstances (as defined below), will include:

1. An invitation to provide documents and other information related to the inquiry and notice that if a response is not received within 24 hours, the direct threat inquiry will proceed with the documents and other information the district has available;
2. The name and contact information of the district employee coordinating the inquiry;
3. Notice that the student will not be subject to disciplinary action on the basis of unfounded fear, prejudice, and stereotypes;

4. The district's determination that a student poses a direct threat to the health or safety of others will be an individualized assessment based upon reasonable judgment that relies on current educational, psychological, medical knowledge, threat assessment inquiry, and any other available evidence to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will occur; and whether reasonable modifications of policies, practices or procedures, or the provision of auxiliary aids or services will mitigate the risk;
5. Notice that in exceptional circumstances, such as situations where safety is of immediate concern, the district may take interim steps pending a final decision regarding adverse action against the student so long as minimal due process (i.e., notice of the proposed action, the opportunity to present information on the student's behalf, and a right to appeal) is provided in the interim and more extensive due process is offered later;
6. Notice of the student's applicable appeal rights in the event of discipline or other adverse action; and
7. A copy of this policy.

The site administrator, in consultation with the Associate Superintendent, Student Affairs shall be responsible for determining whether the student poses a direct threat. The site administrator will consult with individuals with in depth knowledge and experience in the area of the student's disability as part of the direct threat determination.

The site administrator may consult with the student's medical, psychological, or therapeutic professional providers, if the parent or adult student consents to such consultation.

If the district determines that a student poses a direct threat to others, the district will communicate the nature of the adverse action to the parent of the student. The process for appealing the imposition of the adverse action shall be the same as those outlined in the district's Board of Education policies for Disciplinary Removal of Secondary Students with Disabilities, Adult Student Behavior, and Secondary Student Behavior. If the conduct giving rise to the adverse action (a) significantly contributed to the direct threat, and (b) is a manifestation of the student's disability, the district may condition the future receipt of a benefit of service until a showing has been made that the student has eliminated the conduct. This showing can be made through evidence that includes, but is not limited to, a treatment plan or periodic report from a physician. If the conduct giving rise to the adverse action (a) significantly contributed to the direct threat, and (b) is determined not to be a manifestation of the student's disability, the student's IEP or Section 504/Title II team will meet prior to the end of the change of placement to reconsider the student's educational setting. In determining educational setting, the IEP or Section 504/Title II team will consider whether the student continues to pose a direct threat.

## **ADULT STUDENT BEHAVIOR**

### Purpose

Tulsa Tech serves adult and secondary students. A discipline code is provided for secondary students to inform students of the standards of conduct required of students, and of the consequences that attach to misconduct. School laws that prescribe procedures applicable to secondary students are, in some instances, not applicable to adult students. Accordingly, Tulsa Tech has established a separate policy applicable to adult students that explains the standards of conduct and civility expected of adult students and also explains the actions that may be taken when adult conduct violates those standards. Adults are held to standards of conduct that are no less than those which attach to secondary students attending Tulsa Tech. Educational opportunities available to adult students may be cut-short or terminated in instances where an adult student's conduct violates the approved standards or when a student, for other reasons, cannot fulfill program requirements essential to successful course completion.

In instances involving a student's dismissal or removal from a course or program, Tulsa Tech will utilize procedures that are fair and reasonable. The complete cooperation of students is encouraged to assure that all students have an opportunity to benefit from the educational opportunities available. Conduct which violates policies, rules and practices or which interferes with or disrupts learning must and will be addressed by school administration. This policy explains Tulsa Tech's standards of conduct and describes the procedure that will be used when it is necessary to remove a student from a course or program. Removal may involve a short or long period or may involve a permanent removal.

### References in Policy

Reference to "administrator" means an assistant superintendent or Tulsa Tech staff member to whom the administration has delegated the responsibility for student discipline.

Reference to the "superintendent" refers to the superintendent of schools or the superintendent's designee.

Removal or dismissal refers to taking a student out of a course or program for a short period, a longer period, or permanently.

### Procedures

#### 1. Immediate Removal of a Student

Whenever an alleged violation of the *Adult Student Behavior Code* is reported to an administrator, he or she will ascertain whether the immediate removal of the student is required. This determination will be based on whether the

student's continued presence on campus would create, in the administrator's judgment, a dangerous and/or disruptive situation with regard to the continued operation and management of the school system. If dismissal is found necessary, the administrator shall document the justification in a report and immediately forward it to the superintendent, and contact the student.

## 2. Evidentiary Hearing

Upon notice of an alleged violation, the administrator will review the evidence relevant to the violation. If dismissal of the student is necessary before a hearing can be conducted, the hearing must be held as soon as possible, but not later than 72 hours of the dismissal. In case of waiver or non-attendance of the hearing by the student, summary disposition of the matter will be indicated in letter form and forwarded to the student with a copy to the superintendent.

If the student is unable to attend the original time and day specified by the administrator for the evidentiary hearing, the matter may be continued only once and in such case, will be reset to be conducted within the next 72 hours, excluding weekends and holidays. Any further request for continuance will result in immediate disposition of the matter with notification in writing sent to the student.

## 3. Decision

Once the evidentiary hearing has been held, the administrator will summarize the findings in a written report, which will include the decision as to the student's innocence or guilt and recommended discipline, if applicable. This decision will be announced orally at the conclusion of the hearing with a written report to follow, or within three business days of the conclusion of the hearing, by issuance of the written report. The imposition of discipline will commence following announcement of the decision or issuance of the written report, whichever occurs first.

Should the punishment be one of short or long-term removal or dismissal, the administrator will notify the superintendent of the action.

## 4. Appeal

If all or any portion of the administrator's decision is not agreed to, the student has the right to appeal the decision to the superintendent. An appeal is commenced by letter to the superintendent delivered within 72 hours of the decision rendered by the administrator. The administrator, upon receipt of notice of the appeal, will forward the report of the hearing to the superintendent for decision. The superintendent shall have the authority to sustain, overrule, or modify the division administrator's decision.

If the student desires an appeal to the superintendent, he or she shall be permitted to remain in school unless the circumstances delineated under the "Dismissal" section, above, are met. At the hearing, the division administrator shall first present his/her evidence and be subject to cross-examination by the superintendent. This will be followed by the student's



evidence. The decision of the superintendent shall be final. Such decision shall be communicated orally after the hearing **or** in writing to all parties, within three business days following the decision. An oral decision, when rendered immediately following the hearing, shall be followed by issuance of the superintendent's written decision, which shall be placed in the mail within three (3) business days of announcing the decision.

5. Modification of Corrective Action

The imposition of corrective action is subject to modification upon the recommendation of the administrator at any time prior to the hearing before the superintendent. The discipline imposed by the administrator is based on one or more of the following guidelines:

- A. Seriousness of the offense.
- B. Student's disciplinary record during the course of the school year or in prior years.
- C. Any final action by civil authorities. (However, action by authorities, in criminal or civil matters, is not a condition precedent to disciplinary action by the school.)
- D. Cooperation and assistance of student during the disciplinary proceedings.
- E. Other circumstances as the administrator may deem relevant.

6. Readmission

A dismissed student is eligible to be readmitted upon proper application for readmission. However, the administration may consider the student's prior disciplinary and incident record in determining whether to grant a student's request for readmission.

Notification of Policy

Copies of any procedural regulations and the *Adult Student Behavior Code* shall be distributed to all adult students annually, and students are responsible for compliance with the school's behavior and conduct standards. Questions as to the interpretation of any part of the policy should be presented to the appropriate administrator.

Administrative Actions

Administrative actions provided in this policy may be taken by the administrator designated by this policy or the superintendent. An administrator, whether a division administrator, superintendent, or other administrator in charge, may appoint a designee to act in his/her place. With the exception of the superintendent, designees must be approved by the superintendent.

## Adult Student Behavior Code

The following behaviors at Tulsa Tech, while in technology center vehicles or going to or from or attending technology center events will result in disciplinary action, including the possibility of dismissal:

1. Arson
2. Altering or attempting to alter another individual's food or beverage
3. Assault (whether physical or verbal) and/or battery
4. Attempting to incite or produce imminent violence directed against another person because of his or her race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information by making or transmitting or causing or allowing to be transmitted, any telephonic, computerized or electronic message
5. Attempting to incite or produce imminent violence directed against another person because of his or her race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information by broadcasting, publishing or distributing or causing or allowing to be broadcast, published or distributed, any message or material
6. Cheating
7. Conduct that threatens or jeopardizes the safety of others
8. Cutting class or sleeping, eating or refusing to work in class
9. Disruption of the educational process or operation of the school
10. Extortion
12. Failure to attend assigned detention, alternative school or other disciplinary assignment, without approval
12. Failure to comply with state immunization requirements
13. False reports or false calls
14. Fighting
15. Forgery, fraud or embezzlement
16. Gambling
17. Gang related activity or actions

18. Harassment, intimidation, and bullying, including gestures, written or verbal expression, electronic communication and physical acts
19. Hazing (whether involving initiations or not) in connection with any school activity, regardless of location
20. Immorality
21. Inappropriate attire, including violation of dress code
22. Inappropriate behavior or gestures
23. Indecent exposure
24. Intimidation or harassment because race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information including but not limited to: (a) assault and battery; (b) damage, destruction, vandalism or defacing any real or personal property; or threatening, by word or act, the acts identified in (a) or (b)
25. Obscene language
26. Physical or verbal abuse
27. Plagiarism
28. Possession or use of a caustic substance (unrelated to course work)
29. Possessing, distributing, or viewing obscene materials, including electronic possession, distribution, or viewing (sexting)
30. Possession or use, without prior authorization, of a wireless telecommunication device
31. Possession, threat or use of a dangerous weapon, including firearms, and related instrumentalities (i.e., bullets, shells, gun powder, pellets, etc.)
32. Possession, claimed possession, use, manufacture, distribution, sale, purchase, conspiracy to sell, distribute or possess or being in the chain of sale or distribution, or being under the influence of (a) alcoholic beverages, low-point beer (as defined by Oklahoma law, i.e., 3.2 beer), (b) any mind altering substance, except for medications taken for legitimate medical purposes pursuant to district policy, including but not limited to prescription medications for which the individual does not have a prescription, or medications used outside their intended therapeutic purpose, (c) paint, glue, aerosol sprays, salts, incense and other substances which may be used as an intoxicating substance, or (d) any substance believed or represented to be a prohibited substance, regardless of its actual content.
33. Possession, claimed possession, or distribution of a controlled dangerous substance, as defined in the Uniform Controlled Dangerous Substances Act

34. Possession or claimed possession of illegal and/or drug related paraphernalia
35. Profanity
36. Purchasing, selling and/or attempting to purchase or sell prescription and non-prescription medicine while at school and school related functions
37. Sexual or other harassment of individuals including, but not limited to, students, school employees, volunteers
38. Theft
39. Threatening behavior, including but not limited to gestures, written, verbal, or physical acts, or, electronic communications
40. Truancy
41. Use, possession, claimed possession, distribution or selling tobacco or tobacco related products in any form, including but not limited to cigarettes, cigars, loose tobacco, rolling papers, chewing tobacco, snuff, matches, lighters, e-cigarettes, personal vaporizers, electronic nicotine delivery systems, and any cartridge, container or product designed to be used in conjunction with these delivery systems, regardless of the nicotine content of the product.
42. Use or possession of missing or stolen property if property is reasonably suspected to have been taken from a student, a school employee, or the school
43. Using racial, religious, ethnic, sexual, gender or disability-related epithets
44. Use of the school's technology resources (i.e., computers, electronic mail, internet, and similar resources) in a manner prohibited by policies, in any manner not authorized by school officials, or in violation of law
45. Vandalism
46. Violation of board of education policies, rules or regulations or violation of school rules and regulations including, but not limited to, disrespect, lingering in restrooms, running in halls, bringing unauthorized items to school, inappropriate or unauthorized use of cellular phones or other electronic media, name calling, destroying or defacing school property
47. Vulgarity
48. Willful damage to school property
49. Willful disobedience of a directive of any school official

Students suspended for a violent offense directed toward an instructor shall not be allowed to return to the instructor's classroom without the instructor's prior approval. Whether an

offense is considered a violent offense, requiring an instructor's approval as a condition of return to a particular classroom, shall be based on applicable provisions of the Oklahoma school law regarding student suspension and applicable criminal law distinguishing between violent and nonviolent offenses.

In addition, conduct occurring outside of the normal school day or off school property that has a direct and immediate negative effect on the discipline or educational process or effectiveness of the school, will also result in disciplinary action, which may include removal from school. This includes but is not limited to electronic communication, whether or not such communication originated at school or with school equipment, if the communication is specifically directed at students or school personnel and concerns harassment, intimidation or bullying at school.

#### Conduct Occurring Outside the Normal School Day or Off School Property

Conduct occurring outside of the normal school day or off school property that has a direct and immediate negative effect on the discipline or educational process or effectiveness of the school, will result in disciplinary action, which may include, but is not limited to, short-term, long-term or permanent removal from a program, or placement in a different course or program.

#### School Safety and Bullying Prevention Act (Okla. Stat. tit. 70, § 24-100.2)

The Oklahoma Legislature established the *School Safety and Bullying Prevention Act* with the express intent of prohibiting bullying in all schools. In addition to the prohibition listed in the student discipline code, above, the board has adopted a separate policy prohibiting bullying and outlining the district's plan to address it.

#### Dismissal of Students Because of Failure to Meet or Comply with Essential Course Requirements

Tulsa Tech's course offerings include those that incorporate requirements essential to successful completion of the course. An example is the clinical hours a part of and necessary to completion of many health care courses. When a student cannot complete essential course requirements the student may be dismissed from a program for a variety of reasons, including but not limited to conduct, behavior, or other inability to meet mandatory parts of the program. Students dismissed for reasons falling within this part of the policy, will have the same rights with regard to removal as adult students who violate Tulsa Tech's disciplinary code.

#### Students Attending Tulsa Tech by Virtue of a Special Program

In some instances, adult students are participating in programs offered by Tulsa Tech as a result of their eligibility established by terms of a federal or state program. In these instances the programs establish eligibility requirements as well as minimum standards which students must meet in order to remain a part of the program and recipient of program benefits. Student participation and dismissal of the student may be governed by the program criteria. Students have no property interest in these programs and, as a result, those who violate expectations related to attendance, participation, and otherwise fail to meet the obligations which accompany participation, may be removed from the program with notice to the student and the program director. Whether to allow the student to return to the program and, if so, under what conditions, will be a joint decision of the designated

school representatives and the designees for the federal or state program. The student's dismissal or removal shall include written notice to the program or project director of the student's dismissal and the reasons for dismissal.

## **SECONDARY STUDENT BEHAVIOR AND DISCIPLINE**

### Discipline Code

The following behaviors at school, while on school vehicles or going to or from or attending school events will result in disciplinary action, which may include in-school placement options or out-of-school suspension:

1. Arson
2. Altering or attempting to alter another individual's food or beverage
3. Assault (whether physical or verbal) and/or battery
4. Attempting to incite or produce imminent violence directed against another person because of his or her race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information by making or transmitting or causing or allowing to be transmitted, any telephonic, computerized or electronic message
5. Attempting to incite or produce imminent violence directed against another person because of his or her race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information by broadcasting, publishing or distributing or causing or allowing to be broadcast, published or distributed, any message or material
6. Cheating
7. Conduct that threatens or jeopardizes the safety of others
8. Cutting class or sleeping, eating or refusing to work in class
9. Disruption of the educational process or operation of the school
10. Extortion
11. Failure to attend assigned detention, alternative school or other disciplinary assignment without approval
12. Failure to comply with state immunization records

13. False reports or false calls
14. Fighting
15. Forgery, fraud, or embezzlement
16. Gambling
17. Gang related activity or action
18. Harassment, intimidation, and bullying, including gestures, written or verbal expression, electronic communication or physical acts
19. Hazing (whether involving initiations or not) in connection with any school activity, regardless of location
20. Immorality
21. Inappropriate attire, including violation of dress code
22. Inappropriate behavior or gestures
23. Indecent exposure
24. Intimidation or harassment because of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information, including but not limited to: (a) assault and battery; (b) damage, destruction, vandalism or defacing any real or personal property; or threatening, by word or act, the acts identified in (a) or (b)
25. Obscene language
26. Physical or verbal abuse
27. Plagiarism
28. Possession or distribution of a caustic substance (unrelated to course work)
29. Possessing, distributing or viewing obscene materials, including electronic possession, distribution or viewing (sexting)
30. Possession of synthetic urine, a warmer or any other item with the intent to use that item to tamper with a drug or alcohol test
31. Possession, without prior authorization, of a wireless telecommunication device
32. Possession, threat or use of a dangerous weapon<sup>1</sup> and related instrumentalities (i.e., bullets, shells, gun powder, pellets, etc.)

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<sup>1</sup> Students who are members of JROTC and are participating in an authorized school program may, with prior approval from the campus director, bring an inoperable weapon to school for the sole and



33. Possession, claimed possession, use, manufacture, distribution, sale, purchase, conspiracy to sell, distribute or possess or being in the chain of sale or distribution, or being under the influence of (a) alcoholic beverages, low-point beer (as defined by Oklahoma law, i.e., 3.2 beer), (b) any mind altering substance, except for medications taken for legitimate medical purposes pursuant to district policy, including but not limited to prescription medications for which the individual does not have a prescription, or medications used outside their intended therapeutic purpose, (c) paint, glue, aerosol sprays, salts, incense and other substances which may be used as an intoxicating substance, or (d) any substance believed or represented to be a prohibited substance, regardless of its actual content.
34. Possession, claimed possession, or distribution of illegal and/or drug related paraphernalia
35. Possession, claimed possession, distribution, or claimed distribution of supplements, prescription medicine and/or non-prescription medicine while at school and school related functions without prior administrative approval
36. Profanity
37. Purchasing, selling and/or attempting to purchase or sell prescription and non-prescription medicine while at school and school related functions
38. Sexual or other harassment of individuals including, but not limited to, students, school employees, volunteers
39. Theft
40. Threatening behavior, including but not limited to gestures, written, verbal, or physical acts, or electronic communications
41. Truancy
42. Use, possession, claimed possession, distribution or selling marijuana or marijuana related products in any form. "Marijuana" is defined as provided for in the Technology Center's policy on *Medical Marijuana, Hemp & Cannabidiol (CBD)*
43. Use, possession, claimed possession, distribution, or selling tobacco or tobacco related products in any form, including but not limited to cigarettes, cigars, loose tobacco, rolling papers, chewing tobacco, snuff, matches, and lighters, and vapor products which includes noncombustible products that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. A vapor product also includes any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or

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exclusive purpose of participating in the program. Students may only possess the inoperable weapon in a manner consistent with the authorization to participate in the program.

device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. Vapor product not included are any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

44. Use or possession of missing or stolen property if property is reasonably suspected to have been taken from a student, a technology center employee, or the technology center
45. Using racial, religious, ethnic, sexual, gender or disability-related epithets
46. Use of the school's technology resources (i.e., computers, electronic mail, internet, and similar resources) in a manner prohibited by policies, in any manner not authorized by school officials, or in violation of law
47. Vandalism
48. Violation of board of education policies, rules or regulations or violation of school rules and regulations including, but not limited to, disrespect, lingering in restrooms, running in halls, bringing unauthorized items to school, inappropriate or unauthorized use of cellular phones or other electronic media, name calling, destroying or defacing school property
49. Vulgarity
50. Willful damage to school property
51. Willful disobedience of a directive of any school official

In addition, conduct occurring outside of the normal school day or off technology center property that has a direct and immediate negative effect on the discipline or educational process or effectiveness of the school, will also result in disciplinary action, which may include in-school placement options or out-of-school suspension. This includes but is not limited to electronic communication, whether or not such communication originated at school or with technology center equipment, if the communication is specifically directed at students or technology center personnel and concerns harassment, intimidation or bullying at school.

School Safety and Bullying Prevention Act (OKLA. STAT. tit. 70, § 24-100.2)

The Oklahoma Legislature established the *School Safety and Bullying Prevention Act* with the express intent of prohibiting bullying in all schools. In addition to the prohibition listed in the student discipline code, above, the board has adopted a separate policy prohibiting bullying and outlining the technology center's plan to address it.

## Sample Disciplinary Options

- *Instructor or Administrator Intervention*

May include, but is not limited to: warning conference with student, parent conference, referral to counselor, behavioral contract, restriction of privileges, requirement of corrective action by student, changing student's seat or class assignment, involvement of local authorities or agencies, or other appropriate action as required or indicated by the circumstances.

- *Detention or In-School Intervention*

Detention is a correctional measure used when it is deemed appropriate. Students are to report to the appropriate teacher/campus director at the specified time with class work to be studied. Detention may be assigned on a week-day or on a Saturday, as deemed appropriate.

- *Alternative In-School Placement*

Alternative in-school placement is an optional correctional measure that may be used by the administration when deemed appropriate. It involves assignment to a site, designated by the technology center, for a prescribed course of education as determined by school representatives. Any such placement will be made in accordance with applicable special education procedural safeguards.

- *Alternative Out-of-School Placement*

Alternative out-of-school placement is an optional correctional measure specifically authorized in cases when a student has made electronic communications intended to terrify, intimidate, harass, or threaten injury or harm to faculty or students. Any such placement will be made in accordance with applicable special education procedural safeguards.

- *Out of School Student Suspension*

Students may be suspended out of school pursuant to the technology center's policy regarding student suspension.

## Student Privileges While Under Suspension

Participation in the extracurricular activities of the technology center is a privilege and not a right. Accordingly, when a student's behavior results in a determination by the campus director to impose disciplinary or other correctional measures against a student, the student will not be permitted to participate in any extracurricular activities offered by the technology center during the term of the discipline unless, in the sole judgment of the director, such participation is appropriate given the nature of the offense.

"Extracurricular activities" include, but are not limited to, all technology center sponsored teams, clubs, organizations, ceremonies, student government, etc.

**SECONDARY STUDENT SUSPENSIONS  
(Out-of-School)**

This policy applies only to out-of-school suspensions for secondary students and, unless otherwise noted, all references to "suspension" in this policy mean out-of-school suspension. References to "parent" in this policy mean a minor student's parent(s) or legal guardian(s). References to "campus director" mean the campus director or staff member to whom the campus director has delegated the responsibility for student discipline.

Behavior or Conduct that May Result in Suspension:

Students may be suspended for:

1. violation of a technology center regulation (which includes but is not limited to any policy, rule, regulation, directive, etc.);
2. possession of an intoxicating beverage, low-point beer, as defined by OKLA. STAT. tit. 37, § 163.2, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a technology center employee, or Tulsa Tech during school activities;
3. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act. Possession of a firearm shall result in suspension as provided in Tulsa Tech's policy related to firearms;

Students who are suspended under categories 1 or 2 will be provided with an education plan as outlined below. No education plan will be required for students who are suspended under category 3.

Violent Acts Toward School Personnel

Any student in grades 6 through 12 found to have assaulted, attempted to cause physical bodily injury, or acted in a manner that could reasonably cause bodily injury to a technology center employee or person volunteering for Tulsa Tech shall be suspended for the remainder of the current semester and the next consecutive semester. For good cause and considering the totality of the circumstances, the superintendent or designee may modify the term of the suspension. Final action as to any such suspension, including its term, remains with the board of education or designated hearing officer, pursuant to a timely appeal.

Students suspended for a violent offense directed toward a classroom teacher shall not be allowed to return to the teacher's classroom without the teacher's prior approval. Whether

an offense is considered a violent offense, requiring an affected teacher's approval as a condition of return to a particular classroom, shall be based on applicable provisions of the Oklahoma school law regarding student suspension and applicable Oklahoma criminal law distinguishing between violent and nonviolent offenses.

### Technology Center's Obligations Prior to Suspension

Before the administration recommends suspension, other disciplinary options will be considered, including but not limited to: placement in an alternative school setting, reassignment to another classroom, and detention. Tulsa Tech will provide additional procedural safeguards as required by law for students identified as having disabilities under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act/Title II of the Americans with Disabilities Act.

### Pre-Suspension Conference

When a student engages in behavior or conduct that may result in suspension, the campus director shall conduct an informal conference with the student.

At the conference the campus director shall read the regulation that the student is charged with having violated and shall discuss the student's conduct. The student shall be asked whether he/she understands the regulation and be given a full opportunity to explain and discuss his/her conduct.

If the campus director concludes that suspension is appropriate, the student shall be advised that he/she is being suspended and the length of the suspension. The campus director shall immediately notify the parent by phone and in writing that the student is being suspended and that other disciplinary options were considered and rejected. The written notice will state which alternative disciplinary options were considered and why they were rejected.

A student may be suspended without a pre-suspension conference only in situations when the campus director reasonably believes that the student's continued presence in the building will constitute an immediate danger to the health or safety of students, employees, technology center property, or would be a substantial disruption of the educational process. In such cases, a conference with the student and parent will be scheduled as soon as possible after the student has been removed from the building.

### Conferences with Parents

The campus director will seek to hold a conference with the parent as soon as possible after the suspension has been imposed. The parent should be advised of his/her right to a conference with the campus director at the time he/she is verbally notified that a suspension has been imposed. The conference will be held during the regular school hours, Monday through Friday, with consideration given whenever possible to the hours of working parents.

At the conference, the campus director will read the regulation the student is charged with having violated and will briefly outline the student's conduct. The campus director will also explain the reason for rejecting other disciplinary options. The parent should be asked by the campus director if he/she understands the regulation and the charges against the student.

At the conclusion of the conference the campus director shall state whether he/she will terminate or modify the suspension. In all cases the parent will be advised of the right to have the suspension reviewed by the superintendent, board of education, a hearing officer appointed by the board, or the suspension committee as provided by this policy. If the parent is in agreement with the campus director's decision, he/she will be requested to sign a waiver of review.

### Individualized Plans

Suspensions in excess of five (5) days shall include an Individualized Plan ("Plan") that shall describe either a home-based school work assignment setting or other appropriate work assignment setting. The Plan shall be prepared by the campus director with the assistance of other school employees.

The Plan shall provide for the core units in which the student is enrolled. Core units shall consist of the minimum English, Mathematics, Science, Social Studies and Art units required by the Oklahoma State Department of Education for high school graduation.

A copy of the Plan shall be provided to the student and parent. The parent shall be responsible for providing a supervised, structured environment monitoring the student's educational progress until the student is readmitted into school. The Plan shall set out the procedure for education and shall also address academic credit for work satisfactorily completed.

### Records

The campus director will keep written records of each suspension conference. The records will contain the date of the conference, names of participants, time and duration of the conference, and the basis for rejecting alternative disciplinary options. The campus director shall also maintain records related to the Plan and the student and/or parent's compliance with the Plan.

### Suspension Terms

All suspensions will have a definite start and end date. The term of a suspension may be reduced if a student performs a specified remedial act if those conditions are agreed to at the time of the suspension. Suspension lengths will be as consistent as possible between students considering the nature of the conduct and the previous disciplinary history of the student.

Long-term suspensions are those suspensions in excess of ten (10) school days. Suspensions will not extend beyond the current school semester and succeeding semester, except in the case of possession of a firearm, in which case a suspension shall be for a period of not less than one (1) calendar year. Suspensions involving firearms are governed by Tulsa Tech's Gun-Free Schools Student Suspension policy.

Short-term suspensions are those suspensions of ten (10) or fewer school days.

### Long-Term Suspension Appeals

A parent/student may appeal the suspension to the superintendent and board of education or a hearing officer appointed by the board. The campus director shall inform the

parent/student of the right to appeal the suspension and the method for appealing. At the parent/student's option the appeal may be directly to the board or the board's appointed hearing officer.

A written appeal must be received by the superintendent within five (5) calendar days after the parent/student receives the campus director's decision. If the superintendent does not receive a written appeal within five (5) calendar days of the campus director's decision, the campus director's suspension decision is final.

*Appeals to the Superintendent or Designee ("Superintendent")*

If the superintendent receives a timely written appeal request, the superintendent will hold a conference with the parent or guardian as soon as possible. The conference will be held during regular school hours, Monday through Friday, with consideration given to the hours of working parents whenever possible.

At the conference, the superintendent will read the regulation the student is charged with having violated and will briefly outline the student's conduct. The parent will be asked if he/she understands the regulation and the charges against the student. The student/parent will be given an opportunity to provide his/her version of events.

At the conclusion of the conference the superintendent will state whether he/she shall terminate or modify the suspension. In all cases the parent shall be advised of the right to have the suspension reviewed by the board of education or a board-appointed hearing officer. If the parent is in agreement with the superintendent's decision, he/she shall be requested to sign a waiver of review by the board.

*Appeals to the Board of Education or Designated Hearing Officer*

An appeal must be presented by letter to the superintendent within five (5) calendar days after the parent/student receives the superintendent's decision. If the superintendent does not receive a written appeal within five (5) calendar days of the superintendent's decision, the superintendent's suspension decision is final.

If the board receives a timely written appeal request, the board or an appointed hearing officer will hear the appeal as soon as possible. This decision is final and nonappealable.

The parent/student will be notified in writing of the date, time and place of the hearing and will have the right to choose an "open" or "closed" hearing. Reasonable efforts will be made to accommodate the work schedule of parents. The following procedures will be followed:

1. The board president or the appointed hearing officer should:
  - a. Announce that the next agenda item is a suspension review hearing.
  - b. Ask whether the parent/student wants the hearing to be open to the public or in executive session. The offer of an open hearing and the response is to be made a part of the minutes of the meeting. If the parent/student requests a closed hearing, a

motion to go into executive session per their request should be made and voted on.

2. The board president or hearing officer should advise the parent/student:
  - a. That they are entitled to legal counsel, if they desire it.
  - b. That the administration will present its witnesses first and that after each witness the parent or their legal counsel will be given an opportunity to cross-examine.
  - c. That the parent/student will be given an opportunity to call any relevant witnesses and present any relevant evidence, subject to cross-examination by the administration's legal counsel.
  - d. That the board or its hearing officer will consider the evidence and documents and reach a decision that will be recorded by vote in open session.
  - e. That the parent/student may ask any questions about the procedure.
3. Administration may call witnesses and present documents subject to cross-examination.
4. Parent/student may call any witnesses and present documents subject to cross-examination.
5. After each witness is presented board members or the hearing officer may ask the witness questions.
6. Parent/student's closing statement.
7. Administration's closing statement.
8. Deliberate in private. (If the hearing is not in executive session, the board or its hearing officer may deliberate in executive session only with permission of the parent/student.)
9. Return to open session and vote. After adopting a motion making certain findings of fact the board must make a motion to: (1) affirm the suspension; (2) modify the suspension (increase or decrease severity of the suspension); or (3) revoke the suspension. If the hearing is before a hearing officer, no motions will be required as a part of the hearing process; otherwise, the hearing officer will have the same obligations as the board when rendering a decision.

#### *Attendance at School Pending Appeal Hearing*

Pending an appeal of the student suspension, the student will have the right to attend school under such "in-house" restrictions as the campus director deems proper,



except that at the discretion of the campus director, the student may be prohibited from attending school pending any appeal hearing if in the judgment of the campus director the student's continued presence in the building will constitute an immediate danger to the health or safety of students, employees, technology center property, or would be a substantial disruption of the educational process.

### Short-Term Suspension Appeals

A parent or student may appeal the suspension decision to a suspension review committee established by the superintendent. The campus director shall inform the parent/student of the right to appeal the suspension and the method for appealing.

An appeal must be presented by letter to the campus director within five (5) calendar days after the parent/student receives the campus director's decision. If the campus director does not receive a written appeal within five (5) calendar days of the decision, the campus director's suspension decision is final.

Upon receipt of the request, the campus director shall confirm that the student's suspension falls within the category of suspensions to which an appeal to the committee is authorized. If the campus director determines that the suspension is a long-term suspension, or the original short-term suspension is extended beyond ten (10) school days prior to the hearing, the procedures applicable to long-term suspensions must be followed and the student must be given the opportunity to appeal any adverse decision to the board of education.

### *Hearing the Appeal*

1. The superintendent shall appoint a review committee consisting of not less than three certified administrators and/or teachers, and shall designate a chairperson for the committee. No administrator or teacher is eligible to serve on the committee who was a witness to the student's conduct, nor is any teacher eligible to serve who has the student in his/her class for the current school term.
2. The superintendent shall schedule the committee hearing as soon as possible during regular school hours, Monday through Friday. Reasonable consideration shall be given to accommodate the work schedules of the parent whenever possible. The parent/student will be notified in writing of the date, time and place of the hearing. The campus director shall attend the hearing. Either party choosing to have legal counsel at the hearing shall give the other party twenty-four (24) hours advance notice. The failure to give such notice will preclude the party's right to have counsel attend the hearing.
3. The committee will conduct a full investigation of the student's suspension in an informal manner. The campus director will briefly outline the student's conduct, read the regulation that the student's conduct violated, and present any evidence and witnesses that support the suspension decision. The parent/student will be asked by the committee if they understand the regulation and charges against the student. The parent/student will then briefly explain the student's conduct, and present any evidence and witnesses that support the student's position.

4. At the conclusion of the presentation of the evidence, the committee shall retire to render a decision by a majority vote as to the guilt or innocence of the student. The committee shall also determine the reasonableness of the term of the suspension. The committee's decision shall be confirmed in writing and a copy will be mailed to the parent, the campus director and the superintendent.
5. The decision of the committee shall be final and nonappealable.

#### Student Privileges While Under Suspension

Participation in school extracurricular activities is a privilege and not a right. Accordingly, students who are suspended are immediately ineligible to participate in extracurricular activities, notwithstanding the filing of an appeal. "Extracurricular activities" include, but are not limited to, all technology center sponsored teams, clubs, organizations, ceremonies, student government, etc.

## **HAZING**

Hazing constitutes unethical and unacceptable conduct that will not be tolerated at Tulsa Tech. To that end, Tulsa Tech adopts the following policy prohibiting hazing.

1. "Hazing" means any activity which recklessly or intentionally endangers the physical or mental health or safety of a student, required as a condition of membership in an organization, regardless of willing participation, including but not limited to physical brutality such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of food, alcohol, drugs, or other substances, and activities which would induce extreme mental stress such as prolonged sleep deprivation, prolonged isolation, and conduct which could cause extreme embarrassment or humiliation.
2. Endangering the physical health shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, alcoholic beverage, low-point beer, drug, controlled dangerous substance, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual.
3. Endangering the mental health shall include, but not be limited to, any activity except those authorized by law, which would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact, forced conduct which could adversely affect the mental health or dignity of the individual.
4. No organization having student members which is sponsored by Tulsa Tech or which is permitted to hold meetings or other events on technology center property (a "Student Organization") and no student member of a Student Organization shall engage or participate in or directly or indirectly condition membership on participation in or submission to a hazing activity.
5. Students violating these prohibitions shall not be permitted to participate in any extra-curricular activity sponsored by Tulsa Tech, shall be subject to disciplinary measures which may include suspension or removal, and shall, when appropriate, be referred to local law enforcement authorities for prosecution.
6. Student Organizations which violate these prohibitions shall forfeit all rights, privileges, and recognition from Tulsa Tech for a minimum of one (1) year, and shall be referred to local law enforcement authorities for prosecution.
7. Hazing will be dealt with as outlined in the Code of Student Conduct. Technology center employees who are linked to hazing shall be subject to discipline - including dismissal or non-renewal.

<p style="text-align: center;"><b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b></p>	<p style="text-align: center;"><i>Students</i></p> <p style="text-align: center;">Adopted: February 2, 2009 Revised: December 16, 2013; December 12, 2016; December 11, 2017</p>
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**STUDENT BULLYING**

Statement of Legislative Mandate and Purpose

This policy is a result of the legislative mandate and public policy embodied in the *School Safety and Bullying Prevention Act*, 70 Okla. Stat. § 24-100.2 et seq. (“Act”). Tulsa Tech intends to comply with the mandates of the Act and expects students to refrain from bullying. Bullying is expressly forbidden and students who bully are subject to disciplinary consequences as outlined in Tulsa Tech’s policy on student behavior. Bullies may also be provided with assistance to end their unacceptable behavior, and targets of bullies may be provided with assistance to overcome the negative effects of bullying.

Tulsa Tech’s student conduct code prohibits threatening behavior, harassment, intimidation and bullying. This policy applies to all students regardless of classification as a secondary or adult student.

Definition of Terms

A. Statutory definition of terms:

“Bully” means any pattern of harassment, intimidation, threatening behavior, physical acts, verbal or electronic communication directed toward a student or group of students that results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group and is communicated in such a way as to disrupt or interfere with the school’s educational mission or the education of any student.

“Threatening behavior” means any pattern of behavior or isolated action, whether or not it is directed at another person, that a reasonable person would believe indicates potential for future harm to students, school personnel, or school property.

“Electronic communication” means the communication of any written, verbal, pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer.

Note: Bullying by electronic communication is prohibited whether or not such communication originated at school, or with school equipment, if the communication is specifically directed at students or school personnel and concerns bullying at school.

“At school” means on Tulsa Tech’s grounds, in Tulsa Tech’s vehicles, at Tulsa Tech’s sponsored activities, or at Tulsa Tech’s sanctioned events.

## B. The “Reasonable Person” Standard

In determining what a “reasonable person” should recognize as bullying, staff will consider the point of view of the intended target, including any characteristics unique to the intended target. Staff may also consider the disciplinary history and physical characteristics of the alleged bully.

## C. Types of Bullying

“Physical Bullying” includes harm or threatened harm to another’s body or property, including but not limited to threats, tripping, hitting, pushing, pinching, pulling hair, kicking, biting, starting fights, daring others to fight, stealing or destroying property, extortion, assaults with a weapon, other violent acts, and homicide.

“Emotional Bullying” includes the intentional infliction of harm to another’s self-esteem, including but not limited to insulting or profane remarks or gestures, or harassing and frightening statements.

“Social Bullying” includes harm to another’s group acceptance, including but not limited to gossiping; spreading negative rumors to cause a targeted person to be socially excluded, ridiculed, or otherwise lose status; acts designed to publicly embarrass a targeted person, damage the target’s current relationships, or deprive the target or self-confidence or the respect of peers.

“Sexual Bullying” includes harm of a sexual nature, including but not limited to making unwelcome sexual comments or gestures to or about the targeted person; creating or distributing vulgar, profane or lewd words or images about the target; committing a sexual act at school, including touching private parts of the target’s body; engaging in off-campus dating violence that adversely affects the target’s education opportunities; making threatening sexual statements directed at or about the target; or gossiping about the target’s sexuality or sex life. Such conduct may also constitute sexual harassment which is prohibited by Tulsa Tech.

## Understanding and Preventing Bullying

A full copy of this policy will be posted on Tulsa Tech’s website and included in all handbooks. Parents, guardians, community members, and volunteers will be notified of the availability of this policy through Tulsa Tech’s annual written notice of the availability of the anti-bullying policy. Written notice of the policy will also be posted at various places in all campuses.

Students and staff will be periodically reminded throughout the year of the availability of this policy, Tulsa Tech’s commitment to preventing bullying, and help available for those affected by bullying. Anti-bullying programs will be incorporated into Tulsa Tech’s other violence prevention efforts.

All staff will receive annual training regarding preventing, identifying, reporting, and managing bullying. Tulsa Tech’s bullying coordinator and individuals designated as campus investigators will receive additional training regarding appropriate consequences and remedial action for bullies, helping targets of bullies, and Tulsa Tech’s strategy for counseling and referral for those affected by bullying.

Students will receive annual education regarding behavioral expectations, understanding bullying and its negative effects, disciplinary consequences for infractions, reporting methods, and consequences for those who knowingly make false reports. Parents and guardians of minors may participate in a parent education component.

### Student Reporting

Students are encouraged to inform school personnel if they are the target of or a witness to bullying. To make a report, students should notify a teacher, counselor, or campus administrator. The employee will give the student an official report form, and will help the student complete the form, if needed.

Students may make an anonymous report of bullying, and such report will be investigated as thoroughly as possible. However, it is often difficult to fully investigate claims which are made anonymously and disciplinary action cannot be taken against a bully solely on the basis of an anonymous report.

### Staff Reporting

Staff members will encourage students to report bullying. All employees are required to report acts of bullying to the campus director on an official report form. Any staff member who witnesses, hears about, or suspects bullying is required to submit a report.

### Bullying Investigators

Each campus will have a designated individual and an alternate to investigate bullying reports. These individuals will be identified in the site's student and staff handbooks, on Tulsa Tech's website, and in the bullying prevention education provided annually to students and staff. Tulsa Tech's anti-bullying program is coordinated at the district level by its bullying coordinator, Dr. Richard Palazzo, Director of Alternative Education.

### Investigating Bullying Reports

For any alleged incidents of bullying reported to Tulsa Tech's officials, the designated official will investigate the alleged incident(s) and determine (i) whether bullying occurred, (ii) the severity of the incident(s), and (iii) the potential for future violence, and (iv) the reason for the actual or perceived bullying.

In conducting an investigation, the designated official shall interview relevant students and staff and review any documentation of the alleged incident(s). Tulsa Tech's officials may also work with outside professionals, such as local law enforcement, as deemed appropriate by the investigating official. In the event the investigator believes a criminal act may have been committed or there is a likelihood of violence, the investigator will immediately call local law enforcement and the superintendent.

At the conclusion of the investigation, the designated employee will document the steps taken to investigate the matter, the conclusions reached and any additional action taken, if applicable. Further, the investigator will notify the district's bullying coordinator that an investigation has occurred and the results of the investigation. In the event the investigation reveals that bullying occurred, Tulsa Tech's bullying coordinator will refer a minor student who committed an act of bullying to a delinquency prevention and diversion program through the Office of Juvenile Affairs.

Upon completion of an investigation, the campus director may recommend that available community mental health care or substance abuse options be provided to a student, if appropriate. The campus director may provide a student with information about the types of support services available to the student bully, target, and any other students affected by the prohibited behavior. These resources will be provided to any individual who requests such assistance or will be provided if a Tulsa Tech official believes the resource might be of assistance to the student/family. Tulsa Tech is not responsible for paying for these services. No Tulsa Tech employee is expected to evaluate the appropriateness or the quality of the resource provided, nor is any employee required to provide an exhaustive list of resources available. All Tulsa Tech employees will act in good faith.

Tulsa Tech may request the disclosure of information concerning students who have received substance abuse or mental health care (pursuant to the previous paragraph) if that information indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information. Tulsa Tech may request the disclosure of information when it is believed that the student may have posed a danger to him/herself and having such information will allow Tulsa Tech officials to determine if it is safe for the student to return to the regular classroom or if alternative education arrangements are needed.

#### Parental Notification for Minor Students

The assigned investigator will notify the parents (minor students only) of a target within one (1) school day that a bullying report has been received. Within one (1) school day of the conclusion of the investigation, the investigator will provide the parents (minor students only) of a target with the results of the investigation and any community resources deemed appropriate to the situation.

If the report of bullying is substantiated, within one (1) school day of the conclusion of the investigation, the investigator will contact the parents (minor students only) of the bullying student to discuss disciplinary action and any community resources deemed appropriate to the situation.

The timelines in this parental notification section may be reasonably extended if individual circumstances warrant such an extension.

#### Parental Responsibilities

All parents/guardians of minor students will be informed in writing of Tulsa Tech's program to stop bullying and will be given a copy of this policy upon request. An administrative response to a reported act of bullying may involve certain actions to be taken by parents/guardians of minor students. Parents/guardians of minor students will be informed of the program and the means for students to report bullying acts toward them or other students. They will also be told that to help prevent bullying at Tulsa Tech they should encourage their student to:

- Report bullying when it occurs;

- Take advantage of opportunities to talk to their children about bullying;
- Inform the administration immediately if they think their child is being bullied or is bullying other students;
- Watch for symptoms that their child may be a target of bullying and report those symptoms; and
- Cooperate fully with Tulsa Tech personnel in identifying and resolving incidents.

### Monitoring and Compliance

In order to assist the State Department of Education with compliance efforts pursuant to the *School Safety Bullying Prevention Act*, 70 Okla. Stat. § 24-100.2 et seq., Tulsa Tech will identify a Bullying Coordinator who will serve as the district contact responsible for providing information to the State Board of Education. The Bullying Coordinator shall maintain updated contact information on file with the State Department of Education and Tulsa Tech will notify the State Department of Education within fifteen (15) days of the appointment of a new Coordinator.

A copy of this policy will be submitted to the State Department of Education by December 10th of each school year as part of Tulsa Tech's Annual Performance Report.



**GUN-FREE SCHOOLS  
SECONDARY STUDENT SUSPENSION OR REMOVAL**

Any student who is determined to have:

- brought a weapon to a school under the jurisdiction of the district; or
- possessed a weapon within two thousand (2,000) feet of public school property; or
- possessed a weapon at a school event

shall be suspended out of school for a period of not less than one calendar year. This policy does not apply to students who are members of the JROTC and who possess or bring an inoperable weapon to school for participation in a school program, provided the student obtained prior permission from the campus director, the weapon remains inoperable while at school and the weapon is used consistent with the permission granted.

Any out-of-school suspension imposed under this policy may be modified for any student on a case-by-case basis by the chief administrative officer of the district.

For the purposes of this policy, the following definitions shall control:

1. The term "weapon" means a firearm as such term is defined in Section 921 of Title 18 of the United States Code.
2. The term "chief administrative officer" means the superintendent or the board of education.
3. The term "determined to have brought a weapon to a school under the jurisdiction of the district" means any student being in possession or control of a weapon on property owned, leased or rented by the district, including, but not limited to, school buildings, parking lots and motor vehicles and any student who is in possession or control of a weapon at any district sponsored function regardless of whether such function is conducted on district property.

Enforcement of this policy shall be consistent with state and federal laws dealing with discipline of students with disabilities.

Students who violate this policy will be referred to the appropriate criminal justice or juvenile delinquency system. Any firearm seized from a student by any school employee shall immediately be delivered to a law enforcement authority for disposition pursuant to applicable law.

Any out-of-school suspension initiated pursuant to this policy shall be subject to the procedural safeguards set forth in the district's policy for the out-of-school suspension of students.

Consistent with Oklahoma law, for an out-of-school suspension under this policy, no education plan shall be implemented during the term of the suspension.

This policy does not apply to student suspensions for non-weapon violations.

Adult students shall be subject to these requirements except to the extent the adult student has a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, any handgun is in the adult student's vehicle in the school parking lot, and the handgun is stored as required by law. Violations of school policy or applicable state or federal laws may result in removal from school and referral of possible violations to law enforcement authorities for prosecution.

### **STUDENT POSSESSION OF DANGEROUS WEAPONS**

In order to provide a safe environment for the students and staff of Tulsa Tech, the board of education adopts this policy prohibiting the possession and/or use of dangerous weapons, replicas or facsimiles of dangerous weapons and items or instrumentalities which are used to threaten harm or are used to harm any person.

Dangerous weapons, including but not limited to firearms, are a threat to the safety of the students and staff of Tulsa Tech. In addition, possession of dangerous weapons, or replicas or facsimiles of dangerous weapons, disrupts the educational process and interferes with the normal operation of Tulsa Tech.

For the foregoing reasons and except as specifically provided below, possession by any student of a dangerous weapon, as that term is defined in this policy, or a replica or facsimile of a dangerous weapon, while on technology center property, at a technology center-sponsored activity, or on a technology center bus or vehicle, is prohibited. Further, use of any item or instrumentality by a student to threaten harm to any person or which is used to harm any person, while on technology center property, at a technology center sponsored activity, or on a technology center bus or vehicle, is prohibited.

For purposes of this policy, "possession of a dangerous weapon" includes, **BUT IS NOT LIMITED TO**, any person having a dangerous weapon: (1) on his or her person; (2) in his or her locker; (3) in his or her vehicle; (4) held by another person for his or her benefit; or (5) at any place on technology center property, a technology center bus or vehicle, or at a technology center activity.

A dangerous weapon includes, **BUT IS NOT LIMITED TO**, a pistol, revolver, rifle, shotgun, air gun or spring gun, B-B gun, stun gun, hand grenades, fireworks, slingshot, bludgeon, blackjack, brass knuckles or artificial knuckles of any kind, nun-chucks, dagger, bowie knife, dirk knife, butterfly knife, any knife, regardless of the length or sharpness of the blade, any knife the blade of which can be opened by a flick of a button or pressure on the handle, any pocketknife, regardless of the length or sharpness of the blade, any pen knife, "credit card" knife, razor, dart, ice pick, explosive smoke bomb, incendiary device, sword cane, hand chains, firearm shells or bullets, garrotes, choking devices, mace, pepper spray, and any item whose principal purpose is for use as a weapon, whether offensive or defensive, and any replica or facsimiles of any of the foregoing items, or any item or instrumentality which is used to threaten harm or is used to harm any person or any chemical, material or substance which can cause an irritation to or reacts with human tissue, or any chemical, material or substance used, given, applied to or administered to another person without that person's consent. **THE FOREGOING LIST OF "DANGEROUS WEAPONS" IS DESCRIPTIVE AND BY WAY OF EXAMPLE ONLY AND IS NOT TO BE CONSIDERED AN EXCLUSIVE OR LIMITING LIST OF DANGEROUS WEAPONS. IT WILL NOT BE A DEFENSE TO ANY DISCIPLINARY ACTION UNDER THIS POLICY THAT THE STUDENT POSSESSING THE DANGEROUS WEAPON DID NOT KNOW THAT IT IS A DANGEROUS WEAPON, BUT SUCH CLAIM OF A LACK OF KNOWLEDGE MAY BE CONSIDERED IN MITIGATION OF ANY DISCIPLINARY PENALTY.**

Any student in possession of a dangerous weapon, or replica or facsimile of a dangerous weapon, in violation of this policy or who uses any item or instrumentality to threaten harm to any person or is used to harm any person may be placed under emergency suspension from technology center, pending an investigation of the incident by the appropriate technology center or legal authorities. Students who violate this policy may be suspended from technology center, barred from technology center property and all technology center activities for any period of time up to the maximum period authorized by law. Additionally, appropriate technology center staff members may seek to file criminal charges against the student.

If a teacher or other technology center employee has a reasonable suspicion to believe that a student is in possession of a dangerous weapon, or a replica or facsimile of a dangerous weapon, the teacher or employee shall immediately investigate the matter and shall confiscate any such weapon found if this can be accomplished without placing any students or staff in jeopardy, and shall immediately notify the superintendent or the superintendent's designee. If the teacher or employee does not believe that the weapon can be confiscated safely, the teacher or employee shall immediately notify the superintendent or the superintendent's designee of the situation.

If the superintendent or his/her designee learns that a student is believed to be in possession of a dangerous weapon or replica or facsimile thereof, the superintendent or designee shall observe the following procedure:

1. Immediately investigate the matter and contact the police or campus security, if appropriate.
2. If not already confiscated by an employee of Tulsa Tech and if it can be accomplished without risk of injury, the superintendent or designee should take possession of the dangerous weapon or replica or facsimile.
3. Notify the superintendent or designee.
4. Notify the student's parents.
5. Cooperate fully with the police.
6. Transfer confiscated weapon to the police department, if feasible.

A student who has been suspended from a K-12 school or another technology center because of the possession of a dangerous weapon, or replica or facsimile of a dangerous weapon, shall not be accepted as a transfer student into Tulsa Tech.

An exception to this policy may be granted for students participating in an authorized curricular or extracurricular activity or team involving the use or demonstration of a dangerous weapon, or replica or facsimile of a dangerous weapon. For this exception, prior written approval by the superintendent is required. Students who participate in JROTC may also be granted an exception to bring an inoperable weapon onto campus for the limited purpose of participating in a school program. The campus director must approve this exception in advance, the weapon must remain inoperable at all times while on campus, and the weapon must not be used in a manner which is inconsistent with the permission granted.

A student's inadvertent or unintentional possession of a dangerous weapon or replica or facsimile thereof on technology center property, a technology center bus or vehicle, or at a technology center activity is no defense or excuse to compliance to this policy, but may be considered in determining the length or severity of any punishment for violation of this policy.

Notwithstanding any of the foregoing provisions, rights of due process for all students and rights of disabled students must be observed in accordance with applicable law and technology center board policies.

### **Adult Students and Handguns on Technology Center Campus**

HB 1652 amended OKLA. STAT. tit. 21, § 1277 by designating the limited areas in which concealed handguns can be located on a technology center campus. Adult students may not carry a handgun into any technology center technology center facility (including offices, common areas, or structures of whatever type or kind). Likewise, it is unlawful for any adult student to carry a handgun onto the campus of a K-12 technology center whether or not the adult student is engaged in an activity related to Tulsa Tech in which the student is enrolled. Students found in possession or control of a handgun in violation of technology center policies and applicable state or federal laws will suffer the most severe disciplinary consequences available, including removal from technology center, and referral of unlawful handgun possession or storage to authorities for criminal prosecution. The only area adult students, who have a valid concealed carry license, may have a handgun on a technology center campus is in a vehicle in the parking lot of Tulsa Tech campus, provided the handgun is carried or stored as required by law. No handgun may be removed from a vehicle absent the express permission of the superintendent.

**STUDENTS, DRUGS, AND ALCOHOL**

1. Illegal and Illicit Drugs and Alcohol
  - A. Use of illicit drugs and unlawful possession and use of alcohol is wrong and harmful, resulting in poor academic performance, poor social interactions, and jeopardy to future job prospects.
  - B. Students are prohibited from using, being under the influence of, possessing, furnishing, distributing, selling, conspiring to sell or possess or being in the chain of sale or distribution of alcoholic beverages, non-intoxicating alcoholic beverages (as defined by Oklahoma law, i.e., 3.2 beer), illegal or illicit drugs, or other mood-altering substances at school, while on school vehicles, or at any school-sponsored event.
  - C. "Illicit drugs" includes steroids and prescription and over-the-counter medications being used for an abusive purpose, i.e., when they are not used in compliance with the prescription or directions for use and are not being used to treat a current health condition of the student.
  - D. "Mood-altering substances" include, but are not limited to, paint, glue, aerosol sprays, salts, incense, and other substances which may be used as an intoxicating substance.
  - E. Violation of this policy will result in imposition of disciplinary measures, pursuant to Tulsa Tech's policy on student behavior.
  - F. Student violation of this rule which also constitutes illegal conduct will be reported to law enforcement authorities.
2. Necessary Medications
  - A. Students may not retain possession of and self-administer any medication at school for any reason except as permitted by the school's policy on the administration of medicine to students.
  - B. Minor students who have a legitimate health need for over-the-counter or prescription medication at school shall deliver such medications to the campus director with a parental authorization, in compliance with Oklahoma law and school policy and procedures regarding administering medicine to students.
  - C. Violations of this rule will be reported to a minor student's parents, and may result in discipline which can include suspension.

3. Distribution of Information

- A. Information for students and the parents of minor students about drug and alcohol counseling and rehabilitation and reentry programs in this geographic area is available from the campus director at each site.
- B. Copies of this policy shall be included in the student handbook.

**TESTING STUDENTS WITH REGARD TO THE USE OF  
ALCOHOL AND ILLEGAL CHEMICAL SUBSTANCES**

The Tulsa Technology Center 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 adopts the following policy. This policy applies to secondary and adult students.

**Statement of Purpose and Intent**

1. The safety of students, employees and visitors to Tulsa Technology Center is of paramount concern to the School Board.
2. Students who are under the influence of alcohol or an illegal chemical substance when 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, other employees and visitors to the District.
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 Tulsa Technology Center.
7. Violations of this Policy will subject the student to disciplinary action, including out-of-school suspension from school for secondary students and removal from school for adult students.



## 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.
2. "Alcohol" means ethyl alcohol or ethanol and includes "low point" beer.
3. "Under the influence" means any student of Tulsa Technology Center 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 confirmation 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 Tulsa Technology Center, 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:
  - A. Observable phenomena, such as:
    - i. 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

- ii. 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;
- B. 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;
- C. Evidence that a student has tampered with an alcohol or drug test; or
- D. 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.

### **Procedures 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 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 employees at a school site or site designated by 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 practical 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. 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 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 a 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.
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 Tulsa Technology Center under this Policy shall be at the District's 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. Tulsa Technology Center 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 use 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 Tulsa Technology Center will not report on or disclose to the 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 Tulsa Technology Center 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 FOR SECONDARY STUDENTS OR REMOVAL FROM SCHOOL FOR ADULT STUDENTS TO THE SAME EXTENT AS IF THE STUDENT TESTED POSITIVE FOR THE PRESENCE OF ALCOHOL OR ILLEGAL CHEMICAL SUBSTANCES.**

Medical Marijuana

1. Pursuant to OKLA. STAT. tit. 63, § 420 *et. seq.*, unless failure to do so would cause the technology center to imminently lose a monetary or licensing related benefit under Federal law or regulations, the technology center 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 license holder.
2. The technology center 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, sell, 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 or 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 technology center 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 Substance

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 from school.

#### 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;
2. Any employee designated for such purposes by the superintendent or the 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 technology center's policy on student behavior.

#### **Circulation of Policy**

This policy shall be given broad circulation to all technology center students which shall include prominent posting at various places in the technology center.

## **STUDENT SEARCH AND SEIZURE**

The superintendent, campus director, or designees are authorized to detain and search any student and any property in the student's possession while on technology center premises, at technology center activities, or in transit under authority of Tulsa Tech, for any item possession of which by the student is illegal or prohibited by technology center policy, or for property believed to have been stolen from another student, an employee, or Tulsa Tech. The search shall be conducted according to the following guidelines:

### Reasonableness

1. The decision to search must be based upon a reasonable suspicion that:
  - A. A violation of the law or school policy or rules has occurred or is occurring;
  - B. The student to be searched has committed the violation; and
  - C. Particular evidence of the violation will be discovered in the search.
2. In deciding whether a suspicion is reasonable, all the circumstances surrounding the case should be considered, including:
  - A. The student's age, history, and record in school;
  - B. The prevalence and seriousness of the suspected violation;
  - C. The school officials' prior experience in detecting the problem or recognizing suspicious behavior;
  - D. The need to make a search without delay and further investigation;
  - E. The specificity and source of the information used as justification for the search; and
  - F. The particular instructor or official's experience with the student.

### Scope

1. The scope or extent of the search shall be reasonably related to the kind of objects being searched for, and not excessively intrusive in light of the student's age and sex and the nature of the suspected violation.
2. A search commenced to discover a particular kind of item may be expanded or continued for additional items if circumstances warrant.

### Discovered Items

1. Illegal items or other possessions or substances reasonably determined to be a threat to the safety or security of others may be seized by technology center authorities. These items will immediately be turned over to law enforcement officials for disposition as they see fit.
2. Items which are used to disrupt or interfere with the educational process may be temporarily removed from student possession.

### Refusal to Submit to Search

A student who refuses to peaceably submit to a search based on reasonable suspicion or who refuses to turn over items discovered as a result of a search may be suspended for such refusals.

### Reports

The person conducting the search shall prepare a report to be maintained by the superintendent and campus director, including the date, time, place, names of witnesses, purpose, basis, and result of the search.

**USE OF DOGS TRAINED TO DETECT  
ILLEGAL AND DANGEROUS SUBSTANCES**

It is the policy of the board of education that CLEET certified dogs trained to detect illegal and dangerous substances may be used in the district ("CLEET" is the Council of Law Enforcement Education and Training). To assure the maintenance of a drug-free school environment, Tulsa Technology Center ("TTC") may use detection dogs to discover illegal and dangerous substances concealed in school property assigned to students and in vehicles driven by students while parked on school property. Any student who drives a vehicle to school is deemed to have consented to such search. Notification to students will be provided in the Student Handbook.

If a detection dog alerts its handler to a student desk or other space provided by TTC, then an immediate search of that area can take place. If a detection dog alerts its handler to a student vehicle parked on district property, a site administrator, superintendent or his/her designee will request the student owner/operator to allow a further search of the vehicle. If a minor student refuses to allow such search, school personnel will immediately contact the student's parent or guardian. Illegal items or other possessions or substances reasonably determined to be a threat to the safety or security of others may be seized by school authorities. These items will immediately be turned over to law enforcement officials for disposition as they see fit. A student who refuses to allow his or her vehicle to be searched or who refuses to turn over items discovered as the result of a search may be suspended for such refusals. The person conducting the search of a vehicle shall prepare a written report to be maintained by the site administrator including the date, time, place, names of witnesses, purpose, basis, and result of the search.

TTC will only utilize a detection dog to sniff a student's person based upon a "reasonable suspicion." See policy titled *Student Search and Seizure*. If a dog alerts on an individual during a search, that alert will constitute reasonable suspicion.

TTC may also properly use detection dogs to discover illegal and dangerous substances in all district facilities whether or not students are present.

In accordance with the policy of the board of education, the following procedure shall govern searches on school property by detection dogs.

Searches on school property and grounds will be conducted during periodic unannounced visits either during school hours or non-school hours at the discretion of the superintendent.

All lockers, vehicles, and school desks are subject to search. If a detection dog indicates the possible presence of any material that the dog is trained to detect, that area or place or object will be further searched by designated school personnel.

No student, employee, or other person will be the target of a search by a detection dog unless reasonable suspicion exists with regard to that particular person. However, if the detection dog indicates the possible presence of material that the dog is trained to detect is



contained in a locker, desk, or vehicle, a further search will be conducted by designated school personnel. This search will be of the cold weather outerwear, purse, pockets, containers, or other items of concealment in the possession of the student assigned to that locker or desk or driving that vehicle.

Searches which disclose the presence of any material which the dog is trained to detect, or any material or items which is forbidden by school policy may lead to further investigation by school officials or law enforcement officers, and/or disciplinary action by the school. Such disciplinary action may include suspension. No disciplinary action will be taken without appropriate due process. Parental or legal guardian notification will be made in all cases where prohibited substances, materials, or items are discovered in the possession of a minor student. Illegal or dangerous substances will be turned over to law enforcement officials.

Strip searches or removal of any clothing other than cold weather outerwear are prohibited.

Reference: Okla. Stat. tit. 70, § 24-102

## **ADMINISTRATION OF MEDICINE TO MINOR STUDENTS**

### **Purpose**

The purpose of this policy is to identify when district personnel are authorized to administer medication to minor students, when minor students are authorized to self-medicate and how district personnel will maintain, administer, monitor and dispose of minor student medication.

### **Definitions**

For purposes of this policy, these terms have the following definitions:

“Inhaler” means a device that delivers a bronchodilator to alleviate symptoms of respiratory distress that is manufactured in the form of a metered-dose inhaler or dry-powder inhaler and that may include a spacer or holding chamber that attaches to the inhaler to improve the delivery of the bronchodilator.

“Medicine” or “medications” includes prescription medications, opiate antagonists and over-the-counter medicines such as but not limited to aspirin, cough syrup, medicated ointments and any other item used to treat an illness, disease or malady. This term shall not include “Sunscreen” as defined below.

“Parent” means a parent, a court appointed guardian or a person having legal custody of a minor student.

“Respiratory distress” means the perceived or actual presence of coughing, wheezing or shortness of breath.

“Sunscreen” means a compound topically applied to prevent sunburn.

### **Policy**

Under Oklahoma law, a school nurse, an administrator or a designated school employee may administer prescription and nonprescription medications and assist in applying sunscreen to minor students. Only designated employees who have successfully completed specific training in the administration of nonprescription and prescription medications may administer medication to minor students with legitimate health needs.

Except as provided in this policy and in Tulsa Tech’s diabetes care and management policy, minor students may not retain possession of or self-administer any medicine. Violation of this rule will be reported to the minor student's parent and may result in discipline, including out-of-school suspension.

As further set out below, Tulsa Tech retains the discretion to reject requests for the administration of medication or application of sunscreen and to discontinue the administration of medication or application of sunscreen.

The parent must deliver the minor student's medicine to the school administrator in its original container with the parent's written authorization for administration of the medicine. Sunscreen for application by a school nurse must be delivered to the school nurse or school administrator in its original container with the parent's written authorization for application of sunscreen. The parent's authorization for either medicine or sunscreen must identify the minor student, the medicine or sunscreen and include or refer to the label for instructions on administration of the medicine. The administrator or a designated employee will administer the medicine to the minor student or assist the minor student in applying sunscreen pursuant to the parent's instructions and the directions for use on the label or in the physician's prescription. The parent must complete a new authorization form annually and for each change of medication or sunscreen. Tulsa Tech will maintain the authorization form as a part of the minor student's health record. Authorization forms will be available in the campus director's office. A parent who chooses to do so may come to the school and personally dispense medication or apply sunscreen to the minor student.

The administration of each campus will keep a record of the minor students to whom medicine is administered or sunscreen is applied, the date of administration or application, the person who administered the medicine or applied the sunscreen and the name or type of medicine or sunscreen administered.

Medications or sunscreen will be stored in a separate locked drawer or cabinet that is readily accessible only to the persons who will administer the medication or sunscreen. Medications requiring refrigeration will be refrigerated in a secure area.

Any person administering medicine or applying sunscreen to a minor student will participate in training by October 1 of each year conducted by a health care professional. The training will include:

- Review of state statutes and school rules and regulations (including this policy) regarding administration of medication by school personnel;
- Procedures for administration, documentation, handling and storage of medication and sunscreen; and
- Medication needs of specific minor students, desired effects, potential side effects, adverse reactions and other observations.

Only those persons who successfully complete the training are authorized to administer medication or apply sunscreen. Each campus site will maintain a current list of those authorized to administer medication or apply sunscreen at that site.

Minor students who are able to self-administer specific medications, such as inhaled asthma medication or anaphylaxis medication, replacement pancreatic enzymes, or use specialized equipment, such as an inhaler or Epinephrine injector, may do so provided such medication and specialized equipment are transported and maintained under the minor students' control in compliance with the following rules:

- A licensed physician or dentist must provide a written order that the minor student has a particular medical condition (asthma, anaphylaxis, cystic fibrosis, etc.), is capable of and has been instructed in the proper method of self-administration of medication. It is the parent's responsibility to contact the physician and have the physician complete and return the required order.
- The parent must provide a written authorization for self-administration of medication.
- Parents who elect self-medication understand and agree that Tulsa Tech, its agents and employees shall incur no liability for any adverse reaction or injury the minor student suffers as a result of self-administration of medication and/or use of specialized equipment.
- The written authorization will terminate at the end of the school year and must be renewed annually.
- If the parent and physician authorize self-medication, Tulsa Tech is not responsible for safeguarding the minor students' medications or specialized equipment.
- Minor students who self-medicate are prohibited from sharing or playing with their medication or special equipment. If a minor student engages in these activities the parent will be contacted and a conference will be scheduled with the parent, minor student and other appropriate persons.
- Except as otherwise provided by an individual minor student's school health plan, minor students may self-administer non-diabetes and non-anaphylaxis-related injectables only in the campus director's office in the presence of authorized school personnel. Diabetes-related injectables will be administered in accordance with Tulsa Tech's diabetes care and management policy.
- Minor students who self-medicate are encouraged to wear Medic Alert bracelets or necklaces.
- The parent will provide an emergency supply of a minor student's inhaled asthma medication or anaphylaxis medication or replacement pancreatic enzymes to be administered by school personnel, as required by state law.

Minor students who are able to self-apply sunscreen may do so provided such sunscreen is regulated by the Food and Drug Administration. Minor students may self-apply sunscreen without the written authorization of a parent, legal guardian or physician. All students are permitted to possess sunscreen that is regulated by the Food and Drug Administration.

### **Sunscreen**

School staff will only assist the minor student in applying sunscreen with the parent's written authorization and according to label directions or, if applicable, written instructions from the minor student's physician. The sunscreen must be in the original container indicating:

- Ingredients; and

- Directions for Application.

### **Nonprescription Medication**

Technology center staff will only administer nonprescription medication with the parent's written authorization and according to label directions or written instructions from the minor student's physician. The medication must be in the original container that indicates:

- Minor student name (affixed to the container);
- Ingredients;
- Expiration date;
- Dosage and frequency;
- Administration route, i.e., oral, drops, etc.; and
- Other directions as appropriate.

Technology center staff will only administer aspirin (acetylsalicylic acid) and products containing salicylic acid with written instructions from the minor student's physician. The parent must provide and maintain a supply of nonprescription medication for the minor student.

### **Prescription Medication**

Except for district-wide Epinephrine injectors, technology center staff will only administer prescription medication with written authorization and instructions. Prescription medication must be in the original container that indicates:

- Minor student name;
- Name and strength of medication and expiration date;
- Dosage and directions for administration;
- Name of the licensed physician or dentist;
- Date, name, address and phone number of the pharmacy.

The parent must provide and maintain the supply of prescription medication for the minor student.

The parent must reclaim any remaining medication by the last official day of school closing or within seven days after the prescribing physician discontinues the medication. The designated employee will destroy in a nonrecoverable fashion in the presence of a witness any medication not timely reclaimed. The person who destroys the medication will record the following information:

- Date of destruction;

- Time of destruction;
- Name and quantity of medication destroyed; and
- Manner of destruction of medication

Any and all controlled substances will be destroyed according to state law.

The designated employee will advise the campus director if discontinuance of medication to a minor student is appropriate and assist in informing the parent. Legitimate reasons for discontinuing administration of medication include, but are not limited to the following:

- A legitimate lack of space or facility to adequately store specific medication;
- Lack of cooperation by the minor student, parent and/or prescribing doctor and Tulsa Tech;
- An unexpected and/or adverse medical reaction to the medication at school, i.e., mood change, allergic reaction, etc., considered to be harmful to the health and well-being of the minor student;
- Any apparent change in the medication's appearance, odor, or other characteristics that raise reasonable doubts about the quality of the medication; and
- The medication expiration date has passed.

#### **Administration of Opiate Antagonists (e.g., Narcan) by Technology Center Personnel**

Technology center medical personnel (certified school nurse or any other nurse employed by or under contract with the technology center) or any other person designated by the Superintendent may administer an opiate antagonist for a suspected opiate overdose by a student or other individual exhibiting signs of an opiate overdose.

The Superintendent may authorize one or more technology center employees to receive training offered by the Department of Mental Health and Substance Abuse Services, a law enforcement agency or any other entity in recognizing the signs of an opiate overdose and administering an opiate antagonist. The Superintendent may designate persons to receive this training who have been required to receive annual training in cardiopulmonary resuscitation and the Heimlich maneuver (Okla. Stat. tit. 70, § 1210.199). Furthermore, if a person or persons designated and trained to administer an opiate antagonist are absent, the Superintendent or designee may authorize any person to administer an opiate antagonist to a student or other individual exhibiting signs of an overdose.

Any person administering an opiate antagonist to a student or other individual at a technology center site or technology center-sponsored event, in a manner consistent with addressing opiate overdose, shall be covered by Oklahoma's Good Samaritan Act. In the event of a suspected overdose, the technology center and its employees or designees shall be immune from civil liability in relation to the administration of an opiate antagonist.

Reference: Okla. Stat. tit. 70 §§ 1-116.2, 1-116.3; 1210.199, 1210.242

## **STUDENT DIABETES CARE AND MANAGEMENT**

### Purpose

The purpose of this policy is to implement the requirements of the Diabetes Management in Schools Act ("Act"), Okla. Stat. tit. 70 § 1210.196.

### Definitions

For purposes of this policy, these terms have the following definitions:

"Diabetes medical management plan" means the document a student's personal health care team develops that identifies the health services the student may need at school.

"Personal health care team" means the team responsible for managing a student's diabetes and includes the campus director or designee, the volunteer diabetes care assistant, if any, the parent or guardian of a minor student, and to the extent practicable, the physician responsible for the student's diabetes treatment.

"Volunteer diabetes care assistant" means a technology center employee who has volunteered to be a diabetes care assistant and successfully completed the training required by this policy and state law.

### Policy

Any technology center employee aware of a student who has diabetes-related needs while at school or while participating in school activities will promptly advise the campus director. The parent of any minor student who will have diabetes-related needs at school or in school activities should promptly advise the campus director.

A personal health care team will develop a written Diabetes Medical Management Plan ("Plan") for each student who may seek care for diabetes while at school or while participating in a school activity. The Plan will identify the health services the student may need at school. Each member of the student's personal health care team, including the parent of a minor student, will sign the Plan. The personal health care team will review the Plan at least annually. The campus director will make a reasonable effort to find one or more technology center employees willing to serve as a volunteer diabetes care assistant ("Assistant") to assist the student with diabetes care as provided in the student's Plan. The campus director will make a reasonable effort to ensure that an Assistant is available at the school to assist the student when needed. Tulsa Tech will not restrict the assignment of a student with diabetes based on the presence of an Assistant.

Technology center personnel will request that the parent or guardian of a minor student provide written authorization for the campus director or Assistant to have access to the student's physician at all times. Tulsa Tech will maintain the Plan and related documentation as student health records.

Before undertaking responsibilities as an Assistant, a volunteer must first complete training provided by the State Department of Health in accordance with the Act. The training will include instruction in the following:

- Recognizing the symptoms of hypoglycemia and hyperglycemia;
- Understanding the proper action to take if the student's blood glucose is outside the range indicated in the Plan;
- Understanding the details of the Plan;
- Performing finger sticks to check blood glucose levels, check urine ketone levels and record the results of those checks;
- Properly administering insulin and glucagon and recording the results of the administration;
- Recognizing complications that require the assistant to seek emergency assistance; and
- Understanding the recommended schedules and food intake for the student's meals and snacks, the effect of physical activity on blood glucose and the proper action to be taken if the student's schedule is disrupted.

To continue as an Assistant, the volunteer must annually demonstrate competency in the above training. The campus director or designee will maintain a copy of the training guidelines and the records associated with the training.

With permission from the student or the parent(s) of a minor student, Tulsa Tech will provide each technology center employee responsible for supervising or transporting a student with diabetes a form with the following information:

- Student's name;
- Telephone number of a contact person in case of an emergency involving the student; and
- Potential emergencies that may occur due to the diabetes and appropriate responses to such emergencies.

Any technology center employee provided the above information will be informed of applicable health privacy policies.

In accordance with his or her individual Plan and this policy, a student may attend to the management of his or her diabetes, which may include:

- Performing blood glucose level checks;
- Administering insulin through the student's insulin delivery system;
- Treating hypoglycemia and hyperglycemia;
- Unless changed in accordance with this policy, possessing on his or her person at any time, any supplies or specialized equipment necessary to monitor and care for his or her diabetes; and
- Otherwise attending to the management of his or her diabetes in the classroom, any area of the school or grounds, or at any school related activity.

Tulsa Tech will provide a private area where the student can attend to his or her diabetes-related needs.



Students who manage their diabetes and personally possess the necessary specialized equipment and supplies under this policy are prohibited from sharing or playing with their equipment or supplies. If a student engages in these activities, a meeting of the personal health care team will be scheduled to address the situation. Tulsa Tech is not responsible for safeguarding the specialized equipment or supplies of a student who personally possesses those items.

Students with diabetes are encouraged to wear Medic Alert bracelets or necklaces.

No technology center employee will be subject to any penalty or disciplinary action for refusing to serve as an Assistant. No technology center employee will be subject to any disciplinary proceeding resulting from any action taken in compliance with this policy. Any employee acting in accordance with this policy and law will be immune from civil liability unless the employee's actions rise to the level of reckless or intentional conduct.

<p><b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b></p>	<p style="text-align: center;"><i>Students</i></p> <p style="text-align: center;">Adopted: July 27, 1987 Revised: May 29, 2007; December 14, 2009; June 27, 2011; March 31, 2014; January 26, 2015; August 29, 2016; October 28, 2019</p>
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**SCHOLARSHIPS**

It is the policy of the Board of Education of Tulsa Technology Center that scholarships shall be established and awarded to students and local businesses to participate in training at Tulsa Tech. Scholarships may be established and awarded to deserving students and businesses in the following categories:

1. Accelerating Independents Scholarships: Tuition and required fee waiver scholarships may be awarded to students with GED or high school diploma from any of the in-district, public, parochial, charter or home-schools through the age of 23.
2. Tulsa Works Tuition Waiver. Tuition for adult students admitted to full-time 525 hour programs.
3. Partner School Scholarships: Tuition and fee waiver scholarships may be established and awarded to students from Tulsa Tech’s public partner school districts.
4. CTSO Scholarships: Tuition and fee waiver scholarships may be awarded to current student members of Career and Technology Student Organizations (CTSO) who place first, second, or third in state CTSO competitive activities or who are elected as CTSO officers at the organizations’ district, state, or national levels. May be utilized up to 2 academic years post award.
5. Financial Need Scholarships: Tuition and fee waiver scholarships may be awarded to students who have financial needs that are not met by other sources of financial assistance.
6. Pathways Scholarship: This scholarship may be awarded to populations including (1) individuals who have primarily been homemakers and have become separated, divorced, widowed, or whose spouse has become disabled, (2) single, pregnant women and single parents who are not married but who have custody of a child or children, (3) students who desire to work in occupations that are non-traditional for their gender, and (4) students representing diverse populations.
7. National Guard Fee Waivers: Eligible members of the Oklahoma Army and Air National Guard may be entitled to have their tuition and fees waived while attending Tulsa Tech.
8. Military Tuition Waiver: Tuition waiver to qualifying members of the U.S. military who have served on active duty and were honorably discharged. Qualifying veterans

may use the tuition waiver benefit for up to 15 years from their date of discharge for one full time program.

9. **GEAR-UP:** This tuition and fee waiver scholarship may be awarded to one graduating student from each participating high school in the Tulsa Public Schools (TPS) system who has successfully completed the GEAR-Up Program.
10. **Existing Industry Reduced Tuition:** This scholarship allows Tulsa Tech to reduce tuition for the public sector made up of agencies and institutions owned and operated by the government, and the private sector made up of businesses, corporations, profit and non-profit organizations, so they may provide their existing workforce with upgrade training, or training on new systems or equipment.
11. **Junior Achievement Scholarship:** This tuition and fee waiver scholarship may be awarded to graduating seniors who have completed a Junior Achievement High School Program.
12. **Superintendent's Scholarship:** The superintendent may award tuition and fee waiver scholarships for participation in activities/events supported by the district. Scholarship includes but is not limited to:
  - A. **Superintendent's Scholarship for Entrepreneurial Development:** This tuition and fee scholarship provides students who complete a Tulsa Tech full time adult career major with the opportunity to attend the "How to Start Your Own Business" series.
  - B. **Superintendent's Scholarship for Academic Success:** This tuition and fee scholarship provides students who meet free and reduced lunch criteria to attend Tulsa Tech's Success Centers.
  - C. **Superintendent's Scholarship for Career Development:** This tuition and fee scholarship provides the opportunity to complete a Tulsa Tech career major to students who have satisfactorily completed Tulsa Tech sponsored programs for at-risk populations and to students who may not necessarily be enrolled in a partner high school but are pursuing academic preparedness through routes other than traditional high school such as credit recovery or GED.
13. **Community Stakeholder Scholarships:** Tulsa Tech also manages scholarship options for adult students in both full-time and part-time that are supported and funded by industry and community stakeholders.

In order to be considered for any scholarship, a student must annually complete the appropriate application. Additional information regarding scholarships may be found at [www.tulsatech.edu](http://www.tulsatech.edu).

Adopted: November 18, 1991  
Revised: June 26, 1995; December 6, 2004;  
June 28, 2010; September 27, 2010;  
December 14, 2015

## **STUDENT ATTENDANCE**

It is the policy of the Board of Education of Tulsa Technology Center School District No. 18 that students be informed of expectations regarding their attendance. Attendance patterns established during school days are a major criteria utilized by employers in evaluating potential employees. Employers on Tulsa Tech advisory committees specify that they need employees who are at work and on time every day. Therefore, students are encouraged to establish a good attendance pattern. Secondary students and parents will be required to sign a form at the beginning of the school year stating they have read and understood the attendance policy and procedures. Adult students will be required to sign a form at the beginning of the school year stating they have read and understood the attendance policy and procedures.

Some career majors have special requirements to meet accreditation and/or licensing standards. These are as follows:

- **Cosmetology**

Secondary students enrolled in the Cosmetology career major must attain a minimum of 1,000 hours of career major classroom/laboratory instruction during the two-year career major before they will be allowed to take the State Board of Cosmetology licensure examination. Secondary students must complete five hundred (500) hours of training during the first year in the career major before they will be allowed to enroll in the second year of the career major. Adult students enrolled in the Cosmetology/Barber career majors must attain a minimum of 1,500 hours of classroom/laboratory instruction before they will be allowed to take the State Board licensure examination.

- **Esthetician**

Adult students enrolled in the Esthetician career major must attain a minimum of 600 hours of classroom/laboratory instruction before they will be allowed to take the State Board licensure examination.

- **Aviation Maintenance Technology**

Students enrolled in the Aviation Maintenance Technology career major are required by FAA regulations to attend 100 percent of the career majors' total number of class hours. All missed class time and work must be made up 100 percent.

## **SECONDARY STUDENT ATTENDANCE PROCEDURES**

Definitions: Certain terms used in this policy shall have the following meanings:

Full-time Student – A student enrolled in a career major for at least 15 hours per week.

Part-time Student – A student enrolled in any course that is not a full-time career major.

### **Student Attendance Records - Maintenance and Storage**

Attendance is recorded daily by the instructor. This information is maintained in a permanent record. Secondary students must have the parent/guardian call the attendance office to report any absences or grant permission for a student to leave class early.

### **Tardies**

A student will be considered tardy if he/she arrives after the starting time of the class. Tardies will be recorded in 15-minute increments. A pattern of excessive tardies may result in disciplinary action.

### **Truancy**

A secondary student is considered to be truant if he/she intentionally fails to comply with the mandatory Oklahoma School Attendance Law. If a student is truant, no makeup work will be allowed, and a grade of zero (0) will be issued for the time the student is truant. Additional disciplinary action may be taken.

### **Leaving Class Early**

Any student who leaves before the scheduled end of class may be considered to be absent for the entire day unless he/she has checked out through the attendance office. Secondary students must have parental/guardian permission. Time missed will be recorded in 15 minute increments.

### **Make-Up Work**

Students are expected to make up the work missed while they were absent. It is the responsibility of the student to contact the instructor and make arrangements to complete the work missed. No penalty will be assessed if the work is made up within two days for each day missed. Make up work shall be meaningful and relevant to the course missed. Some situations may require more time due to the nature of the career major. In these cases, the instructor will set the completion date for the make-up work.

### **Withdrawal from Career Major**

A request to withdraw from class should be initiated through the instructor and the counselor. Secondary students must obtain permission from a parent/guardian to withdraw. Final approval of student withdrawal will be made by Campus Director or his/her designee.

Secondary students may be withdrawn from class upon the request of the student's sending school. Secondary students are automatically withdrawn after 10 consecutive days of absence if there has been no contact with the school by the student or his/her parents.

Secondary students who do not meet minimum career major or certification attendance requirements may be withdrawn from a career major. Withdrawal does not relieve students of obligations related to textbooks, tools, equipment and payment of outstanding fees.

### Operational Procedures for Absences from Full-Time Secondary Career Majors

The absences addressed in the following steps are per semester for career majors operating on a fall/spring semester basis.

The following steps shall be utilized when dealing with student attendance:

Step 1: After the equivalent of nine (9) absences:

- Parent or guardian will be contacted with supporting documentation\
- Administrator schedules conference with student and parent/guardian to
  - place student on attendance probationary contract outlining expectations and consequences
  - or review expectations of previous attendance probationary contract

Step 2: Violation of Probationary Contract:

A student who violates the attendance probationary contract may will be withdrawn from the career major.

### Appeal

If a student is dismissed due to a violation of the attendance policy, the student may appeal the dismissal by following the Student Appeal Process described in the Student Behavior and Discipline Policy and Procedures. A student's failure to abide by the terms of a probation contract is also grounds for student dismissal from the career major.

## **ADULT STUDENT ATTENDANCE PROCEDURES**

Definitions: Certain terms used in this policy shall have the following meanings:

**Full-time Student** – A student enrolled in a career major for at least 15 hours per week. A student receiving financial aid will be required to attend a minimum of 24 clock hours per week.

**Part-time Student** – A student enrolled in any course that is not a full-time career major. A student receiving financial aid will be required to attend a minimum of 12 clock hours per week.

### Student Attendance Records – Maintenance and Storage

Attendance is recorded daily by the instructor. This information is maintained in a permanent record. Adult students must call the attendance office to report any absences or to request permission to leave class early.

### Tardies

A student will be considered tardy if he/she arrives after the starting time of the class. Tardies will be recorded in 15-minute increments. A pattern of excessive tardies may result in disciplinary action.

### Leave of Absence

Adult students may be granted a leave of absence for the following circumstances

- Jury Duty
- Military Duty
- Prolonged illness or injury, including pregnancy or childbirth, (health care provider's release must be provided)
- Bereavement due to the death of: spouse, child, parent, sibling, grandparent, and corresponding relationship by marriage

The duration of the leave will be granted based on the student's circumstances. While reasonable effort will be made to permit the student to continue the student's education, there may be some circumstances in which it is not possible or practical for the student to continue the career major and the student must restart coursework. The final decision in these circumstances is reserved to Tulsa Tech.

Multiple leaves within a 12-month period or leaves longer than 60 days, but not exceeding 180 days, are permissible for jury duty, military reasons, or for circumstances including serious health condition of student; care of a child, spouse, or parent with a serious health condition; pregnancy or childbirth.

A Leave of Absence must be requested in writing to the Director of Student Services, within three (3) business days when the need for such a leave of absence arises. The Leave of Absence Form is available at the Student Services office. The student must state the expected starting date and the expected return date. A Leave of Absence will be approved if there is reasonable expectation that the student will return from the leave and coursework

begun prior to the leave will be completed. If the student does not return by the expected return date, the student will be dropped from the program as of the last date of attendance prior to the leave of absence. A leave of absence will extend a student's expected program completion date; however, no additional charges will be assessed to the student. A financial aid disbursement period will be extended the number of days equal to the number of days of the leave of absence. A student will not be paid for leave of absence.

### Make-Up Work

Students are expected to make up the work missed while they were absent. It is the responsibility of the student to contact the instructor and make arrangements to complete the work missed. No penalty will be assessed if work is made up within two days for each day missed. Make up work shall be meaningful and relevant to the course missed.

Some situations may require more time due to the nature of the career major. In these cases, the instructor will set the completion date for the work.

### Withdrawal from Career Major

Adult students who do not meet minimum career major or certification attendance requirements may be withdrawn from a career major. Withdrawal does not relieve students of obligations related to textbooks, tools, equipment and payment of outstanding fees including funds received from financial aid. Adult students may withdraw from the course at any time by submitting a written request. Adult students will be automatically withdrawn after ten consecutive days of absence if there has been no contact with the school.

### Operational Procedures for Absences from Full-Time Career Majors

The absences addressed in the following steps are per semester for career majors operating on a fall/spring semester basis.

The following steps shall be utilized when dealing student attendance.

Step 1: After the equivalent of nine (9) absences:

- Administrator schedules conference with student to
  - place student on attendance probationary contract outlining expectations and consequences
  - or review expectations of previous attendance probationary contract

Step 2. Violation of Probationary Contract:

A student who violates the attendance probationary contract may be withdrawn from the career major.

### Appeal

If a student is dismissed due to a violation of the attendance policy, he/she may appeal the dismissal by following the Student Appeal Process described in the Student Behavior and Discipline Policy and Procedures. A student's failure to abide by the terms may be cause for student dismissal from the career major.



### **STUDENT DRESS CODE**

It is the policy of the board of education that student attire should reflect the appropriate dress and grooming for the training program in which the student is enrolled. Students are being prepared for employment and should dress appropriately for that employment when attending school or school-sponsored activities, such as CTSO functions/conferences. Tulsa Tech programs are designed to bring the students in contact with prospective employers throughout training and to develop a professional relationship between students and employers.

At all times, students may not dress or behave in any way disruptive to the operation of the school. The following are specifically prohibited:

- Skirts, shorts, culottes, skorts and split or divided skirts with a hemline more than four inches above the knee
- Warm-up and sweat pants, sagging trousers, leotards, cutoffs, pajamas
- Muscle shirts, mesh shirts, midriffs, halters, tank tops, low necklines
- See-through garments, trench coats, clothes with holes
- Clothing displaying writing, pictures of insignias which are suggestive (vulgar), symbolic of drugs, alcohol, tobacco products, sex, gangs or gang colors or anything illegal or immoral
- Sunglasses worn inside the buildings
- Head coverings of any sort worn inside the building, unless advance approval has been granted by the campus director for medical or religious reasons
- Footwear out of compliance with the safety and sanitation requirements of the specific industry
- Visible tattoos displaying writing or pictures which are prohibited in clothing

Students in designated programs will be expected to wear protective and/or industry-specific clothing identified by the instructor or OSHA. Protective clothing includes such items as coveralls, aprons, hard hats, health occupations uniforms, lab coats, welding gloves, steel toed footwear, safety glasses and hearing protection, as required by law or governmental regulations.

Students found in violation of the Student Dress Code will be sent to the appropriate director's office for disciplinary action. Any instructional time missed as a result of removal from class for dress code violations will be unexcused. (Work missed cannot be made up.)

Repeated violations may result in probation or suspension from school.

Reference: Okla. Stat. tit. 70, § 24-100.4

<b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b>	<i>Students</i>  Adopted: November 18, 1991 Revised: June 26, 1995; December 6, 2004; August 13, 2012; January 26, 2015
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**TUITION REFUND**

It is the policy of the Board of Education of Tulsa Technology Center that students who have paid tuition for adult programs be given refunds under conditions stated in established guidelines. This policy applies when a student is dropped from a course/career major. Refunds will be based on the timelines of notification, the length of the course, the amount the student has spent in the course/career major (consumption), and the expense to the District. Non-attendance of classes does not constitute official withdrawal. The student must complete an official withdrawal in order to be eligible for a refund.

<b>TULSA TECHNOLOGY CENTER</b> BOARD OF EDUCATION POLICY	<i>Students</i>  Adopted: December 10, 2012
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**POST MILITARY EDUCATION**

The board of education recognizes that service members acquire knowledge and skills during military duty. Beginning with the 2013-2014 school year, the technology center will award appropriate educational credit in its education programs consistent with the experience earned by military personnel.

In order to be considered for an award of education credit at the technology center, an applicant must have been honorably discharged from the United States Armed Forces within three (3) years from the date of enrollment at the technology center.

The registrar or other employee designated by the superintendent is authorized to meet with the applicant and compare the applicant's education, training and experience with the requirements of the applicant's proposed program of study. The applicant is responsible for supplying the requisite information and records essential to any award of credit. The technology center shall utilize the *Guide to the Evaluation of Educational Experiences in the Armed Services* (published by the American Council on Education) to make this analysis and determine appropriate credit to be awarded. The process of awarding credit for military experience shall be conducted in a manner similar to the review process for transfer of education credits earned at another institution. The decision of the technology center regarding an award of credit is a final decision that is not subject to appeal.

<p><b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b></p>	<p style="text-align: center;"><i>Students</i></p> <p style="text-align: center;">Adopted: November 9, 1992 Revised: May 29, 2007; January 12, 2009; September 27, 2010; October 24, 2016; December 11, 2017; March 26, 2018; October 22, 2018</p>
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**STUDENT GRADES**

It is the policy of the Board of Education of Tulsa Technology Center to issue a grade to each student enrolled according to the grading options for students outlined in the procedures for student grades.

**STUDENT GRADING PROCEDURES**

The purpose of these procedures is to establish written guidelines to implement the Board of Education policy on student grades.

Definitions: Certain terms used in this policy shall have the following meanings:

**Audit Grade Option** – A grading option available to any student who is enrolled in a course for personal development, technical skill refresher, or upgrade.

**Course** – A group of learning objectives centralized on a specific topic that lead to a level of knowledge and skill in a specified subject or program. Courses can be added together to make up program.

**Grading Period** – A predetermined length of time for which instructors issue grades that reflect students’ performance in a course/program.

**Pass/No Pass** – A minimum passing grade is predetermined for a course. A student earning the required minimum grade is issued a Pass (P) grade. A student who does not earn the minimum required grade is issued a No Pass (NP). Minimum passing scores for courses may vary according to outside agency or employer requirements.

**Prerequisite** – Requirements that must be met before enrolling in a course or program.

**Satisfactory Academic Progress** – A student is considered to be making satisfactory academic progress if the student maintains a cumulative 2.0 program grade point average (GPA) or better and the student’s attendance is within limits prescribed in the attendance policy. Satisfactory academic progress may be defined differently in programs or courses for which special grading scales exist to meet state or national certifications or other special requirements. Requirements are defined in the applicable program handbook and/or course syllabi.

**Truant** – A student is considered to be truant if he/she intentionally fails to comply with the Oklahoma School Attendance Law.

## **PROGRAM COURSES**

### **SECTION I. GRADES FOR PROGRAM COURSES**

#### **A. Student Responsibility**

1. In order to receive a grade, it is the student's responsibility to:
  - a. complete course requirements.
  - b. return all school-owned books, tools, and equipment or pay for the same.
  - c. pay all tuition, fees and any other indebtedness.

#### **B. Letter Grades, Grading Scales, and Percentages**

1. The following criteria will be used for the assignment of letter grades, grading scales and percentage grades for students:

A	100-90%
B	89-80%
C	79-70%
D	69-60%
F	59-0%
P/NP	Pass/No Pass
I	(Incomplete)
AU	(Audit)
W	(Withdraw)

2. All gradable events which include, but are not limited to, assignments, performance evaluations, professional skill grades, etc. will be recorded in a district designated electronic gradebook using a point-based system.
3. Grades will be entered in the gradebook in an appropriate time following the gradable event.
4. All course and program grade totals will be calculated in a district designated electronic gradebook on a point-based system. All grades will be calculated by the total points earned out of the total points possible.
5. All grades entered for official transcript grading records and partner school grades will be displayed as a letter grade determined by percentages aligned with the Tulsa Tech district grading scale listed in section 1B(1) of this policy.
6. Percentage scores will be rounded to the nearest whole number. For example: 89.5 rounds up to 90%, whereas 89.4 rounds down to 89%.
7. Some programs may have specific regulatory and/or accreditation requirements for grading. Those requirements will be stated in the program handbook or course syllabi. Citations for the regulatory source will be listed

as well as processes to address student performance when it falls below satisfactory.

C. Incomplete Grades

1. When a grade of Incomplete (I) is issued, the student has up to a maximum of forty-five (45) days from the end of the course grading period to correct the Incomplete grade or the "I" shall be recorded as calculated grade based on total points earned from total points possible.

D. Recording Grades

1. Grades earned are recorded by the instructor in district designated electronic grade book. A copy will be archived at the end of the school year to be kept for a minimum of five years.

SECTION II. CALCULATING STUDENT GRADES FOR PROGRAM COURSES

A. Course Grades

1. Grading patterns are calculated and established by the instructor(s) and may include, but are not limited to:
  - a. Practice of Technical Skills Grades
  - b. Written Work Grades
  - c. Test Grades
  - d. Project Grades
  - e. Work Based Experiences (WBE) Grades
  - f. Distance Education
  - g. Professionalism Assessments
2. Each instructor's grading pattern will be stated in the program handbook and/or course syllabi and may be reviewed by campus director or his/her designee for approval and will be submitted to the campus director or his/her designee prior to the program start date.
3. Instructors will give the students a copy of the program handbook or course syllabi at the beginning of each program or course.
4. Though not specifically graded, there is no intent in this policy to minimize the value of instructional emphasis on students' attitude, attendance, or development of a positive work ethic.

SECTION III. ATTENDANCE IMPACT ON GRADES

A. Arrangements to Complete Work Missed

1. It is the responsibility of the student to contact the instructor and make arrangements to complete work missed.

2. A grade of zero may be entered until the work is made up within the required time frame.
3. No penalty will be assessed if work is made up in the required time frame.
4. The normal time frame is considered to be two (2) days for each day missed. In situations which require more time due to the nature of the program, the instructor is to set the date when make-up work is due.
5. Some programs may have specific regulatory and/or accreditation requirements for grading. Those requirements will be stated in the program handbook or course syllabi. Citations for the regulatory source will be listed as well as processes to address student performance when it falls below satisfactory.

#### SECTION IV. STUDENT PROGRESS

##### A. Student Progress Reports

1. Progress Reports will be issued to all students according to designated dates set by the district registrar.
2. Student Progress Reports may be issued for satisfactory or excellent academic progress.
3. Student Progress Reports may be issued at other times if deemed necessary by the instructor.

##### B. Academic Probation

1. A student not meeting satisfactory academic progress will be notified by a school administrator or his/her designee and placed on probation.
3. A student placed on probation will be given a set time, stated on their probationary contract, to achieve satisfactory academic progress. Failure to achieve satisfactory academic progress may result in removal from the program.

##### C. Failing Grades

1. A secondary student who fails to meet academic progress toward program completion may be dropped from the program and returned to his/her high school.
2. A post-secondary student who receives financial aid and fails to maintain satisfactory academic progress may be disqualified for further financial aid.
3. In programs where requirements by an outside agency exist, criteria for failure of the course(s) are defined in the applicable program handbook and/or course syllabi.

4. Students failing a course within a program may be required to retake and repay (as applicable) for the course in order to successfully complete the program.
5. Requirements for some program's work based experiences (clinical, internships, etc.) designate that the student must pass their clinical course(s) at 80% or better.

D. Reporting Grades

1. Instructors will enter in an appropriate time following the gradable event and/or according to designated dates set by the district registrar.
2. The district registrar will maintain the permanent student records and issue official transcripts.
3. Secondary student semester grades will be sent by the district registrar to each secondary student's high school. Students who successfully pass all courses will receive a certificate of completion which is only issued by the district registrar.
4. Grades and/or progress reports may be issued at the conclusion of each grading period upon request.

**SHORT TERM ADULT CAREER DEVELOPMENT CLASSES**

A. Letter grades, Grading scales, and Percentages.

1. The student must choose the Audit option at the beginning of the course before any testing/grading, and there can be no changes once the class is underway. Students wishing to enter a full-time program must choose the letter grade option. Adjunct teachers of framework courses will go over these options/requirements with students.
2. The options are:
 

A	100-90%
B	89-80%
C	79-70%
D	69-60%
F	59-0%
P/NP	(Pass/No Pass)
I	(Incomplete)
AU	(Audit)
W	(Withdraw)
3. The grade of "I" (Incomplete) will not be used if a student has attended less than fifty percent (50%) of a class, the student status is changed to a "D" with a reason given as "NC" (ACD Non-Completer).

A grade of "W" (Withdraw) will be assigned to students attending more than fifty percent (50%) of a class but not completing.



4. Percentage scores will be rounded to the nearest whole number. For example: 89.5 rounds up to 90%, whereas 89.4 rounds down to 89%.
5. Special grading scales may be used to meet state and national certification, apprenticeship program, or other special requirements.
6. All gradable events which include but are not limited to assignments, performance evaluations, professional skill grades etc. will be recorded in a district designated gradebook and archived both electronically and in the class packet.
7. All grades entered for official transcript grading records will be displayed as letter grades determined by percentages aligned with the Tulsa Tech grading scale listed in Short Term Adult Career Development Classes Section 1A(1).

**B. Reporting Grades**

1. Grades are recorded by the instructor and reported at the end of the course to ACD in alignment with the Tulsa Tech grading scale.
2. The supervisor will direct the entry of grades into the district system.
3. Students may request a transcript from the district registrar.

## **WORK BASED EXPERIENCE**

It is the policy of the technology center to provide structured and meaningful Work Based Experience (WBE) for students. The board recognizes the value of providing students with WBE in addition to the traditional training received in the classroom, laboratory and/or shop setting. Students will participate in on-campus or on-site occupationally-related activities, conjoined with business/industry personnel, when students demonstrate the appropriate level of readiness.

### General Guidelines

The following options are approved for WBE in all programs:

1. **Clinical.** In most cases, a group of students assigned to worksites with the instructor being available on-site.
2. **Cooperative Education.** A paid part-time work experience in which the student is released from school for part of the day.
3. **Enterprise.** A small business operated within the program that replicates a business in the larger community.
4. **Expert in Residence.** An industry expert regularly visits the school to work with students and instructors, and hosts them at worksite (also by on-line visits).
5. **Internship.** An on-the-job training experience that is highly selective and intensive. May require a commitment to additional training beyond high school or subsequent employment at the worksite, which may include mentoring or on-line experience, and service learning.
6. **Integrated Project.** A special project integrating studies/experiences from two (2) or more program areas of the technology center, exploring career directions and connections.
7. **Job Shadowing.** A student "shadows" an employee at a worksite to learn about a particular skill, occupation or industry.

Each student should be given the opportunity to participate in one or more WBEs, with the specific assignments chosen by the instructor and mutually agreed upon by sponsor company and student. In programs that include a WBE as a curriculum unit with a required length, one or more of the seven WBE options may be used (or combined) to satisfy the requirement. WBE activities may be paid or unpaid. The WBE must be directly related to the program competencies for which the student has been trained. The student, instructor

and sponsor company will mutually agree upon the hours of participation of on-site WBE activities. The student, instructor and sponsor company will mutually agree upon the hours of participation of on-site WBE activities. The student must be at least 16 years of age and provide transportation if performing as the only technology center participant in an on-site WBE activity at a sponsor company. Students driving personal vehicles must have a valid driver's license and liability insurance. Drivers transporting students are required to have written permission of ALL parent/guardians of minor age passengers. Minor age drivers must have parent/guardian authorization to transport students. WBE activities may be assigned at any point during the program, with the essential criteria being as follows: (1) the WBE must be appropriate for the student's level of development and competence; and (b) schedules and training plan will be mutually agreeable between student, sponsor company, and the technology center. A student performing as the only technology center participant in an on-site option extending beyond two (2) weeks must have maintained a 90% program attendance. A student performing as the only technology center participant in an on-site option extending beyond two (2) weeks must maintain a minimum grade of "C" prior to participation. A Memorandum of Understanding must be on file signed by student and parent/guardian of minor age student. A WBE Agreement must be on file signed by a representative of the sponsor company.

### Procedures

The instructor and program advisory committee will determine the WBE option(s) that are appropriate with the approval of campus administration. The instructor will verify that WBE Agreements, student/parent/guardian Memorandum of Understanding, and all information forms are on file. The instructor will verify that the sponsor company has been toured by technology center personnel and determined appropriate. The campus director or designee will be notified of the name of student(s) participating in a WBE option, the location, date and time.

### Appraisal

An appraisal will be completed by the student(s) participating in the WBE at the end of the activity or every two (2) weeks for extended options. An appraisal will be completed by a representative of the sponsor company at the end of the activity or every two (2) for extended options. An appraisal will be completed by the instructor at the end of the activity or every two (2) weeks for extended options. The appraisals may be hand-delivered, emailed, faxed or conveyed electronically to the instructor. It is the responsibility of the student to assure the sequence of the above steps is completed. The ratings will be recorded in the instructor's grade book under the appropriate objective and identified as a WBE. The grade will be recorded on the scope and sequence grade sheet under the appropriate course code and identified as a WBE.

**COMPLIANCE WITH SCREENING CRITERIA  
FOR STUDENTS ENROLLED IN  
PROGRAMS REQUIRING SPONSORED WORK BASED EXPERIENCES**

The Tulsa Technology Center Board of Education recognizes the value of providing training where traditional classroom and laboratory training is supplemented with work based experience opportunities. Work based experiences recognized by Tulsa Tech are identified in a separate policy titled *Work Based Experience*. In identifying and offering career major opportunities, preference is given to those career majors where work based experiences, such as clinical and internship experiences, are a required component of the curriculum.

Whenever the required work based experience involves a sponsor company, Tulsa Tech students will comply with all screening criteria of the sponsor company before the student is assigned to the experience. A memorandum of understanding will be executed between Tulsa Tech and the sponsor company enumerating those screening criteria. Tulsa Tech respects the right of the company to develop the screening criteria appropriate for the industry as well as the particular assignment. These companies may require the student complete certain immunizations or pass a drug test in order to be assigned.

Upon enrollment in the program each student will be given the opportunity to accept or decline drug testing and vaccinations. If the student declines to participate in vaccinations or drug testing, the student will be advised that this choice may eliminate the opportunity to complete the work based experience clinical or internship component. Failure to complete this curriculum component will result in an inability to complete the career major.

Testing with regard to the use of alcohol and illegal chemical substances will follow the guidelines established in a separate policy titled *Testing Students with Regard to the Use of Alcohol and Illegal Chemical Substances*. Testing will be scheduled within two weeks of the beginning of the work based experience.

A student who tests positive (or refuses to take the test after signing the consent form upon enrolling in the program) will be deemed not to have made satisfactory academic progress in the program and will be unable to complete the career major.

### **LIVE WORK**

It is the policy of the Board of Education of Tulsa Technology Center that Live Work projects shall be allowed within the instructional programs, as long as the projects are directly related to the instructional objectives.

The term "Live Work" means work performed by School District students as a part of the instructional process. It is also the policy of the Board of Education that Live Work projects will not be performed for Board of Education members, administrators (Superintendent to Assistant Director level) and immediate family members of these individuals with the exception of live work conducted for the purposes of Board of Education approved fund raisers and child care lab.

1. Live Work shall cause no gift of District resources, no conflict of interest to occur, or no use of student labor for profit.
2. No district employee or student shall accept personal monetary compensation from the result of Live Work.
3. The Campus Director or designee shall have final approval of whether a Live Work project will be approved in the instructional program.
4. Live Work is an integral part of the instructional process to assist students in achieving competency in the occupational area and to provide students with "hands on" experience. In order to ensure safe industry practices live work at Tulsa Technology Center is to be conducted under the direction and supervision of an instructor.
5. All Live Work must be accompanied by a district approved Live Work form as verification of the work order requested and include itemized costs for any materials and supplies.
6. Proposals for extensive single or multi-program Live Work projects shall be reviewed and approved by a committee consisting of the instructor(s) involved, the Associate Superintendent, Director, or Assistant Director, and the potential customer(s). A document will be developed and signed by all parties before the start of the proposed Live Work project.

**STUDENT ORGANIZATIONS: SPONSORSHIP AND EQUAL  
ACCESS FOR LIMITED STUDENT FORUMS**

The board of education is committed to the proposition that student participation in student activities and organizations can advance educational goals and otherwise benefit students and that technology center policies should further students' opportunities for participation. Tulsa Tech has established internal procedures which are regularly reviewed and which govern participation in Career and Technical Student Organizations (CTSO) but the board is mindful of the dictates of the United States Constitution and the federal Equal Access Act. This policy is adopted to comply with federal requirements and does not conflict with Tulsa Tech's internal procedures.

School-Sponsored Student Organizations

1. Tulsa Tech may sponsor student organizations that the board determines are in furtherance of and consistent with the educational objectives of Tulsa Tech and directly related to the curriculum ("school-sponsored student organizations").
2. An organization shall be considered to be directly related to Tulsa Tech's curriculum if it is: (1) an extension, expansion, or application of material taught in a class; or (2) part of or an adjunct to student government, carrying out special projects or responsibilities.
3. School-sponsored student organizations shall have a faculty sponsor, whose teaching field, education, background or other expertise is reasonably related to the purpose and goals of the group.
4. Application for technology center sponsorship shall be made by the proposed faculty sponsor and at least 2 students who intend to participate in the organization. Each proposed student organization will submit its membership requirements, organizational structure and provisions of a constitution or other document setting out organizational purpose and structure, subject to approval by the superintendent.
5. After the proposed organization and its constitution have received preliminary approval from the superintendent, the board shall review and approve or disapprove the organization for sponsorship based on the standards set out in this policy and, if requested, on an opinion rendered by Tulsa Tech's legal counsel that the proposed organization meets the standards of this policy.

Independent Student-Organized Groups

6. Tulsa Technology Center shall make facilities available for meetings of independent student-organized groups (that is, student groups that are not officially sponsored by Tulsa Tech as stated in Sections 1-5 above) subject to the following provisions. It is Tulsa Tech's intent to create a limited open forum under the federal Equal Access Act for independent student-organized groups pursuant to this policy.

7. Meetings of independent student-organized groups may be held only during non-instructional time, including before or after school, during lunch hour (if there are no classes being conducted during the lunch hour) or other non-instructional time. No student may attend a meeting when he or she has a scheduled class or is required by school rules or schedules to be elsewhere.
8. All meetings shall be student-initiated and open to all students in the school. All student attendance at independent student-organized group meetings shall be voluntary.
9. No meeting may include any activity that is unlawful or that materially and substantially interferes with the orderly conduct of educational activities within the school.
10. An adult monitor, who may or may not be a school employee, shall be present at all meetings. The school employee shall be present only in the capacity of monitor and may not participate in any form or fashion in the meeting.
11. Independent student-organized groups may invite outside speakers to their meetings, but no non-school persons may direct, control, conduct, or regularly attend meetings.
12. If students wish to meet in independent student-organized groups under this policy, they must file a request to meet with the campus director that lists: 1) the room in which they wish to meet and the time during which they will meet; 2) the name of one student who will serve as the contact between the group and school authorities; and 3) the monitor who will be present. The campus director shall approve a meeting if it meets the requirements of this policy and shall notify the student contact person of his or her approval or, if it does not meet the requirements of this policy, the reasons for disapproval, within two days of receipt of the request to meet. Once permitted to do so, an independent student-organized group may continue meeting for the remainder of the school year, unless it subsequently violates this or any other school policy.
13. In assigning meeting rooms to student organizations, Tulsa Tech shall not arbitrarily discriminate between or among school-sponsored and independent organizations. However, in assigning meeting rooms Tulsa Tech may consider the number of persons expected to attend and the needs of the organization.
14. Meetings of independent student-organized groups may be announced by notices posted on bulletin boards in Tulsa Tech. Such notices may contain only the name of the organization, the date, time and place of the meeting, and a brief identification of the subject of the meeting or a list of agenda items.
15. It is understood that participation in and the content and purposes of independent student-organized group meetings are neither approved nor disapproved by Tulsa Tech. Tulsa Tech is neutral as to the content of these meetings in that Tulsa Tech does not direct or control the student-organized group.

Notice Regarding Student Organizations and  
Parental Right to Withhold Permission to Participate

16. Tulsa Tech shall provide annual notice to parents and guardians about school-sponsored student organizations in the student handbook and on Tulsa Tech's website. The notice shall include at least a list of the names of the clubs or

organizations; their individual missions or purposes; and the names of the faculty advisors.

17. If school-sponsored student organizations are created or formed after the annual notice is distributed, Tulsa Tech shall send supplemental notice through its website or by any other means it deems appropriate. Like the annual notice, the supplemental notice shall specify at least the name of the organization, its mission or purpose and the name of its faculty advisor.
18. Parents and guardians may notify Tulsa Tech that they are withholding permission for their student to join or participate in one or more extracurricular school-sponsored student organizations. However, parents and guardians may not withhold permission for student participation in clubs and organizations that are necessary for a required course of instruction.
19. Parents and guardians are solely responsible for preventing their student from participating in a club or organization for which they have withheld their permission. Parents and guardians are also solely responsible for retrieving their student from attendance at a club or organization for which permission has been withheld.
20. Nothing in this policy prevents a club or organization from meeting when a student who is not authorized to participate is present.
21. Tulsa Tech may, but is not required to provide annual (or supplemental) notice to parents and guardians about independent student-organized groups, as they are not groups directed or controlled by the school. If notice of such groups is provided, the notice shall indicate that the group is an independent student-organized group.



## **NONDISCRIMINATION**

There will be no discrimination in Tulsa Tech because of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age or genetic information in its programs, services, activities and employment. Further, Tulsa Tech provides equal access to the Boy Scouts of America and other designated youth groups. The following individual has been designated to handle inquiries regarding Tulsa Tech's non-discrimination policies:

Pam Winterscheidt  
Chief Human Capital Officer  
Director of Equal Opportunity  
6111 E. Skelly Drive  
P.O. Box 477200  
Tulsa, OK 74147-7200  
(918) 828-5081

The superintendent is also authorized to designate an acting Director of Equal Opportunity if the above-named individual is unable to perform this function.

Assistance from outside Tulsa Tech may be obtained from:

US Department of Education  
Office for Civil Rights  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
(816) 268-0550  
(816) 268-0599 (Fax)  
(877) 521-2172 (TTY)  
Email: OCR.[KansasCity@ed.gov](mailto:KansasCity@ed.gov)

<p style="text-align: center;"><b>TULSA TECHNOLOGY CENTER BOARD OF EDUCATION POLICY</b></p>	<p style="text-align: center;"><i>Discrimination</i></p> <p style="text-align: center;">Adopted: April 26, 1993 Revised: February 7, 2000; September 23, 2002; May 23, 2005; December 14, 2009; December 11, 2017; October 22, 2018; October 28, 2019; October 26, 2020</p>
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**DISCRIMINATION, HARASSMENT, AND RETALIATION**

Tulsa Technology Center is committed to providing all students and employees with a safe and respectful school environment. Both state and federal law specifically prohibit harassment of or by employees and students in connection with the technology center.

Tulsa Tech prohibits discrimination, harassment or retaliation based on real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information. This prohibition applies to students, employees and board members in all aspects of Tulsa Tech’s programs, including during school hours, extracurricular activities, school sponsored events, or outside of school hours if the conduct affects the education or working environment.

Definitions

**“Employee”** for purposes of this policy, includes all technology center employees, board members and volunteers.

**“Student”** refers to any person who is enrolled in any technology center school or program.

**“Discrimination”** means unfair treatment which is based on a person’s real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Examples of discrimination include, but are not limited to: Refusing to consider a person for a position or declining to enroll a student in a program based on legally discriminatory factors. Harassment can be a specific form of legally prohibited discrimination.

**“Harassment”** means repetitive, unwelcome conduct which is based on a person’s real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Examples of harassment include, *but are not limited to*: slurs, epithets, insults, jokes or derogatory comments; verbal or physical abuse; intimidation (physical, verbal or psychological); impeding or blocking a person’s movement; hate speech or actions directed at protected categories or characteristics such as a person’s color, age, religion, or disability; unwelcome touching, crude jokes or pictures, discussions of sexual experiences; teasing related to sexual, racial, age, religious, physical, mental or other characteristics involving protected categories; pressure for sexual activity whether written, verbal or through physical gestures, display or sending of pornographic or other demeaning pictures or objects; obscene or hateful graffiti, and spreading rumors related to a person’s alleged sexual, religious, physical or mental activities. Demeaning comments about a student’s ability to excel in a class historically considered a “man” or “woman’s” subject may also constitute harassment. These descriptions are examples of conduct which may violate the technology center’s policy. In determining whether conduct

harasses another individual the totality of circumstances will be considered, the extent to which an alleged offender knew or should have known that the conduct was unwelcome, and whether the conduct is isolated or persistent—among other factors.

**“Sexual harassment”** is a type of harassment which includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which:

is made an explicit or implicit term or condition of an employee’s employment or a student’s ability to obtain an education; or

is used as a basis for decisions impacting either an employee’s employment or a student’s education; or

has the purpose or effect of unreasonably or substantially interfering with an employee’s work performance or a student’s educational performance, or creating an intimidating, hostile, or offensive environment.

In order to constitute sexual harassment, the conduct at issue must be unwelcome. Sexual conduct between minor students and employees will always be considered unwelcome. Sexual harassment also includes conduct such as rape, sexual assault, stalking, and any other form of sexual violence.

Sexual harassment may occur between persons of the same gender or sex.

Nothing in this policy precludes legitimate, nonsexual physical contact to avoid physical harm to persons or property.

Importantly, sex discrimination and sexual harassment are fully covered by the technology center’s separate policy “Title IX – Sex Discrimination and Sexual Harassment”.

**“Retaliation”** is any negative conduct which is taken in response to an individual’s complaint of harassment or discrimination, or participation in any investigation of a harassment or discrimination complaint.

### Reporting

Students who have been harassed or discriminated against, or who witness such conduct, are encouraged to report the offensive conduct to any teacher, counselor, administrator, or board member.

Employees who witness, suspect or receive a report of harassment or discrimination must immediately report the incident to the appropriate discrimination coordinator or superintendent – even if that report must be made after hours to the coordinator’s or superintendent’s home, cell phone, or email.

Any employee who receives a harassment, discrimination or retaliation report will immediately refer the matter to the appropriate discrimination coordinator or superintendent, unless the superintendent or coordinator is the alleged offender. In such circumstances, the complaint should be referred to a different discrimination coordinator, the board president, or Tulsa Tech’s legal counsel. To ensure impartiality, no person who is the subject of a complaint shall conduct or be involved in any investigation into the improper conduct.

If possible, reports should be made in person and/or in writing, and be signed by the reporting party. However, in order to encourage full, complete and immediate reporting, any person may report such incidents anonymously in writing by mailing the report to the personal attention of the appropriate discrimination coordinator or the superintendent. All reports should state:

- the name of the alleged harasser;
- the person(s) being harassed;
- the nature, context and extent of the prohibited activity;
- the dates of the prohibited activity, and;
- any other information necessary to a full report and investigation of the matter.

Any employee who is subjected to job related sexual harassment is entitled to protection under Title VII of the Civil Rights Act of 1964 and the Oklahoma Anti-Discrimination Act. Individuals may simultaneously report an allegation of this type of misconduct to school officials and to the United States Department of Education Office of Civil Rights, United States Equal Employment Opportunity Commission, the Oklahoma Human Rights Commission, or local law enforcement.

#### Administrative Response

The technology center will promptly, thoroughly and impartially investigate all reports of harassment and discrimination. This process will include:

- A statement from the individual who was allegedly harassed;
- Appropriate and reasonable steps to separate and protect both the alleged victim and alleged harasser pending conclusion of the investigation and necessary remedial action;
- Reasonable updates to the alleged victim of the investigation's progress, subject to federal and state laws and regulations;
- Interviews with the alleged harasser, alleged victim and witnesses; and
- Review of relevant documents or other evidence, including technology center files and records.

Tulsa Tech will review all relevant facts and take into account the totality of the circumstances - including the nature, extent, context and gravity of the activities. At the conclusion of this process, the superintendent, in conjunction with the discrimination coordinator, will issue findings based on the preponderance of the evidence and take appropriate measures, including but not limited to: education, information on available outside resources, training and counseling, transfer, suspension, removal (for adult students) and any other appropriate remedy under the circumstances. Employees may also be terminated for engaging in harassment, discrimination or retaliation.

Confidentiality shall be maintained during and after the investigation to the extent reasonably possible. However, public disclosure of personal or confidential employee information may be made during the course of any suspension, dismissal, non-renewal hearing or resulting litigation.

Complainants may choose to utilize the technology center's "Grievance Procedure for Filing, Processing and Resolving Complaints Alleging Discrimination, Harassment and Retaliation" when seeking to make a formal filing and pursue a formal complaint process. Similarly, complainants asserting sex discrimination and sexual harassment should review and may choose to utilize the technology center's "Title IX – Sex Discrimination and Sexual Harassment" policy and procedures.

## Penalties

Penalties shall be imposed based on the facts taken as a whole and the totality of the circumstances such as the nature, extent, context and gravity of such activities or incidents. Any disciplinary decision will be made as a proportional response to the violation.

Any employee or student engaging in harassment, discrimination or retaliation will be subject to any and all disciplinary action allowed by school policy and Oklahoma law.

**GRIEVANCE PROCEDURE FOR  
FILING, PROCESSING AND RESOLVING COMPLAINTS ALLEGING  
DISCRIMINATION, HARASSMENT, AND RETALIATION**

This Grievance Procedure is applicable to complaints of discrimination involving race, color, national origin, religion, disability, veteran status, age or genetic information. It is not applicable to sex discrimination or sexual harassment and, complaints related to these areas are addressed by Tulsa Tech's policy *Title IX—Sex Discrimination and Sexual Harassment*.

Definitions

Complaint: A written or verbal complaint alleging any action, policy, procedure or practice that discriminates on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment and retaliation).

Grievant: Any person enrolled in or employed by the technology center or a parent/guardian of a minor student, or member of the public who submits a complaint alleging discrimination based on race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment or retaliation). For purposes of this policy, a parent or guardian's complaint or grievance shall be handled in the same manner as a minor student's complaint.

Coordinator(s): The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act and any other state and federal laws addressing equal educational opportunity. The Coordinator under Title VI, IX, Section 504/Title II and the Age Act is responsible for processing complaints. The Coordinator of each statutory scheme may be the same person or different persons, but each coordinator will receive relevant training in order to perform his/her duties. Grievances filed pursuant to the technology center's Title IX policy are subject to the Title IX complaint process.

Section 504/Title II Coordinator (for questions or complaints based on disability)

Tulsa Technology Center  
Attention: Michele Metcalf  
Assistant Director, Student Services  
P.O. Box 477200  
Tulsa, OK 74147  
[michelle.metcalf@tulsatech.edu](mailto:michelle.metcalf@tulsatech.edu)

Title VI Coordinator (for questions or complaints based on race, color and national origin)

Tulsa Technology Center  
Attention: Pam Winterscheidt

Chief Human Capital Officer  
P.O. Box 477200  
Tulsa, OK 74147  
[pam.winterscheidt@tulsatech.edu](mailto:pam.winterscheidt@tulsatech.edu)

Title IX Coordinator (for questions or complaints based on sex, pregnancy, gender, gender expression or identity)

Tulsa Technology Center  
Attention: Pam Winterscheidt  
Chief Human Capital Officer  
P.O. Box 477200  
Tulsa, OK 74147  
[pam.winterscheidt@tulsatech.edu](mailto:pam.winterscheidt@tulsatech.edu)

Age Act Coordinator (for questions or complaints based on age)

Tulsa Technology Center  
Attention: Pam Winterscheidt  
Chief Human Capital Officer  
P.O. Box 477200  
Tulsa, OK 74147  
[pam.winterscheidt@tulsatech.edu](mailto:pam.winterscheidt@tulsatech.edu)

Any individual who has experienced some other form of discrimination, including discrimination not listed above, may contact:

Tulsa Technology Center  
Attention: Pam Winterscheidt  
Chief Human Capital Officer  
P.O. Box 477200  
Tulsa, OK 74147  
[pam.winterscheidt@tulsatech.edu](mailto:pam.winterscheidt@tulsatech.edu)

**Respondent:** The person alleged to be responsible for the alleged discrimination contained in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

**Day:** Day means a working day when the technology center's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

### **Pre-Filing Procedures**

Prior to the filing of a written complaint, the student or employee is encouraged to visit with the campus director or the technology center's ADA, Title VI and VII or 504 Coordinator, as applicable, and reasonable effort should be made at this level to resolve the problem or complaint.

### **Filing, Investigation, Hearing and Review Procedures**

The Grievant submits a written or verbal complaint to one of the Coordinators, as applicable, stating the basis, nature and date of the alleged discrimination, harassment or retaliation, the names of persons responsible (where known) and requested action. If the applicable Coordinator is the person alleged to have committed the discriminatory act(s), then the complaint should be submitted to the superintendent for assignment. Complaint forms are available from the offices of the technology center's Coordinators.

The responsible Coordinator conducts a complete and impartial investigation within 10 days of receiving the complaint, to the extent reasonably possible, which shall include but not be limited to, interviewing the Grievant and any witnesses, review of documents and interviewing the Respondent. The Coordinator will ask the Respondent to (a) confirm or deny facts; (b) indicate acceptance or rejection of the Grievant's requested action; and (c) outline alternatives.

The Coordinator will not delay the investigation of the discrimination complaint, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations, and the Coordinator will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by the technology center's grievance policy. However, a simultaneous investigation by law enforcement may limit or in some instances make it impossible to proceed with the district's investigation. Under no circumstances will the district impede or obstruct a criminal investigation.

As to complaints of discrimination by students, parents/guardians of minors, and school employees, the Coordinator will disclose the complaint, the identity of the Grievant and information regarding the person who allegedly committed the discriminatory act only to the extent necessary to fully investigate the complaint and only when the disclosure is required or permitted by law. If the Grievant wishes to remain anonymous, the Coordinator will advise the Grievant that such confidentiality may limit the technology center's ability to fully respond to the complaint. If the Grievant asks to remain anonymous, the Coordinator will still proceed with the investigation.

Within 5 days after completing the investigation, the applicable Coordinator will issue a written decision to the Grievant and Respondent. The report will include (a) a summary of facts, (b) an analysis of the appropriate legal standards applied to the facts, and (c) findings regarding whether the alleged discrimination occurred. If a finding is made that discrimination occurred, the Coordinator's report shall also contain (a) recommended interim and permanent steps, including examples of the range of possible disciplinary sanctions and remedies available to address the discriminatory effects on the grievant and other, necessary to eliminate the discrimination, prevent its reoccurrence, and remedy its effects, as well as (b) the resources, including medical and counseling resources, that are available to students and witnesses. The decision will be based on a preponderance of evidence standard (i.e., it is more likely than not that the alleged discrimination occurred).

If the Grievant or Respondent is not satisfied with the decision, he or she must notify the applicable Coordinator, in writing, within 5 days and request an appeal to the superintendent. The written appeal shall contain a specific statement explaining the basis for the appeal.

Within 5 days after receiving the appeal request, the applicable Coordinator will refer the matter to the superintendent for a hearing. The Grievant and Respondent will be afforded similar rights (i.e., timely access to information that will be used at the hearing, opportunity to present his or her side of the story, presentation of character witnesses, review of party statements). If the superintendent is the person alleged to have committed the discriminatory act(s), then a different decision maker will be appointed to maintain impartiality. The Coordinator will schedule the hearing with the Grievant, the Respondent and the superintendent. Advanced written notice of the hearing will be provided to both the Grievant and Respondent so as to provide each reasonable time to prepare for such hearing. The hearing will be conducted within 10 days after the Coordinator refers the matter to the superintendent for hearing.

The superintendent will review the information collected through the investigation and may ask for



additional oral or written evidence from the parties and any other individual he or she deems relevant. The applicable Coordinator will make arrangements to audiotape any oral evidence presented.

Within 5 days after completing the investigation the superintendent will issue a written decision to the Grievant and Respondent.

If the Grievant or Respondent is not happy with the decision, he or she must notify the superintendent, in writing, within 5 days, and request an appeal. The written appeal shall contain a specific statement explaining the basis of the appeal.

The superintendent will notify the board of education, in writing, within 5 days after receiving the appeal. Within 30 days from the date of notification to the board of education the board will designate an impartial hearing officer to oversee the appeal. The hearing officer will act as an appellate official by reviewing the decisions and the evidence presented below, holding a hearing within 10 days to consider any additional evidence the parties may wish to present. The hearing officer will make arrangements to audiotape any oral evidence presented. The hearing officer will issue a written decision within 5 days of the hearing to both Grievant and Respondent. The decision of the hearing officer is a final decision.

### General Provisions

Duty of Technology Center Employees to Report Alleged Discrimination: Technology center employees, supervisors and administrators are required to immediately report any complaints, reports, observations, or other information of alleged discrimination, including harassment and retaliation, to the designated Coordinator, even if that technology center employee is investigating the alleged discrimination as part of the technology center's student or employee disciplinary process, and provide the Complainant with information for filing a complaint form if requested, and contact information for the technology center's designated Coordinator. If the technology center is using its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the technology center's standards for a prompt and equitable grievance procedure.

Extension of Time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date the complaint is filed until the board of education issues a final decision shall be no more than 120 days.

Access to Regulations: Upon request, the Coordinator shall provide copies of any policies prohibiting discrimination on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Confidentiality of Records: Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the technology center. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.

Representation: The Grievant and the Respondent may have a representative assist them through the grievance process and accompany them to any hearing.

Corrective Action: After all facts and circumstances are reviewed, the technology center shall take any and all disciplinary actions to prevent further harassment or discrimination. Possible disciplinary or remedial actions include, but are not limited to: education, training and counseling, transfer, and/or suspension of a secondary student, expulsion of an adult student, and education, training, counseling, transfer, suspension and/or termination of an employee.

Retaliation: The technology center prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the technology center's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The technology center will take steps to prevent the alleged perpetrator or anyone else at the technology center from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the technology center will take strong responsive action.

Basis of Decision: At each step in the grievance procedure, the decision maker will take or recommend the taking of appropriate measures based on the facts, as revealed by the investigation and hearing, taken as a whole, and the totality of the circumstances, such as the nature, extent, context and gravity of the activities or incidents. Any disciplinary decision will be made as a proportional response to the violation.

Designees: The designation of a technology center official responsible for prescribed actions shall automatically include the official's designee in instances where an official is unable, unavailable or it appears that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The designee shall have the same authority as the official in matters involving this policy and the duties it imposes.

Section 504 Due Process Procedures: For information concerning the impartial hearing and review procedures under Section 504, the Grievant should contact:

Tulsa Technology Center  
Attention: Michelle Metcalf  
Assistant Director, Student Services  
P.O. Box 477200  
Tulsa, OK 74147  
[michelle.metcalf@tulsatech.edu](mailto:michelle.metcalf@tulsatech.edu)

Notice: The technology center will notify all students, parents or guardians, members of the public and employees of the name, office and telephone number of each Coordinator and this Grievance Procedure in writing via school publications and/or postings at each campus to which employees or students are assigned.

Outside Assistance: Individuals may also file complaints alleging discrimination, harassment or retaliation with the Office of Civil Rights. The OCR may be contacted at:

U.S. Department of Education  
Office for Civil Rights  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
(816) 268-0550  
(816) 268-0599 (Fax)  
(877) 521-2172 (TTY)  
E-mail: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

**DISCRIMINATION GRIEVANCE COMPLAINT FORM**

Print Name and Address of Charging Party (Grievant):

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Date: \_\_\_\_\_

Phone numbers where Grievant may be reached:

Home: \_\_\_\_\_ Office: \_\_\_\_\_

Cell: \_\_\_\_\_ Other: \_\_\_\_\_

Statement of grievance (please provide as detailed a statement as is possible and attach supplemental pages so that we may have a complete understanding of your concerns):

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Please identify any documents or other materials which support your grievance. If documents or materials are in your possession, please attach copies to this grievance. If documents are not in your possession, please indicate where they are located.

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Please identify what action or relief you are seeking as a result of this grievance.

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\_\_\_\_\_  
Signature of Grievant

If, as a result of a disability, you need assistance in completing this form, please contact Tulsa Tech's ADA Coordinator or superintendent for assistance or accommodation.

## **DISABILITY ACCOMMODATIONS**

It is the policy of the board of education to take reasonable steps to accommodate our employees, patrons and students with disabilities.

Employment opportunities will not be withheld from any qualified person solely because of a known disability. Tulsa Tech will make reasonable accommodations to the known physical or mental limitations of a qualified person, unless it can be shown that the accommodation would impose an undue hardship on the operation of this technology center.

For the purposes of this policy, the term “reasonable accommodation” may include making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and job restructuring, part-time or modified work schedules, re-assignment to a vacant position, acquisition or modification of equipment, modifications or examinations and training, the provision of qualified readers and other similar and reasonable accommodation.

### Plan for Assessing Undue Hardship

Tulsa Tech is not required to provide an accommodation if it will impose an undue hardship on the operation of its business. Undue hardship is defined by the Americans with Disabilities Act ("ADA") as an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

Tulsa Tech will evaluate and determine whether a particular accommodation will impose an undue hardship on a case-by-case basis. The factors to be considered are as follows:

1. The nature and cost of the accommodation needed.
2. The financial resources of the facility making the accommodation, the number of employees, at the facility, and the effect on expenses and resources of the facility.
3. The overall financial resources, size, number of employees, and type and location of facilities of the entity covered by the ADA.
4. The operation of Tulsa Tech including the structure and functions of the work force, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the larger entity.
5. The impact of the accommodation on the operation of the facility that is making the accommodation.

Each of the related factors will be considered in determining whether an accommodation will pose an undue hardship. The ADA compliance officer will investigate the accommodations under consideration and will issue a report examining the accommodations in view of the factors listed.

## **SERVICE ANIMALS**

### Purpose

The purpose of this policy is to establish procedures for the use of service animals in the technology center, including school buildings, school vehicles and other school property.

### Policy

The technology center acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a service animal in its facilities and programs and intends to comply with all state and federal laws, rules and regulations regarding the use of service animals by technology center employees, students and visitors with disabilities.

The technology center does **not** allow the following types of animals in its facilities and programs unless specifically authorized by the technology center's board of education:

1. "Emotional support animal" meaning an animal selected to reside with an individual with a disability that does not work or perform tasks for the benefit of an individual with a disability and does not accompany at all times an individual with a disability; and
2. "Therapy animal" meaning a personal pet who is certified to make therapeutic visits with a trained volunteer to places including, but not limited to, nursing facilities, schools and hospitals to bring therapeutic benefit, comfort and cheer to others.

The technology center will post in a conspicuous location outside the entrances of each of its facilities a sign stating which animals or types of animals are prohibited in its facilities and programs. The sign must also state that service animals are permitted.

### Definitions

"Service animal" is defined by the Americans with Disabilities Act (ADA) as any service dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability. Service animals are limited to the animals defined under the ADA and do not include any other species of animal, wild or domestic, trained or untrained. Service animals do not include an animal used or relied upon for crime deterrence, emotional support, well-being, comfort, or companionship.

"Employee" is defined as a person who is employed by the technology center on a part-time or full-time basis, with or without compensation, and elected or appointed members of the technology center's board of education.

"Student" means a child who is currently enrolled at the technology center, and includes the parents and guardians of a child who is (a) under the age of 18, or (b) otherwise unable to manage their own affairs.

“Visitor” means an individual other than an employee or student who is present in areas of technology center property that have been made available by the technology center to the general public and/or specified members of the public, including, but not limited to family members of students/employees and individuals attending a public event held on technology center property.

“Service animal trainer” means an individual who is affiliated with a recognized service animal training organization and who is engaged in the training a dog to do work or perform tasks as a service animal at the time such individual is present on district property.

“Service animal in training” means a dog that is in the process of being trained by a service animal trainer to perform work or tasks that would qualify the dog as a service animal under this policy at the time the dog is present on district property.

#### Procedures/Requirements for Employees and Students

The use of service animals by employees and students with disabilities is subject to the following procedures and requirements:

- A. The employee or student will submit a notification of the intent to use a service animal to the technology center's Special Services Advisor. The notification will identify whether the service animal is required because of the person's disability, and, if so, identify and describe the manner in which the service animal will meet the individual's particular need(s).
- B. Notifications for the use of service animals on technology center property by an employee or student will, whenever possible, be made at least one week prior to the proposed use of the service animal.
- C. As part of the technology center's consideration of the use of a service animal, the technology center may require certification of proper vaccinations verified by a veterinarian.
- D. The technology center's review of use of a service animal may include consideration of a student's IEP or Section 504 records. The technology center may also request a meeting with the employee or student.
- E. The use of a service animal on technology center property may be subject to a plan that introduces the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by the technology center. The technology center's approval of the use of a service animal on technology center property is subject to periodic review, revision, or revocation by technology center administration.
- F. It is the responsibility of the employee or student who uses a service animal pursuant to this policy to serve as the handler or arrange for a third-party handler to provide proper handling of the service animal. Any cost incurred to handle the service animal will be the responsibility of the employee or student who uses the service animal.
- G. Service animals will be allowed in technology center vehicles when:
  1. The inclusion of the service animal is documented as required on technology center transportation forms; and

2. The service animal is under the control of the handler at all times, including entering and exiting the vehicle.

#### Procedures/Requirements for Visitors

The use of service animals by visitors with disabilities is subject to the following procedures and requirements:

- A. When a visitor seeks to bring a service animal onto school property, staff may ask the visitor to provide the following information in order to confirm that the animal qualifies as a service animal under this policy:

1. Whether the visitor's animal is a service animal required because of a disability.
2. The work or task the visitor's animal has been trained to perform.

Staff shall not question visitors regarding their use of a service animal except as set forth above. Staff shall not inquire as to the nature of the visitor's disability, request documentation regarding a visitor's service animal, or request that the service animal demonstrate the work/task it has been trained to perform.

- B. Except as provided in this policy, visitors with disabilities shall be permitted to be accompanied by their service animals in all areas of school facilities where similarly situated non-disabled visitors are permitted to be present.
- C. Visitors shall not be allowed to bring a service animal into an area of school property where the presence of the service animal would pose a risk to the health or safety of others.
- D. When a visitor requires accommodations to be made to technology center policies, practices or procedure to allow a service animal to accompany the visitor on school property, the visitor must, whenever possible, provide prior written notice to Special Services Advisor no later than one (1) week before the service animal will be present on technology center property.

#### Procedures/Requirements for Service Animal Trainers

The use of district facilities for service animal training activities is governed by the following procedures and requirements:

- A. A service animal trainer shall be permitted to bring a service animal in training onto district property for the purpose of training the dog to perform such work or tasks at such times when other similarly situated members of the general public are permitted to be present on district property.
- B. When present on school property, a service animal trainer shall be permitted to bring a service animal in training to those areas of school facilities where similarly situated members of the public are permitted to be present.
- C. Service animal trainers shall not be allowed to bring a service animal in training into an area of district property where the presence of the animal would pose a risk to the health or safety of others.

- D. Service animal trainers may be required to provide appropriate documentation showing that the service animal trainer is affiliated with a recognized service animal training organization prior to engaging in training activities on district property.
- E. If a service animal trainer seeks to bring a service animal in training onto district property during an event which members of the public are charged a fee to attend, the service animal trainer may be required to pay the same fee as other similarly situated members of the public, but shall not be required to pay any additional fees or charges due to the presence of the service animal in training.
- F. Except as provided in this policy or pursuant to a written agreement between the district and a service animal training organization which has been approved by the Board of Education, no individual shall be permitted to bring animals which are being trained as service animals onto district property.

Control and Supervision of Service Animals and Service Animals in Training

- A. The owner/handler of a service animal or service animal in training must be in full control of the animal at all times.
- B. Service animals and service animals in training must always be on a leash or other form of restraint mechanism, unless impracticable or unfeasible due to the disability of the employee, student or visitor.
- C. The responsibility for the care and supervision of the service animal/service animal in training rests solely on the employee, student, visitor or service animal trainer. The technology center is not responsible for providing any staff member to walk the animal or provide any other care or assistance to the animal. Issues related to the care and supervision of service animals and/or service animals in training will be addressed on a case-by-case basis in the discretion of the building administrator.
- D. Pursuant to federal law, the technology center retains discretion to exclude or remove a service animal or service animal in training from technology center property and/or transportation if:
  - 1. The service animal or service animal in training is out of control and/or the animal's handler does not effectively control its behavior;
  - 2. The service animal or service animal in training is not housebroken;
  - 3. The service animal or service animal in training poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications; or,
  - 4. Permitting the service animal or service animal in training would fundamentally alter the nature of the service, program, or activity.

Miniature Horses

- A. The technology center will make reasonable modifications in policies, practices, or procedures to accommodate a miniature horse that qualifies as a service animal under this policy and the ADA, but doing so may not be possible in all circumstances.
- B. In determining whether it is feasible to allow a student, employee or visitor to be accompanied by a miniature horse that qualifies as a service animal in a specific technology center facility, the technology center will consider:



1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in the specific facility compromises legitimate safety requirements that are necessary for safe operation.

### Liability

An employee, student, visitor or service animal trainer accompanied by a service animal or service animal in training will be responsible for any damage to technology center or personal property and any injuries to individuals caused by the animal. Individuals who use a service animal or service animal in training on technology center property will hold the technology center harmless and indemnify the technology center from any such damages.

### Appeals and Grievances

Any person dissatisfied with a decision concerning a service animal or service animal in training can file a grievance, using the technology center's grievance procedures.

### Requirements for Service Animals and Service Animals in Training

**Vaccination:** Service animals or service animals in training must be immunized against diseases common to that type of animal. [Okla. Admin. Code 310:599-3-9.1] All vaccinations must be current. Dogs must wear a rabies vaccination tag.

**Licensing:** All service animals and service animals in training must be licensed as may be required by state and/or local law.

**Identification:** It is recommended, but not required, that service animals and/or service animals in training have proper identification.

**Owner ID and Other Tags:** Dogs may be required to wear a current dog license and rabies-vaccination tag, unless the dog is permanently and uniquely identified with a microchip implant or tattoo.

**Collar:** A service dog used by a person who is deaf or hard-of-hearing must wear an orange identifying collar. [Okla. Stat. tit. 7, § 19.1(C)]

**Cleanup Rule:** The handler of the service animal/service animal in training, whether it be the employee, student or a third party, must clean up after the animal defecates or urinates, as well as follow any municipal ordinance applicable thereto.

**Grooming:** All service animals or service animals in training must be treated for, and kept free of, fleas and ticks. All service animals or service animals in training must be kept clean and groomed to avoid shedding and dander.

Reference: 28 C.F.R. Part 36; OKLA. STAT. tit. 4, § 801; OKLA. STAT. tit. 7, § 19.1

**TITLE IX—SEX DISCRIMINATION AND SEXUAL  
HARASSMENT**

**Policy and Purpose**

Tulsa Technology Center will address all incidents of sex discrimination and sexual harassment reported to the technology center’s Title IX Coordinator in compliance with Title IX of the Education Amendments of 1972, as amended. The Title IX Coordinator Pam Winterscheidt, Chief Human Capital Officer is located in the technology center’s Administration Building, 6111 East Skelly Drive, P.O. Box 477200, Tulsa, OK 74147-7200, phone number 918-828-5081, or email [pam.winterscheidt@tulsatech.edu](mailto:pam.winterscheidt@tulsatech.edu).

This policy informs all students and all technology center employees of policies and procedures regarding sex discrimination and sexual harassment to which all students, instructional staff, and non-instructional personnel are expected to adhere. In addition, comprehensive information is provided regarding the reporting of sex discrimination and sexual harassment and avenues to seek immediate assistance.

The technology center seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies and procedures aimed at providing protection against sex discrimination and harassment. To that end, the technology center condemns discrimination in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, dating violence, and stalking. Notice of sex discrimination or a sexual harassment incident to the technology center’s Title IX Coordinator charges the technology center with actual knowledge and triggers its response obligations.

**Scope of the Policy**

The technology center must respond when sex discrimination and harassment occur in the district’s education programs or activities. Education programs and activities include locations, events, or circumstances in which the technology center exercises substantial control over both the respondent and the context in which the discrimination or harassment occurred. Title IX applies to all of the technology center’s education programs or activities, whether such programs or activities occur on-campus or off-campus, including online instruction.

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reports may be made in person, by USPS mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

Individuals are responsible for immediately reporting any knowledge or information concerning sexual harassment to the technology center’s Title IX Coordinator. The technology center encourages victims of sexual harassment to talk with a counselor. Different employees within the scope of technology center’s resources have different abilities to maintain a victim’s confidentiality.

- **Counselors** are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Disclosures to these employees will not trigger an investigation into an incident against the complainant’s wishes.
- Technology center **Employees** are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX Coordinator. A report to technology center employees (called “responsible employees”) constitutes a report to technology center and places technology center on notice to take appropriate steps to address the situation.

This policy also applies to retaliation by technology center or any person against any other person for the purpose of interfering with Title IX rights, or because the person has participated or refused to participate in any manner in a proceeding under Title IX that is prohibited.

### **Assistance Following an Incident of Sexual Harassment**

- **Immediate Assistance:**  
Persons who have complaints of sexual harassment may file their complaints with the Title IX Pam Winterscheidt, Chief Human Capital Officer is located in the technology center’s Administration Building, 6111 East Skelly Drive, P.O. Box 477200, Tulsa, OK 74147-7200, phone number 918-828-5081, or email pam.winterscheidt@tulsatech.edu.

Victims of sexual violence should get to a place of safety and call Police. Obtain necessary medical treatment; time is a critical factor for evidence collection and preservation. An assault should be reported directly to a law enforcement officer, and technology center officials will assist in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a victim of sexual violence receives the necessary medical treatment and tests, at no expense to the complainant to the extent provided for by Oklahoma law, and provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.

**COMPLAINANT OR WITNESS: CALL POLICE 911 FOR IMMEDIATE ASSISTANCE.**

- **Ongoing Assistance:**  
In order to ensure the safety and well-being of the complainant, technology center may take interim measures such as changing academic schedules, extracurricular activity modifications, addressing transportation issues, withdraw from/retake a class without penalty, academic support (e.g., tutoring), leave of absence, counseling, campus escort services, distance learning arrangements, work schedule modifications, or similar measures. In addition, while an investigation is pending, technology center may initiate a “no contact order” between the parties that carries a sanction of short- or long-term suspension (for secondary students) or removal (for adult students) if violated. The technology center offers internal counseling options. Technology center officials and representatives are available to facilitate access to support services. Several service organizations in Oklahoma have provided telephone numbers and made available other services for students, staff and campus community members. Technology center will assist any interested person, needing assistance, in contacting these agencies.
- **Statewide Support Services:**

Oklahoma Safeline - 1-800-522-7233 (SAFE)  
Oklahoma Safeline - Oklahoma City Metro Area - 405-522-7233 (SAFE)  
National Domestic Violence Hotline - 1-800-799-7233 (SAFE)  
Rape, Abuse & Incest National Network Hotline - 1-800-656-4673 (HOPE)  
Communication Services for the Deaf (TTY) - 1-800-252-1017 (TTY)  
Communication Services for the Deaf (Voice) - 1-866-845-7445 (Voice)  
Oklahoma Coalition Against Domestic Violence/Sexual Assault 405-524-0700 (M-F/9-5)

- Local Support Services

Domestic Violence Intervention Services, Inc. - (DVIS) # 918-585-3143  
Tulsa Area Rape/Helpline - 918-744-RAPE (7273)

### **Title IX Coordinator and Staff**

- Title IX Coordinator has primary responsibility for overseeing the process of coordinating technology center's compliance efforts, receiving complaints, investigations, hearing, sanctions, appeals, and education and training associated with this policy. To file a complaint or submit questions concerning actions governed by this policy contact the Title IX Coordinator.

Deputy Title IX Officers have the secondary responsibility and assist with the duties of the Title IX Coordinator. Deputy Title IX Officers include: Dr. Joyce McClellan, Chief Development and Diversity Officer is located in the technology center's Administration Building, 6111 East Skelly Drive, P.O. Box 477200, Tulsa, OK 74147-7200, phone number 918-828-5003, or email [joyce.mcclellan@tulsatech.edu](mailto:joyce.mcclellan@tulsatech.edu).

- Title IX Investigators may include but not be limited to technology center administration. The primary responsibility of the investigator relates to formal complaints. The investigator is to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX training.
- Title IX Hearing Officer (decision-maker) may include a technology center administrator, legal counsel or specially designated officer. The primary responsibility of the hearing officer is to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Hearing Officers will receive appropriate Title IX training.

### **Definitions**

The technology center defines sex discrimination and sexual harassment broadly to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect:

1. Any instance of quid pro quo harassment by a district's employee;
2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; and
3. Any instance of sexual assault, dating violence, domestic violence, or stalking as defined by Federal law.

Offenses prohibited under the technology center's policy include, but are not limited to: sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), sexual harassment, sexual violence to include non consensual sexual contact, non consensual sexual intercourse, sexual coercion, domestic/dating violence, stalking, and sexual exploitation.

- A. Sex Discrimination: includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their education or employment, or school-related benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.
- B. Sexual Harassment: is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students, vendors and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any technology center employee. Technology center employees who witness or learn of such conduct are required to report it to the Title IX Coordinator.
1. Hostile Environment: Sexual harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to the following:
    - The frequency of the conduct;
    - The nature and severity of the conduct;
    - Whether the conduct was physically threatening;
    - Whether the conduct was deliberate, repeated humiliation based upon sex;
    - The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
    - Whether the conduct was directed at more than one person;
    - Whether the conduct arose in the context of other discriminatory conduct;
    - Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
    - Whether the speech or conduct deserves constitutional protections.
  2. Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant engage in the following behaviors:
    - Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
    - Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or technology center activity or benefit is conditioned upon the complainant's submission to such activity.

Examples of Harassment are included in technology center's Districts sexual misconduct, discrimination, harassment, and violence education program. The program will be delivered to students and staff annually and as needed by request.

- C. Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by district

employees, other students, or third parties.

1. Nonconsensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.
2. Nonconsensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.
  - a) Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
3. Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.
4. Dating Violence is violence between individuals:
  - The party is or has been in a social relationship of a romantic or intimate nature with the victim;
  - The existence of such a relationship shall be determined based on a consideration of the following factors:
    - Length of the relationship
    - Type of relationship
    - Frequency of interaction between the persons involved in the relationship
- D. Advisor - a person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the student's choosing, including but not limited to a technology center faculty or staff member, a friend or an attorney.
- E. Complainant - an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- F. Respondent – an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.
- G. Formal complaint – a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation(s) of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g., the accused, witnesses) and sufficient details to make a determination regarding basic

elements of the formal complaint process.

- H. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.
- I. Supportive measures - individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

## **Consent**

Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and the absence of “No” may not mean “Yes”.

- A. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
- B. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- C. Previous relationships or consent does not imply consent to future sexual acts.
- D. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
- E. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is not consent. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know that another is incapacitated include, but are not limited to the following:

- The amount of alcohol, medication or drugs consumed,
  - Imbalance or stumbling,
  - Slurred speech,
  - Lack of consciousness or inability to control bodily functions or movements, or vomiting, or
  - Mental disability or incapacity.
- F. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

## **Reporting**

- A. Mandatory Reporting

All technology center employees are responsible for taking all appropriate actions to prevent sex

discrimination or sexual harassment, to correct it when it occurs, and must promptly report it to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All technology center employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator. The only exception to the mandatory duty to report is a licensed counselor for whom the report is considered a privileged exchange.

#### B. Confidential Reporting

Resources are available through staff and counselors. Victims' advocates are available to speak with any person who wishes to report an incident and remain anonymous. All forms of sexual harassment should be reported, no matter the severity. In addition, the technology center should be made aware of possible threats to the campus community in order to issue timely warnings.

#### C. Reporting to the Police

The technology center strongly encourages anyone to report sexual violence and any other criminal offenses to the police. This does not commit a person to prosecution, but will allow the gathering of information and evidence. The information and evidence gathered preserve future options regarding criminal prosecution, technology center disciplinary actions and/or civil actions against the respondent.

- If the incident happened on campus, it can be reported to the technology center's SRO or SRO Officer at 918-828-1190, or an officer of the Police Department at 911. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred. Please know that the information you report can be helpful in supporting other reports and/or preventing further incidents.
- Reporting for Faculty and Staff (Non-Student) Instances: Faculty and staff shall report any instances of sexual harassment by another faculty or staff member to the Title IX Coordinator. As stated above, the technology center also strongly encourages reporting any instances to the police.
- Employee Obligation to Report (Student Instances): In compliance with Title IX, employees who become aware of a student instance of sexual harassment shall immediately report such instance to the Title IX Coordinator, including the name(s) of the persons involved.

#### D. Student Reporting

Students shall report any instances of sex discrimination or sexual harassment to any technology center employee and/or the Title IX Coordinator. Only victims or their parents or guardians can file a formal complaint of sexual harassment. A complaint should be filed as soon as possible. If either the complainant or the respondent is a student, the incident will be addressed through the Title IX process. The report can be made in person, by phone, mail, or email using the contact information listed for the Title IX Coordinator or by any other means that result in the Coordinator receiving the report. The report can be made any time, even during non-business hours.

After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes with respect to whether the technology center investigates will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the



known circumstances.

The technology center will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sexual harassment has occurred. In some instances, the technology center may implement an emergency removal of a student when a safety and risk analysis indicate that an imminent threat exists to the physical health or safety of a party. A party subject to an emergency removal shall have an opportunity to challenge the decision immediately following the removal. An employee may be placed on administrative leave or suspended during the pendency of the grievance process. Periodic updates on the status of the investigation will be provided to the complainant. If the school determines that sexual violence occurred, the technology center will continue to take steps to protect the complainant and ensure safety at school or related activities. The technology center will provide the complainant with available resources, such as victim advocacy, academic support, counseling, disability services, health and mental health services, and assistance in reporting a crime to local law enforcement.

### **Written Notice of Complaint**

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. Written notice includes:

- a. Notice of the grievance process, including any informal resolution process;
- b. Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response;
- c. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- d. Notice of the parties' right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and
- e. Notice that knowingly making false statements or providing false information in the grievance process is a violation of the code of conduct of students or a violation of performance and conduct standards for employees.

### **Investigation**

An investigator will be designated to investigate the allegations contained in the complaint or which are developed in the course of the investigation. The burden of gathering evidence and burden of proof must remain on the technology center—not on the parties.

An investigation will be conducted by a technology center Title IX official. This investigation will include:

- Meeting personally with the complainant (unless extraordinary circumstances prevent a personal meeting);
- Meeting personally with the respondent (unless extraordinary circumstances prevent a personal meeting);
- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made;
- Collecting any physical evidence;
- Meeting personally with any witnesses (unless extraordinary circumstances prevent a personal meeting with one or more witnesses);
- Reviewing any documentary evidence; and
- Preparing a report of the investigation.

The investigation of complaints will be adequate, reliable and impartial. The investigation process can take

up to 60 days. When investigating a complaint and throughout the grievance process, the technology center must do the following:

1. Ensure that the burden of proof and of gathering evidence rests on technology center rather than the parties;
2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party's ability to discuss the allegations or gather and present evidence;
4. Provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor;
5. Provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate;
6. Provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation;
7. Ensure that if the technology center obtains additional information from or about the respondent or complainant, during the course of the investigation, that was not included in the original notice to the parties—both parties will be provided written notice of additional allegations and a reasonable opportunity to respond in writing to the new information or documents;
8. Prepare a written report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing or determination of responsibility; and
9. Ensure that parties will have at least 10 calendar days to respond to the investigator's report; any response will be considered in connection with any hearing that is conducted.

The Title IX Coordinator will determine if a Title IX hearing is necessary. In making this determination, the Coordinator will consider whether both parties request or consent to a hearing and will agree to participate in a hearing. If it is determined that the technology center will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing.

### **Mandatory or Permissive Dismissal**

Mandatory dismissal must occur when it is determined in the course of the investigation that allegations in a formal complaint: (1) did not occur in the technology center's program or activity; (2) did not constitute sexual harassment as defined, or (3) did not occur against a person within the United States. Both parties must receive written notice of a mandatory dismissal and reasons.

Permissive dismissal may occur at any time during the investigation or hearing when: (1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw; (2) the respondent is no longer enrolled or employed by the technology center; or (3) specific circumstances prevent the technology center from gathering evidence sufficient to reach a determination. Both parties must receive written notice of a permissive dismissal and reasons.

The technology center may still address allegations of misconduct under the Student Code of Conduct or employee disciplinary procedures.

### **Technology Center Action**

- A. Informal resolution is available in some circumstances. Informal resolutions are unavailable unless a formal complaint of sexual harassment is filed. Informal resolution may include conflict resolution or a restorative agreement between the parties with a trained Title IX Officer presiding over the informal resolution conference. Participation in informal resolution is never mandatory, and will only take place with the full consent of both parties involved. Informal resolution may only be used:

1. When a formal complaint of sexual harassment is filed;
2. Prior to a Notice of Hearing being issued;
3. When a Title IX Officer determines this is a suitable option for resolving the concern, and both the complainant and respondent agree to use the process;
4. When the complaint does not involve sexual violence as defined in the Title IX Policy; and
5. When both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.

Informal resolution is not available when the complaint alleges a technology center employee sexually harassed a student.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. However, either the Complainant or the Respondent may withdraw from informal resolution at any time prior to the entry of a voluntary resolution agreement and proceed with the Title IX hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.

#### B. Title IX Hearing

The technology center has determined that the hearing process will be conducted through written exchanges, if the parties are secondary students, but a live hearing will not be conducted.

The Title IX Hearing Officer's responsibilities include but are not limited to the following, regardless of whether a hearing is conducted through written exchanges or a live hearing:

- Read and understand the Title IX Policy and Procedures, which include the hearing process;
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet;
- Read and understand the procedures of the Title IX hearing (live or non-live) provided by the Coordinator prior to the hearing as part of a hearing packet;
- Have a clear understanding of the incident(s) in question before making a decision;
- Decide the outcome and sanctions if needed based on the information presented, hearing notes, and the technology center Title IX Policy;
- Maintain copies of all notes made. The hearing officer will inform the parties of the decision at the live hearing and send a letter as described in this policy;
- Ensure that parties have had ample time and opportunity to ask questions and obtain responses before the hearing officer renders a decision (live or non-live); and
- Ensure that the determination (decision) includes a statement of and rationale as to each allegation, a determination of responsibility, any disciplinary sanctions, and whether remedies to restore equal access to the technology center's educational programs or activities will be provided to the complainant.

#### Complainant's Rights:

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire live hearing or fully aware of the process used in a non-live hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students

should provide technology center with the name and contact information for the student's advisor as soon as practical but at least three (3) business days prior to the hearing;

- Be given, as applicable, a timely live or non-live hearing;
- Be assured of exclusion of evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Be permitted to clarify that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent (remember secondary students cannot consent to sexual harassment) or preclude a finding of sexual harassment;
- Be provided written notification of the outcome of the hearing including any sanctions, remedies/accommodations for the complainant, additional remedies for the school community;
- Be provided written notification of any internal or external counseling services that may be available;
- Be provided written notification of options for changing academic, extracurricular, transportation, school-site, or work-site situations, if reasonable;
- Be provided written notification of an avenue for appeal.

#### Respondent's Rights:

- Be given written notice of the allegations and the hearing process;
- Be given access to evidentiary material in advance of the hearing;
- Be present during the entire hearing if a live hearing is conducted or fully aware of the process utilized in a non-live hearing;
- Have no violation presumed until found responsible;
- Be given a timely hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students should provide the technology center with the name and contact information for the student's advisor as soon as practical but at least three (3) business days prior to the hearing;
- Be informed that evidence of the victim's past sexual history will be excluded from discussion during the hearing or hearing process. Similarly, the past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Be provided written notification of the outcome of the hearing including any sanctions, remedies/accommodations for the complainant or respondent, additional remedies for the school community;
- Be provided written notification of internal or external counseling services that may be available;
- Be provided written notification of options for changing academic, extracurricular, transportation, school-site, or work-site situations, if reasonable; and
- Be provided written notification of an avenue for appeal.

#### **Live Hearings**

A live hearing will not be conducted unless students who are parties to the complaint are at least 18 years of age, extraordinary circumstances are present, or adult program students are the parties. The complainant and respondent will be notified in writing of the hearing date, the alleged policy violation(s) and issued a notice to appear at the hearing. The Notice of Hearing will be hand-delivered or mailed to the physical or electronic addresses of the parties. Parties are responsible for ensuring that a current physical and electronic mail address is included in technology center records. The live hearing will include opening statements, each party's evidence and witnesses, cross-examination, and closing statements. Students are permitted to have an advisor accompany the Student throughout the disciplinary hearing. Students should provide technology center with the name and contact information for the Student's advisor at least 3 business days

prior to the hearing. Parties are present during the disciplinary hearing (except during deliberations of the hearing officer). Parties are permitted to make statements, present witnesses and present evidence during the hearing which evidence has been previously collected and approved for relevance during the investigative process.

### **Non-Live Hearings**

Non-live hearing parties will have similar rights and responsibilities, except that the hearing officer will conduct the hearing via written or oral exchanges and neither the complainant nor the respondent will confront one another and no cross-examination will occur. However, both parties will be invited to submit questions, receive answers, and present relevant written arguments in connection with the parties' claims and defenses. Parties will have at least 10 days to respond to the receipt of information or documents to which they wish to respond. The investigator's report, all submissions by the parties, the exchange of information, documents and arguments will provide the basis for the hearing officer's decision.

### **All Hearings**

Witnesses and evidence must be directly related to the claims. Parties will be notified in any instance in which responses, information or documents are not available because of a privilege (not waived by the party who asserts the privilege) or irrelevant information is involved (.e.g., information involving prior sexual behavior or sexual predisposition is irrelevant; a privilege such as an attorney-client or doctor-patient or other privilege bars introduction of certain evidence). The standard of proof used in technology center Title IX Hearings is the preponderance of the evidence, which means the determination to be made is whether it is more likely than not a violation occurred. This is different than proof beyond a reasonable doubt, which is required for a criminal prosecution.

### **Outcomes**

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a Sexual Harassment policy violation—the complaint will be dismissed.

If it is determined under the preponderance of evidence standard that the respondent is responsible for a Sexual Harassment policy violation the following sanctions will be considered. The listing of sanctions below is not intended to be exclusive; actions may be imposed singularly or in combination when a violation of this policy is found.

Discrimination (includes gender discrimination) may include the following sanctions on the student(s) found responsible:

- Restriction – A limitation on a student's privileges for a period of time and may include but not be limited to, the denial of the use of facilities or access to parts of campus, denial of the right to represent the technology center, or denial of participation in extracurricular activities.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Probation – A specified period of time during which the student is placed on formal notice that the student is not in good social standing with the technology center and that further violations of regulations will subject the student to suspension from the technology center.
- Suspension – If warranted by the severity of the incident, removal from classes or programs and other privileges or activities for a definite period of time not to exceed (for secondary students) the remainder of the semester in which the incident occurred and the following semester and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from the technology center are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by

a Campus Administrator. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the student's transcript will not be made; however, a permanent record of the action will be maintained in the student's record.

- Removal – If warranted by the severity of the incident, adult students may be removed from the technology center with no right to return to classes or programs or a future right to apply to return. Conditions to which the adult student is subject will be stated in the written notification of outcome. Notation on the student's transcript will not be made; however, a permanent record of the action will be maintained in the student's record.

Sexual Harassment may include the following sanctions on the student(s) found responsible.

- Restriction – A limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent technology center.
- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Behavioral Change Requirement – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc.
- Probation – Students are prohibited from participating in or holding leadership positions in any extracurricular activities not directly associated with academics (e.g., Skills USA, tech demonstration events, student organizations/clubs/associations, or other sanctioned events or competitions). Students must apply to be removed from probation by submitting documentation of their significant active efforts to become good citizens of the community and engage in responsible, productive behavior.
- Suspension – If warranted by the severity of the incident, removal from classes, programs, and other privileges or activities for a definite period of time not to exceed the remainder of the semester in which the incident occurred and the following semester, if a secondary student, and for a longer period of time, if an adult student, and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended or removed from technology center are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension or removal, unless otherwise directed by a Campus Administrator. Conditions to conclude a suspension or removal and reinstatement process will be stated in the written notification. Notation on the student's transcript will not be made; however, a permanent record of the action will be maintained in the student's record.
- Removal – If warranted by the severity of the incident, adult students may be removed from the technology center with no right to return to classes or programs or a future right to apply to return. Conditions to which the adult student is subject will be stated in the written notification of outcome. Notation on the student's transcript will not be made; however, a permanent record of the action will be maintained in the student's record.

Sexual Violence may include the following sanction on the student(s) found responsible.

- Long-term Suspension or removal – Suspension of student status for an indefinite period not to exceed the maximum period permitted by law. Secondary students may only be suspended for the rest of the current semester and the succeeding semester; adult students may be suspended for a period to be determined or may be removed from the technology center with no right to return. The conditions for readmission, if any, shall be stated in the hearing outcome letter. In addition, a student, though readmitted to the district by operation of law, may be denied the opportunity to participate in extracurricular activities for as long as the student is enrolled in the technology center. Notation on the student's transcript will not be made; however, a permanent record of the action will be maintained in the student's record. Removal should be reserved and used only in cases involving the most severe instances of misconduct.

Both parties will be notified of the outcome in writing at the same time by certified mail or other agreed upon form of notice within five business days after the hearing. Both parties have the right to appeal the decision reached through the hearing process within five days after receipt of the hearing decision.

### **Appeal Procedures**

An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student or other party. The burden of proof shifts from the technology center to the party found responsible for the policy violation. The appealing party must show one or more of the listed grounds for an appeal.

- A. Appeals must be submitted in writing to the Superintendent within five (5) technology center calendar days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.
- B. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):
  - 1. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.
  - 2. The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.
  - 3. New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.
  - 4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with technology center procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.
- C. The Superintendent will review the record of the original hearing, including documentary evidence. It is the Superintendent’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing officer for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing was “insufficient” to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original hearing officer, either or both students may appeal the hearing officer’s decision to the Superintendent and the procedures set out above shall control the appeal.
- D. The final decision will be communicated in writing by the Superintendent to both parties. The decision will be communicated within ten (10) calendar days of receiving the hearing officer’s decision.
- E. The decision of the Superintendent on appeal shall be final.

### **Retaliation**

The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a technology center’s attention, including publicly opposing sexual harassment or filing a sexual harassment complaint with the technology center or any State or Federal agency, it is unlawful for the technology center to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner,

in an OCR or technology center's investigation or proceeding. Therefore, if a student, parent, instructor, sponsor, administrator, or other individual complains formally or informally about sexual harassment or participates in an OCR or technology center investigation or proceedings related to sexual harassment, the technology center is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation. Individuals who, apart from official associations with technology center, engage in retaliatory activities will also be subject to technology center's policies insofar as they are applicable to third party actions.

The technology center will take steps to prevent retaliation against a student who filed a complaint on his or her own behalf or reported on behalf of another student, or against those who provided information as witnesses. Complaints of retaliation will follow the same process of investigation, hearing, and appeal.

If it is determined under the preponderance of evidentiary standard (more likely than not to have occurred) that a student is responsible for retaliation the following sanction will be imposed.

- Suspension or Removal – Removal from classes and other privileges or activities for a definite period of time not to exceed the maximum period permitted by law and until the conditions which are set forth in the hearing outcome letter are met. Suspension of secondary students is limited to the current and succeeding semester; adult students may be suspended for a designated period of time or removed from the district with no right to return to a district program. Students who are suspended or removed from technology center are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by a Campus Administrator. Conditions applicable to the suspension, removal or reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record.

### **Technology Center Officers and Designees**

The designation of a technology center official responsible for prescribed actions shall automatically include the official's designee in instances where an official is unable, unavailable or it appears that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The official's designee shall have the same authority as the official in matters involving this policy. In connection with an appeal the Superintendent may appoint a neutral individual, not employed by the technology center, to consider and decide the appeal.

### **Recordkeeping Protocol**

The technology center will document all reports and complaints of sex discrimination and provide copies of those reports to the Title IX Coordinator. The technology center Title IX Office will maintain a secured electronic file system of all Title IX cases, reports, and complaints by academic year. The cases will include all information related to the individual case, which includes but is not limited to the initial complaint, letters sent to all parties, response from the respondent, immediate or other assistance, investigation notes, informal resolution agreement (if applicable), notice of hearing, committee selection, hearing notes, hearing decision, written notice of the outcome, and any recordings made of the live hearing or in the course of the investigation. The time period to maintain the case records will be no less than seven (7) years from the date of technology center's final action or decision (whether through report of the investigation, informal resolution, hearing, or appeal). The confidential reporting of the number of incidents and types will be sent to technology center Security for the preparation of the Annual Crimes Report.

### **Prevention and Education**

#### **A. Education**



Technology center requires all employees to take sexual harassment educational training courses on an annual basis. Failure to have a confirmation of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and upon request.

## B. Bystander Intervention

If you witness sexual harassment, or behaviors that may lead to sexual harassment (both of which are violations of technology center policy), there are a variety of things you can do as a bystander:

- Divert the intended victim (e.g., “help me—I am sick and need help fast—hurry!”)
- Distract the perpetrator (e.g., “looks like that car is being towed and a police officer is on the way”; “Those 3 guys are headed this way”; Yell, “over here—they are over here!”)
- Delegate to a person of authority (e.g., if at a party let a friend, parent, or other adult know of the situation in explicit terms; always have one of your group designated as a non-drinker for the evening and trust that person to make good decisions)
- Direct, confront the perpetrator (e.g., “don’t speak to her in that voice; you are in big trouble; I saw you and so did that woman who is calling the police”)

## C. Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a nonconsensual sexual act.

- Make your personal limits known as early as possible.
- Be aware of your alcohol or drug intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Never leave a party or event with a person you don’t know.
- Never consent to send another person a picture of any part of your body without clothing.
- Take care of your friends or colleagues and ask that they take care of you.
- Never leave a friend at a party or allow the friend to leave a party with someone not known to them. Contact trusted adults, friends or family members to intervene.
- If you suddenly feel very drunk, think about the possibility that you have been drugged and yell for help immediately.

## D. Potential Aggressor

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.

- DON'T MAKE ASSUMPTIONS about consent; about age; about someone's sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent.
- If there are any questions or ambiguity, then you DO NOT have consent.
- Remember that secondary students cannot consent to sexual behavior.

Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the boundaries for sexual behaviors.

- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size.
- Don't abuse that power. Understand that consent to one form of sexual behavior (e.g., kissing) does not automatically imply consent to other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent.
- Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

## **Training**

Training on sexual misconduct: discrimination, harassment, and violence is included in technology center's education program.

In-person training for student groups and students will be conducted through a variety of presentations, student orientation, and other means. In-person training for Active Bystander Intervention skills may include: on-going campus campaigns and information at a variety of events concerning this policy and appropriate behaviors, including specific intervention strategies. Informational website and brochures devoted to educating students will be presented at prevention workshops.

Mandatory training for employees will be provided through in-person training on sexual misconduct: discrimination, harassment, and violence. Mandatory reporting will be emphasized through new employee orientations, periodic training opportunities and upon request. In-person training for Active Bystander Intervention skills may include: ongoing campus campaigns and information at a variety of events concerning the policy and appropriate behaviors; inclusion of information on the district's website; and brochures devoted to educating employees.

Resources available to all of the technology center community:

Call Rape/Tulsa Rape Crisis-(918) 585-3143-provides confidential resources off-campus

Tulsa Police Department-911 for emergencies; (918) 596-9222 for non-emergencies

Tulsa 211 Helpline - (918) 836-4357

Oklahoma Coalition Against Domestic Violence and Sexual Assault (405)524-0700-provides confidential resources off campus

Oklahoma Safeline - (800) 522-7233 – provides confidential resources off campus

Local Support Services

Domestic Violence Intervention Services, Inc. - (DVIS) # 918-585-3143

Tulsa Area Rape/Helpline - 918-744-RAPE (7273)

## **Free Speech and Academic Freedom**

Members of the technology center community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the technology center community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state antidiscrimination laws.

## **Availability of other Complaint Procedures**

In addition to seeking criminal charges through local law enforcement, members of the technology center community may also file complaints with the following entities regardless of whether they choose to file a complaint under this procedure:

Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline: (800) 421-3481  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Office for Civil Rights:  
Kansas City Field Office: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov), (816) 268-0550;  
Washington D.C.: [OCR@ed.gov](mailto:OCR@ed.gov) 1-800-421-3481

Equal Employment Opportunity Commission:  
Oklahoma City Field Office: 1-800-669-4000;  
Washington D.C.: 1-800-669-4000, [Eeoc.gov/contact](http://Eeoc.gov/contact)

## **Distribution**

The technology center shall: prominently display on its website the required contact information for the Title IX Coordinator; post training materials used to train Title IX Coordinators and related Title IX Officials, Investigators, and Hearing Officers on its website; and notify applicants for employment, parents or legal guardians of secondary school students, and employee organizations—of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator.

**INTERNET AND TECHNOLOGY SAFETY PURSUANT TO THE  
CHILDREN'S INTERNET PROTECTION ACT**

It is the policy of Tulsa Tech to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic or digital communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 U.S.C. §254(h)].

Definition

Key terms as defined in the Children's Internet Protection Act:

*Access to Inappropriate Material* - To the extent practical, technology protection measures (or "Internet Filters") shall be used to block or filter Internet (or other forms of electronic or digital communications) access to inappropriate information. Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors. Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Inappropriate Network Usage

Any individual who uses Tulsa Tech's resources to access the Internet or engage in any electronic or digital communication is required to participate in Tulsa Tech's education efforts (undertaken pursuant to the Children's Internet Protection Act) and comply with the district's acceptable use policy.

Supervision and Monitoring

All employees are responsible for supervising and monitoring minor student's use of the Internet in accordance with Tulsa Tech's policies and the Children's Internet Protection Act. Tulsa Tech's IT director shall establish and implement procedures regarding technology protection measures. No individual will be permitted to use the school's technology resources in a manner inconsistent with Tulsa Tech's policies.

Personal Safety

Employees and students shall not use the school's technology resources in any manner that jeopardizes personal safety. Students and employees must follow Tulsa Tech's policies, including the acceptable use policy which details Tulsa Tech's safe use standards.

### **COMPUTER / NETWORK ACCEPTABLE USE**

The forms of electronic and digital communications change rapidly. This policy addresses common existing forms of electronic and digital communication (email, texting, blogging, tweeting, posting, etc.) but is intended to cover any new form of electronic or digital communication which utilizes a computer, phone or other digital or electronic device.

As a part of the resources available to students and employees, Tulsa Tech provides Internet access at each campus and at its administrative offices. Tulsa Tech intends for this resource to be used for educational purposes and not to be used for conduct which is harmful. This policy outlines Tulsa Tech's expectations regarding Internet access. The ability to access the Internet while on technology center property is a privilege and not a right. Access cannot be granted until an individual has completed an "Internet Access Agreement" and access may be revoked at any time.

Any individual using technology center resources to engage in electronic or digital communications has no expectation of privacy. Further, employees and students must be cognizant of the fact that electronic or digital communications which occur on private equipment are often permanently available and may be available to school administrators.

Employees and students are expected to use good judgment in all their electronic or digital communications - whether such activities occur on or off campus or whether the activity uses personal or school technology. Any electronic or digital communication which can be considered inappropriate, harassing, intimidating, threatening or bullying to an employee or student of Tulsa Tech - regardless of whether the activity uses technology center equipment or occurs during school/work hours - is strictly forbidden. Employees and students face the possibility of penalties, including student suspension or dismissal and employee termination, for failing to abide by technology center policies when accessing and using electronic or digital communications.

The Internet provides users the ability to quickly access information on any topic - even topics which are considered harmful to minors. Tulsa Tech's IT department has attempted to filter this access in order to protect students from harmful content. In the event inappropriate material is inadvertently accessed, students should promptly report the site to their instructor so that other students can be protected. No individual is permitted to circumvent Tulsa Tech's privacy settings by accessing blocked content through alternate methods. In the event an employee needs access to blocked content, he/she should make arrangements through the campus director or IT director.

Although Tulsa Tech's IT department has taken appropriate steps to block offensive material, users may unwittingly encounter offensive material. All users of Tulsa Tech's electronic resources are required to exercise personal responsibility for the material they access, send or display, and must not engage in electronic conduct which is prohibited by law or policy. If a student inadvertently accesses or receives offensive material, he/she should report the communication to the assigned instructor. If an employee accesses or

receives offensive material, he/she should report the communication to the campus director or IT director. No individual is permitted to access, view or distribute materials which are inappropriate or create a hostile environment.

#### Internet Access - Terms and Conditions.

Acceptable Use - Students. Students agree to access material in furtherance of educational goals or for personal leisure and recreational use which does not otherwise violate this policy. No student may make an electronic or digital communication which disrupts the education environment - even if that communication is made outside of school or on personal equipment. Types of electronic or digital communications which can disrupt the education environment include, but are not limited to:

- Sexting
- Harassing, intimidating, threatening or bullying posts, tweets, blogs, images, texts, etc.
- Distributing pictures, recordings or information which is harmful or embarrassing

Students who engage in electronic or digital communications which disrupt the education environment are subject to disciplinary action, including suspension or dismissal from school. Depending on the nature of the electronic or digital communication, students may also be subject to civil and criminal penalties.

Acceptable Use - Employees. Employees agree to access material in furtherance of educational goals, including research and professional development. Employees are also permitted to judiciously use Tulsa Tech's electronic resources for limited personal use, provided that the use is of no cost to Tulsa Tech, does not preempt business activity, impede productivity, or otherwise interfere with work responsibilities. Electronic or digital communications made using technology center owned equipment must be professional in nature and cannot be used for the exercise of the employee's free speech rights.

Any electronic or digital communication in which the employee can be identified as an employee of Tulsa Tech – regardless of whether the communication is made with technology center owned equipment or during work hours - must be a professional communication. Accordingly, if the individual is identifiable as a technology center employee, electronic or digital communications must not contain sexual, harassing, discriminatory or immoral content. Further, the communication cannot promote the use of tobacco, drugs, alcohol or be otherwise inconsistent with Tulsa Tech's objectives.

Employees are required to maintain appropriate electronic boundaries with students. Such boundaries require that employees refrain from engaging in electronic or digital communications which show an undue interest in select student(s), are of a personal nature, model inappropriate conduct, or are otherwise inconsistent with Tulsa Tech's mission and goals. In order to maintain appropriate boundaries, employees are expected to:

- Send group texts or emails
- Use separate personal and school electronic accounts
- Obtain written parental permission prior to posting pictures of minors
- Respect individual privacy, including privacy rights granted by FERPA

Employees are expressly forbidden from using electronic or digital communication in a manner inconsistent with their position as a role model for students. Any employee who

engages in inappropriate electronic or digital communication with students is acting outside the scope of his/her employment with Tulsa Tech.

**Prohibited Use.** Users specifically agree that they will not use the Internet to access material which is: threatening, indecent, lewd, obscene, or protected by trade secret. Users further agree that they will not use Tulsa Tech's electronic resources for commercial activity, charitable endeavors (without prior administrative approval), product advertisement or political lobbying.

**Parental Consent.** Parents of minor students must review this policy with their student and sign the consent form prior to a minor student being granted Internet access.

**Privilege of Use.** Tulsa Tech's electronic resources, including Internet access, is a privilege which can be revoked at any time for misuse. Prior to receiving Internet access, all users will be required to successfully complete an Internet training program administered by Tulsa Tech.

**Internet Etiquette.** All users are required to comply with generally accepted standards for electronic or digital communications, including:

- a. **Appropriate Language.** Users must refrain from the use of abusive, discriminatory, vulgar, lewd or profane language in their electronic or digital communications.
- b. **Content.** Users must refrain from the use of hostile, threatening, discriminatory, intimidating, or bullying content in their electronic or digital communications.
- c. **Safety.** Minor students must not include personal contact information (name, address, phone number, address, banking numbers, etc.) in their electronic or digital communications. Minor students must never agree to meet with someone they met online and must report any electronic or digital communication which makes them uncomfortable to their teacher.
- d. **Privacy.** Users understand that Tulsa Tech has access to and can read all electronic or digital communications created and received with technology center resources. Users agree that they will not use technology center resources to create or receive any electronic or digital communications which they want to be private.
- e. **System Resources.** Users agree to use Tulsa Tech's electronic resources carefully so as not to damage them or impede others' use of Tulsa Tech's resources. Users will not:
  - install any hardware, software, program or app without approval from the IT department
  - download large files during peak use hours
  - disable security features
  - create or run a program known or intended to be malicious
  - stream music or video for personal entertainment
- f. **Intellectual Property and Copyrights.** Users will respect others' works by giving proper credit and not plagiarizing, even if using websites designed for educational and classroom purposes (See [www.copyright.gov/fls/fl102.html](http://www.copyright.gov/fls/fl102.html)) Users agree to ask their instructor for assistance in citing sources as needed.

**Limitation of Liability.** Tulsa Tech makes no warranties of any kind, whether express or implied, for the services provided and is not responsible for any damages arising from use of Tulsa Tech's technology resources. Tulsa Tech is not responsible for the information obtained from the use of its electronic resources and is not responsible for any charges a user may incur while using its electronic resources.

**Security.** If a user notices a potential security problem, he/she should notify the IT director immediately but should not demonstrate the problem to others or attempt to identify potential security problems. Users are responsible for their individual account and should not allow others to use their account. Users should not share their access code or password with others. If a user believes his/her account has been compromised, he/she must notify the IT director immediately. Any attempt to log on to Tulsa Tech's electronic resources as another user or administrator, or to access restricted material, may result in the loss of access for the remainder of the school year or other disciplinary measures.

**Vandalism.** No user may harm or attempt to harm any of Tulsa Tech's electronic resources. This includes, but is not limited to, uploading or creating a virus or taking any action to disrupt, crash, disable, damage, or destroy any part of Tulsa Tech's electronic resources. Further, no user may use Tulsa Tech's electronic resources to hack vandalize another computer or system.

**Inappropriate Material.** Access to information shall not be restricted or denied solely because of the political, religious or philosophical content of the material. Access will be denied for material which is:

- a. Obscene to minors, meaning (i) material which, taken as a whole, lacks serious literary, artistic, political or scientific value for minors and, (ii) when an average person, applying contemporary community standards, would find that the written material, taken as a whole, appeals to an obsessive interest in sex by minors.
- b. Libelous, meaning a false and unprivileged statement about a specific individual which tends to harm the individual's reputation.
- c. Vulgar, lewd or indecent, meaning material which, taken as a whole, an average person would deem improper for access by or distribution to minors because of sexual connotations or profane language.
- d. Display or promotion of unlawful products or services, meaning material which advertises or advocates the use of products or services prohibited by law from being sold or provided to minors.
- e. Group defamation or hate literature, meaning material which disparages a group or a member of a group on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information or advocates illegal conduct or violence or discrimination toward any particular group of people. This includes racial and religious epithets, "slurs", insults and abuse.
- f. Disruptive school operations, meaning material which, on the basis of past experience or based upon specific instances of actual or threatened disruptions relating to the information or material in question, is likely to cause a material and substantial disruption of the proper and orderly operation of school activities or school discipline.



**Application and Enforceability.** The terms and conditions set forth in this policy shall be deemed to be incorporated in their entirety in the Internet Access Agreement executed by each user. By executing the Internet Access Agreement, the user agrees to abide by the terms and conditions contained in this policy. The user acknowledges that any violation of this policy may result in access privileges being revoked and disciplinary action being taken. For students, this means any action permitted by Tulsa Tech's policy on student behavior. For employees, this means any action permitted by law, including termination of employment.

**Education of Students Regarding Appropriate On-Line Behavior.** In compliance with the Protecting Children in the 21<sup>st</sup> Century Act, Section 254(h)(5), Tulsa Tech provides education to minors about the appropriate use of Tulsa Tech's electronic resources, including interacting with others on social networking and chat sites, and cyber bullying. As a part of that education, guidelines on cyber bullying and internet safety for students are attached to this policy.

## **Cyber Bullying and Internet Safety Fact Sheet**

People can be bullied in lots of ways, including through cyber bullying. Cyber bullying is when someone sends or posts things (words, pictures, recordings) that are mean, embarrassing or make people feel scared, embarrassed or uncomfortable. Even if they don't do this at school sometimes cyber bullying makes things at school hard. No student is allowed to disrupt school through cyber bullying.

Cyber bullies work in lots of ways, but here's some of their most common:

- Send or post mean messages
- Make up websites or accounts with stories, cartoons, pictures or "jokes" that are mean to others
- Take embarrassing pictures or recordings (without asking first)
- Send or post stuff to embarrass others
- Hack into other people's accounts or read their stuff
- Hack into other people's accounts and send or post their private stuff
- Pretend to be somebody else to get someone to give them private info
- Send threats

*If you're a cyber bully knock it off! Ask your principal/counselor how you can make things right.*

If someone is cyber bullying you, there's something you can do about it:

- Don't respond to and don't ignore a cyber bully. Instead, tell an adult you trust. If cyber bullying follows you to school, tell your teacher or counselor.
- Even if what the bully does is embarrassing, don't delete it. Instead, get a copy so you can prove what happened.
- Have an adult help you contact a company representative (cell phone company, Yahoo, Facebook, Twitter, etc.) about blocking or removing the bad stuff.

You can't always stop people from being mean, but there are ways to help yourself:

- Don't give out your personal info in electronic or digital communications
- Don't tell anyone but your parents what your login name, password or PIN number is
- Don't post or send embarrassing pics or recordings (even on your own sites) - bullies love to copy your stuff

Suggestions for Parents:

- Help your child understand how permanent electronic or digital communications are
- Talk to your child about understanding, preventing and responding to cyber bullying
- Contact your student's school for help if you suspect your child is being cyber bullied – or if you suspect your child is engaging in cyber bullying

## **STUDENT MOBILE/ELECTRONIC DEVICES**

Tulsa Tech supports the use of computers, the Internet, and other network devices in the instructional program to facilitate learning through interpersonal communications and access to information, research and collaboration. Student possession of personal electronic devices designed to communicate, create or store information is permitted by the district at the discretion of the instructor. The district reserves the right to monitor Internet and network use of personal devices on all district networks to the extent permitted by law.

Tulsa Technology Center does not require students to bring their personal devices into school. Those who do bring devices assume all risks of damage, theft, loss or misuse of such devices. The use of personal mobile devices is with the understanding that the high school student, if applicable, has the permission of his/her parent(s)/guardian(s) to bring the devices onto school property. The district has no responsibility for damage or loss of personal devices.

Use of personal mobile devices that disrupt the instructional day or include possession, viewing, sending or sharing picture, video, or audio information which has inappropriate, sexual, violent or threatening content on school grounds, school buses or at school events is prohibited and may result in disciplinary action and/or confiscation of the personal device.

The district recognizes that students have the ability to use personal devices to access sites that would otherwise be restricted if they were using district owned equipment or were connected to the district network. The district is not responsible for such content being accessed or posted. However, the district may take action if it is in violation of an existing policy.

### *Student Personal Devices Permitted*

- Laptops
- Notebooks
- Tablets (iPad, Kindle)
- iPods/MP3 Players
- Cell Phones

### *Student Personal Devices Not Permitted*

- Laser Pointers
- Desktop/Nettop Computers
- PSPs, Game Boys, and other gaming devices
- DVD Players

### *Acceptable Uses of Student Personal Devices*

- Classroom Use – all classroom use is at instructor discretion
  - Instructor directed activities
  - Note taking
  - Headphones/ear buds must be out of ears during class time, or approved by instructor
- Non-Classroom Use
  - Texting and listening to music are permitted in non-classroom spaces such as the cafeteria and hallways.
  - Headphones must be used for listening to music at a volume that cannot be heard by others
  - Cell phones and other personal devices are to be silenced during school hours

### *Unacceptable Use of Student Personal Devices*

- At no time while in class are phone calls or texting to be made on personal devices
- Sending text, image, sound, video or files for the purpose of cheating is prohibited
- Students may not answer or initiate personal device communication during instructional time
- Students are prohibited from sending, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition applies to conduct off school property, regardless if the equipment used to send such messages is district or personally owned, if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to Student Code of Conduct and may, in certain circumstances, be reported to law enforcement.

### *Additional guidelines*

- There will be no printing from personal mobile devices
- Personal mobile devices may not be plugged into district owned technology for projection or other purposes
- District staff will not attempt to fix personal mobile devices that stop working or do not work; if the student cannot connect or use the device by the start of the class period, it must be put away to avoid distractions
- Students will not be permitted to play web or other games on the district network; those who attempt to play such games will have their device locked out of the district network.
- Students who attempt to share pirated or illegally obtained software, music, videos or files with others will have their device locked out of the district network.

- Google Glass and similar technology is prohibited on campus by all individuals at all times. Regardless of the type of technology used, no individual may make any type of surreptitious recording of others on district property. Additionally, no person may use any type of technology to remotely monitor, listen to, or view actions occurring at school or school activities. Personal wireless devices not otherwise prohibited shall be turned off and out-of-sight in locations such as restrooms, locker rooms, changing rooms, etc. (“private areas”). The use of any audio/visual recording and camera features are strictly prohibited in private areas. Students who observe a violation of this provision shall immediately report this conduct to a teacher, director, assistant director, or sponsor. Employees who observe a violation of this provision shall immediately report this conduct to a supervisor, the campus director or other administrator.

Inappropriate use of personal mobile devices and/or the district network will result in consequences that correspond to the Tulsa Technology Center School District Computer/Network Acceptable Use Policy and the student handbook.

All consequences are at the discretion of administration and the severity of the infraction will determine the level of consequence. The administration reserves the right to revoke personal mobile device privileges. Severe cases may result in a recommendation for suspension or referral to authorities, as appropriate. In addition, administration reserves the right to confiscate the electronic device.

The Tulsa Technology Center Board of Education shall comply with state law regarding the use of wireless telecommunications devices within public schools in the state of Oklahoma and adopts guidelines for student use of wireless telecommunications devices. A wireless telecommunications device shall be defined as a wireless apparatus used to transmit or receive information and may include but not be limited to a cellular telephone, pager, personal digital assistant, camera technology and phones with audio record capabilities.

## **EMPLOYEE MOBILE/ELECTRONIC DEVICES AND ACCOUNTS**

Tulsa Tech requires that all individuals devote their full attention to education while at school or during education activities. Accordingly, the district expects both employees and students to limit their use of personal wireless devices (including, but not limited to, hand-held mobile telephones) and personal electronic accounts at school or when engaged in school-related activities. Wireless devices include, but are not limited to, cell phones, laptops, cameras, GPS systems, any type of device capable of intercepting or recording a conversation, any type of device capable of providing visual surveillance or images, recorders, Google Glass, etc. Electronic accounts include, but are not limited to, accounts that allow digital communication such as email and social media accounts.

Google Glass and similar technology is prohibited on campus by all individuals at all times. Regardless of the type of technology used, no individual may make any type of surreptitious recording of others on district property. Additionally, no person may use any type of technology to remotely monitor, listen to, or view actions occurring at school or school activities. Personal wireless devices not otherwise prohibited shall be turned off and out-of-sight in locations such as restrooms, locker rooms, changing rooms, etc. (“private areas”). The use of any audio/visual recording and camera features are strictly prohibited in private areas. Students who observe a violation of this provision shall immediately report this conduct to a teacher, director, assistant director, or sponsor. Employees who observe a violation of this provision shall immediately report this conduct to a supervisor, the campus director or other administrator.

Every attempt should be made by staff to limit the use of cell phones/mobile devices for personal reasons to normal break times. Employees will make reasonable efforts to use district resources rather than personal wireless devices or personal electronic accounts for electronic or digital communications with other employees, parents, and students and for tasks related to their employment. By using personal wireless devices or personal electronic accounts to communicate with other employees, parents, and students or to perform tasks related to their employment, employees acknowledge that they are creating records that may be subject to Oklahoma’s laws related to Open Records (Okla. Stat. tit. 51, § 24A.1 *et seq.*). Employees consent to retain and provide access to such communications or records to school district administration upon request. This consent survives any changes in the employment relationship.

### Students

Students who violate this policy will have their personal wireless device confiscated until after a parent conference, and may lose the privileges of possessing such a device at school or school-related activities for the remainder of the school year. Students are also subject to other disciplinary action.

Students may not use any personal wireless device to:

- send or receive answers to test questions or otherwise engage in cheating;
- record conversations or events during the school day, on school property or at school activities;
- threaten, harass, intimidate, or bully;
- take, possess, or distribute obscene or pornographic images or photos;
- engage in lewd communications;
- violate school policies, handbook provisions, or regulations.

### Employees

Personal wireless devices may only be used during work time if the use of the device furthers the employee's performance of his/her professional responsibilities. No employee may use work time to engage in any personal electronic or digital communication, Internet activity, gaming, etc.

Employees will make reasonable efforts to use district resources rather than personal wireless devices or personal electronic accounts for electronic or digital communications with other employees, parents, and students and for tasks related to their employment. By using personal wireless devices or personal electronic accounts to communicate with other employees, parents, and students or to perform tasks related to their employment, employees acknowledge that they are creating records that may be subject to Oklahoma's laws related to Open Records (51 OKLA. STAT. § 24A.1 *et seq.*). Employees consent to retain and provide access to such communications or records to technology center administration upon request. This consent survives any changes in the employment relationship.

Except for authorized transportation employees, no individual may use any personal wireless device while operating a district vehicle or while conducting school business in a personal vehicle.

Authorized transportation employees are permitted to utilize cell phones for business reasons to make or receive voice calls while operating a school bus or van, provided:

- the employee is using "hands free" technology to make the calls; or
- the employee has safely pulled the vehicle to the side of the road or is otherwise stopped and not impeding the flow of traffic.

Transportation employees are not permitted to text or otherwise use a personal wireless device while operating a district vehicle.

Personal wireless devices may not be used to photograph or record conversations or events outside private areas without first obtaining consent to record from all parties. In the case of students, permission from the campus director must be obtained. Administrative approval for recordings of students will take into consideration whether prior approval has been granted from parents/guardians and whether the recording would identify a specific category of students such as special education students.

Personal wireless devices may only be shared with students for emergency use. Personal devices should always be password protected.

No employee may use a personal wireless device to engage in conduct which is illegal or which could be construed as inappropriate conduct with a student or students. In the event an employee receives an inappropriate electronic or digital communication from a student or parent, the communication must be promptly reported to the employee's supervisor.

The district fully acknowledges that personal wireless communications devices are the personal property of the employee. Unless an administrator has reasonable suspicion that an employee's personal equipment contains prohibited content, an administrator may not inspect an employee's personal equipment without the employee's express consent.

**Warning:** Possessing, taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal images, photographs, or communications, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, and other modes of electronic or digital communication) may constitute a CRIME under state and/or federal law. Any person possessing, taking, disseminating, transferring, or sharing obscene, pornographic, lewd or otherwise illegal images, photographs, or communications will be reported to law enforcement and/or other appropriate state or federal agencies, which may result in arrest, criminal prosecution, and inclusion on sexual offender registries.



### **CELLULAR PHONE SUPPLEMENTS**

Use of and reliance on cellular phones has become routine for business and personal use. Certain designated district positions require the employee to maintain cellular phone service as a condition of employment. As an alternative to providing district owned and maintained cellular phone plans which require an unreasonable amount of district and employee time to distinguish between the employee's personal use of cellular phone time and Tulsa Tech-related business use of that time, the district will provide a salary supplement supportive of the employee's contract for cellular phone services.

The superintendent shall designate any employee positions that require cellular phone accessibility as a condition of employment in one of two categories:

Level I: Employees who because of the essential functions of the assigned position are required to be accessible during normal work hours and hours and days beyond the normal workweek on a routine basis.

Level II: Employees who because of the essential functions of the assigned position are required to be accessible during normal work hours and to perform assigned duties at locations other than district campuses or buildings more than one-half of the normal work schedule.

Employees whose positions have been designated by the superintendent shall receive a salary supplement in the amount determined by the superintendent as appropriate for the level of required accessibility to offset the expense to the employee.

Designation of Positions Affected - The superintendent shall designate those staff positions wherein a requirement of the position is that the employee have and maintain a cellular phone. The superintendent's decision, in this regard, shall take into consideration the need to facilitate contact with the employee and the extent to which speed, efficiency, and effectiveness of the employee will be enhanced, and by virtue of that, Tulsa Tech will benefit. Positions affected by the superintendent's designation shall have language explaining the cellular phone obligation and its relationship to the individual's employment included in the applicable job description, negotiated agreement, or personal contract – as applicable.

Salary Supplement - Employees whose positions have been designated by the superintendent as involving a need for a cellular phone, shall receive a salary supplement, with the amount to be determined by the superintendent in consultation with selected administrative staff. The supplement shall be included as a part of the employee's monthly salary warrant and shall constitute taxable income to the employee.

Termination of Cellular Phone Supplement - The superintendent, in his/her discretion, may terminate the salary supplement (1) if an employee is suspended, (2) upon a recommendation for an employee's termination, (3) due to the employee's failure to be

accessible notwithstanding Tulsa Tech's financial commitment made to defray the cost of the cellular phone, or (4) for any other reason which the superintendent deems as warranting the termination of the benefit.

Effect of Superintendent's Termination of Benefit - If the superintendent terminates the benefit, the employee is not required to be accessible via the cellular phone. However, to the extent the employee's availability to the administration is an important part of the employee's position, the superintendent may initiate disciplinary action to address the employee's performance in affected areas.

Personal Use of Cellular Phone – Because the cellular phone services contract is between the employee and the service provider, Tulsa Tech does not control or regulate an employee's personal use of the cellular phone time. In addition, the employee is not expected to account for personal as distinguished from business use of the phone.

Obligations Imposed by Bargaining Agreements – To the extent that some positions affected by the cellular phone obligation as well as the salary supplement are positions within a bargaining unit, the resulting terms and conditions affecting cellular availability shall be negotiated and otherwise handled in compliance with Tulsa Tech's bargaining obligations imposed by law.

## **SOCIAL MEDIA AND SOCIAL NETWORKING**

Tulsa Technology Center recognizes the appropriate use of social media as a method for communicating ideas. The forms of electronic and digital communications change rapidly. This policy addresses common existing forms of electronic and digital communication (email, texting, blogging, tweeting, posting, etc.) but is intended to cover any new form of electronic or digital communication which utilizes a computer, phone or other digital or electronic device.

### **Definitions**

“Social networking” or “social media” means interaction with external websites or services based upon participant contributions to the content. Types of social media include social and professional networks, blogs, micro blogs, video or photo sharing and social book marking; and

“Comment” means a response to an article or social media content submitted by a commenter.

### **Official Use of Social Media**

The Tulsa Tech Marketing department is responsible for creating the District’s “official” online presence. Unless specifically authorized by the Marketing & Communications Department, no Tulsa Technology Center employee may create an “official” TTC presence on any form of Social Media, now in existence, or created in the future, or represent themselves as a spokesperson or authorized representative of Tulsa Technology Center.

The Marketing & Communications Department may utilize Social Media to present information and content to the public and receive feedback from the public. Content and information released on Social Media is equivalent to content and information released to the press and the public in any other format, including press release, letter to the media, open letter to the public, etc. Care must be taken that content and information released to the public over Social Media is accurate, does not violate applicable laws (including, but not limited to, copyright, trademark and defamation law) or District policy.

In general, the District invites discussion of important ideas and issues through Social Media. However, Tulsa Technology Center reserves the right to remove posts or comments that are obscene, defamatory, offensive, contain threats of violence, abusive, spam or advertising, or unrelated to the content or information. Tulsa Technology Center also reserves the right to remove posts or comments that violate applicable laws including, but not limited to, copyright and trademark laws.

## **Professional Conduct**

The District is committed to creating an environment in which all persons can interact together in an atmosphere free of all forms of harassment, exploitation or intimidation. Therefore, when communicating via social networks, employees are expected to act with honesty, integrity, and respect for the rights, privileges, privacy, and property of others. By doing so employees will be abiding by applicable laws, school district policy and the core values of Tulsa Technology Center. The technology center prohibits abusive or offensive online behavior of employees at work or when engaged in work-related activities; likewise, technology center resources are not to be used in abusive or offensive ways. Also, the technology center discourages out-of-school online abusive or offensive behavior because of its potential to interfere with and disrupt working and student relationships.

Employees of Tulsa Tech are responsible for the material they publish online as well as the messages sent via computers and wireless telecommunication devices. Any conduct that negatively reflects upon the District, consists of inappropriate behavior, or creates disruption on the part of an employee may expose that employee to disciplinary action up to and including termination. Inappropriate behavior is defined as any activity that harms students, compromises an employee's objectivity, undermines an employee's authority or ability to maintain control of students, or is illegal. Moreover, employees should not engage in personal social media during working hours.

## **Expectations of Staff**

District employees are role models and must exemplify ethical behavior in their relationships with students, clients, and other staff members. Online activity, including personal online activity, is public and is therefore a reflection on Tulsa Tech as an organization. Employees should exercise good judgment and common sense, maintain professionalism, and address inappropriate behavior or activity discovered on these networks. Inappropriate behavior or activity should be immediately communicated to a direct supervisor. The following should inform and guide employee judgment and actions:

1. The line between professional and personal relationships can become blurred; therefore, District employees should exercise discretion and maintain professionalism when communicating with students via computers or wireless telecommunication devices. Employees should limit this type of communication with students to matters concerning a student's education or extra-curricular activities for which the staff member has assigned responsibility. Excessive messaging or other social media communication to an individual student should be avoided.
2. District employees are prohibited from engaging in private exchanges with students, and should only communicate with groups or in such a manner that the communication can be publicly viewed.
3. Photos of and videos featuring students should not be posted on social media without the informed consent of the student. Parent/guardian consent should be obtained for secondary students. For personal protection, never take a photo of an individual student.
4. Group student photos may be submitted to the Marketing & Communications Department for inclusion on official Tulsa Technology Center social media accounts.

5. Students should not be cited, obviously referenced, or depicted in images without proper written approval of the individual, and the confidential details of these individuals should never be disclosed.
6. Externally communicating any confidential information or information related to Tulsa Tech not intended for public dissemination is always forbidden and may be grounds for termination and legal action. Public information will be released through Tulsa Tech's Communication Officer and/or the Superintendent.
7. Copyright and fair use laws must be respected at all times. Trademarks such as logos, slogans, and digital content such as art, music, or photographs, may require permission from the copyright owner. It is the responsibility of the employee to seek the permission for any such trademarked content.
8. Technology center employees are discouraged from sharing content or comments containing the following when it is directed at a colleague, parent, student or citizen of the State of Oklahoma:
  - a. Obscene sexual content or links to obscene sexual content;
  - b. Abusive and bullying language or tone;
  - c. Conduct or encouragement of illegal activity; and
  - d. Disclosure of information which an agency and its employees are required to keep confidential by law, regulation or internal policy.

Content or comments of the type listed above are especially concerning when directed at or exchanged with a student and, as a result, may result in disciplinary action up to and including termination of employment and, in some instances, referral to law enforcement or licensing bodies.

#### **Accountability**

All employees are expected to serve as positive ambassadors for the District and appropriate role models for students, failure to do so could put an employee in violation of District policy. All employees are required to abide to District policy. Violation of District Policies and Procedures may result in disciplinary action up to and including termination of employment. All employees who have reason to believe that their on-line conduct has generated public or media attention are expected to immediately report their activity and attention generated to their supervisor.

#### **Distribution of Policy**

This policy shall be distributed to all employees each school year and at the time of hiring to all new employees hired after the start of the school year.

Reference: Okla. Stat. tit. 74, § 840-8.1

## **CYBERSECURITY**

The technology center takes seriously the safety and security of its students and staff, which includes electronic security. Therefore, it is the policy of the technology center to have in place measures to prevent unauthorized access to its computer networks and to prevent the online theft, disclosure, use, or dissemination of personally-identifiable information stored on its computer networks (a “security incident”).

### Cybersecurity Protection Measures Generally

Director of Information Technology shall be responsible for the design and monitoring of measures to prevent and respond to unauthorized or unlawful access to or use of data on the technology center’s computer networks (“preventative measures”). These measures shall include identifying network vulnerabilities, developing disaster recovery and business continuity plans, establishing clear procedures that comply with this policy, and educating all stakeholders and users on the importance of computer network security. Additionally, the storage of personally-identifiable information stored on technology center computer networks should be designed so that in the event of a data breach incident, the following data elements associated with the first name or first initial and last name of an individual are either encrypted in transit or redacted: (a) social security number, (b) driver license number or state identification card issued in lieu of a driver license, or (c) financial account number, or credit card number, in combination with any required security code, access code, or password that would permit access to the financial account of the individual.

### Security and Monitoring

The technology center will take reasonable efforts to maintain computer network security, whether threatened by security breach, human error, hardware malfunction, or otherwise. The Director of Information Technology shall be responsible for securing and actively monitoring the technology center’s computer network (“network”) to identify, contain, mitigate, and report any security incident, which may include contracting with a third party for such services. However, any staff member who suspects or becomes aware of a security incident shall immediately notify the Director of Information Technology.

The Director of Information Technology shall also be responsible for designing, or having in place, adequate preventative measures, including perimeter and access controls, to regulate digital traffic between the technology center’s computers and external entities. To the extent practicable, the electronic transmission of personally-identifiable information should be encrypted or redacted. Additionally, the Director of Information Technology shall ensure the technology center’s network and all technology center computer equipment are protected from malicious software attacks such as viruses, ransomware, spyware, and malware by commercial grade cybersecurity software and appropriate and regularly-updated software, including timely installation of necessary software patches.

The Director of Information Technology shall annually report to the board of education regarding the adequacy of the technology center’s preventative measures, including any

security incidents that have occurred, the technology center's responses to those incidents, and subsequent improvements to network security. The Director of Information Technology shall also conduct vulnerability assessments to monitor the efficacy of the technology center's preventative measures and make ongoing improvements or updates to security protocols, systems, hardware, and software as necessary.

The Director of Information Technology shall also develop a disaster recovery or business continuity plan to be implemented in the case of a disaster or serious security incident which compromises the technology center's network and/or the data stored thereon. This plan shall include procedures for routinely backing-up technology center data to a secured, off-site location or onto appropriate backup media at a secure, off-site location. The technology center may contract with a third party for such services. At least [frequency, i.e., annually, semi-annually], the Director of Information Technology shall conduct contingency testing to ensure the speedy restoration of technology center systems and information in the event of a security incident or a disaster.

### Response and Reporting

In the event of a security incident, Director of Information Technology shall immediately notify the Superintendent, and they, in consultation with the technology center's legal counsel, shall take such reasonable and appropriate steps as may be required, which may include notification to law enforcement and affected parties. The Superintendent shall also notify the Board of Education of any security incidents as soon as practicable.

### Education

The Director of Information Technology is responsible for providing annual information technology training to the Organizational & Talent Development Department for distribution to all technology center personnel.

This training will emphasize such employees' personal responsibility for protecting the technology center's network and personally-identifiable information. Additionally, and on an ongoing basis, the Director of Information Technology will provide guidance to all technology center employees on best practices to mitigate against the threats of a cyber-attack.

Reference: OKLA. STAT. tit. 74, § 3113.1; OKLA. STAT. tit. 24, §§ 161-166 ("Security Breach Notification Act"); 20 U.S.C. § 1232g, 34 C.F.R. Part 99 ("FERPA"); 47 U.S.C. § 254; 47 C.F.R. § 54.520 ("Children's Internet Protection Act"); 20 U.S.C. § 7131 ("Elementary and Secondary Education Act"); 15 U.S.C. § 7001

**BOARD MEETINGS HELD VIA  
VIDEOCONFERENCE OR TELECONFERENCE**

THIS POLICY SHALL BE IN EFFECT UNTIL THE EARLIER OF NOVEMBER 15, 2020, OR THE GOVERNOR DECLARES THE COVID-19 STATE OF EMERGENCY TO BE TERMINATED.

PURSUANT TO SENATE BILL 661, WHICH TEMPORARILY AMENDS CERTAIN PROVISIONS OF THE OPEN MEETING ACT, THIS POLICY TEMPORARILY MODIFIES THE FOLLOWING BOARD POLICIES TO ALLOW BOARD MEETINGS TO BE CONDUCTED BY VIDEOCONFERENCE OR TELECONFERENCE:

- TECHNOLOGY CENTER BOARD MEETINGS
- BOARD OF EDUCATION NOTIFICATION OF MEETINGS
- QUORUM: BOARD MEETING PROCEDURE
- PUBLIC PARTICIPATION IN BOARD MEETINGS

The board of education recognizes its continuing duty to encourage and facilitate an informed citizenry's understanding of the technology center's governing processes and problems by conducting its meetings in compliance with the Open Meeting Act. However, the board may determine that present circumstances and ongoing social distancing guidelines issued by the president, the governor, and national and state public health entities necessitate that its meetings be conducted entirely via videoconference or teleconference (remote means) or a combination of physical meeting and remote means. In such cases, it shall comply with all provisions of the Open Meeting Act, as amended by Senate Bill 661. However, in no case shall the board use remote means to prevent its meetings from remaining open and accessible to the public.

**DEFINITIONS**

**Videoconference** – A conference among members of the board remote from one another who are linked by interactive telecommunication devices or technology and/or technology permitting both visual and auditory communication between and among members of the board and/or between and among members of the board and members of the public. During any videoconference, the board shall attempt to use both the visual and auditory communications functions of its videoconferencing devices and/or technology.

**Teleconference** – A conference among members of the board remote from one another who are linked by telecommunication devices and/or technology permitting auditory communication between and among members of the board and/or between and among members of the board and members of the public.



## **TECHNOLOGY CENTER BOARD MEETINGS**

Meetings may be held entirely or partially by videoconference or teleconference as long as the meeting conforms to the requirements of the Open Meeting Act, as temporarily amended by Senate Bill 661. Accordingly, any board meeting conducted by videoconference or teleconference must meet the following requirements:

- The meeting shall be recorded by written, electronic, or other means.
- Each member of the body must be audible or visible to each other and the public.
- A quorum must be present during a meeting conducted via videoconference or teleconference, but need not be physically present at any physical meeting site.
- If at any time the audio connection is disconnected, the meeting shall be stopped and reconvened once the audio connection is restored.
- The meeting notice and agenda prepared in advance of the meeting, as required by law, shall indicate if the meeting will include videoconferencing or teleconferencing, and shall also state the following information:
  - Each member of the body appearing remotely and the method of each member's remote appearance (videoconference or teleconference);
  - The identity of any member of the body who will be physically present at the meeting site (if any);
  - If any executive session is contemplated. In such case, the notice requirements of Section 311 of the Open Meeting Act shall be stated in the notice and agenda along with the following:
    - The executive session will include videoconferencing or teleconferencing,
    - The identity of each member of the body appearing remotely,
    - The method of each body member's remote appearance, and
    - Whether any member of the body will be physically present at the meeting site (if any) for that executive session.
- After the meeting notice and agenda are prepared and posted as required by law, public body members shall not be permitted to alter their method of attendance; provided, however, those members who were identified as appearing remotely may be permitted to physically appear at the meeting site (if any).
- Public body members who participate in the meeting by videoconference or teleconference need not be physically present at a location open and accessible to the public located in the member's district.
- The public shall be allowed to participate and speak, as allowed by any rules or policy set by the public body, in a meeting which utilizes videoconference or teleconference in the same manner and to the same extent as the public is allowed to participate or speak during a meeting where all public body members are physically present together at the meeting site.
- Any materials shared between members of the public body shall be immediately made available to the public in the same form.

- All votes occurring during meetings using videoconferencing or teleconferencing shall occur and be recorded by roll call votes.
- Executive sessions may be conducted by videoconference or teleconference. For such sessions, no public body member is required to be physically present so long as each member is audible or visible to each other.
- Except as otherwise provided in this policy, the meeting shall be conducted per the usual procedures and requirements of the Open Meeting Act.

## **BOARD OF EDUCATION NOTIFICATION OF MEETINGS**

### **Notice to County Clerk**

**Regular Meetings** – Should the board elect to hold any regular meeting via videoconference or teleconference, the board shall cause notice of this change to be provided in writing to the county clerk at least ten days prior to implementing the change. The notice shall indicate if videoconferencing or teleconferencing shall be used, each public body member appearing remotely, the method of each member’s remote appearance (videoconference or teleconference), and the identity of each member who will be physically present at the meeting site (if any).

**Special Meetings** – Notice of the time, date and place of a special meeting shall be provided to the county clerk in person, in writing, or by telephone at least forty-eight (48) hours prior to the meeting. The notice shall indicate if videoconferencing or teleconferencing shall be used, each public body member appearing remotely, the method of each member’s remote appearance (videoconference or teleconference), and the identity of each member who will be physically present at the meeting site (if any).

### **Meeting Notices**

Pursuant to SB 661, public bodies shall not be required to make the notice of a public meeting available to the public in the principal office of the public body or at the location of the meeting during normal business hours at least twenty-four hours prior to the meeting. If the technology center chooses to only post its meeting agenda electronically, then Option 2’s procedures shall be used.

#### **Option 1 (Traditional Method)**

At least twenty-four hours prior to a regular or special meeting, a meeting agenda shall be posted which shall include the date, time, and place of the meeting and the business to be undertaken at the meeting. Additionally, it shall indicate if videoconferencing or teleconferencing shall be used, each public body member appearing remotely, the method of each member’s remote appearance (videoconference or teleconference), and the identity of each member who will be physically present at the meeting site (if any). The calculation of the twenty-four (24) hour period shall exclude Saturdays, Sundays, and holidays.

Written notice of the date, time and place of the meeting will be mailed or delivered to each person, newspaper, wire service, radio station and television station that has filed a written request for such notice. Such requests must be renewed annually, and an annual fee of Eighteen Dollars (\$18.00) will be charged each person or entity that requests written notification.

## Option 2 (Electronic System)

Electronic meeting notices will be provided free of charge to all individuals and organizations who have signed up in advance or this notice. Requests to receive electronic notices can be made by contacting.

At least twenty-four (24) hours prior to a regular meeting or forty-eight (48) hours prior to a special meeting, a meeting agenda shall be posted on the technology center's website and emailed to those who have previously requested electronic meeting notifications. The agenda shall include the date, time, and place of the meeting, and the business to be undertaken at the meeting. Additionally, it shall indicate if videoconferencing or teleconferencing shall be used, each public body member appearing remotely, the method of each member's remote appearance (videoconference or teleconference), and the identity of each member who will be physically present at the meeting site (if any). The calculation of the 24/48-hour period shall exclude Saturdays, Sundays, and holidays. Physical posting of the meeting notice shall not be required to be made available to the public at the principal office of the public body or at the location of the meeting during normal business hours at least twenty-four (24) hours prior to the meeting.

### **Continuing Meetings**

In the event any meeting of the board is to be continued or reconvened, public notice of the action, including the date, time and place of the continued meeting shall be given by announcement at the original meeting.

### **QUORUM: BOARD MEETING PROCEDURE**

A quorum consisting of a majority of the board membership shall be necessary to conduct business at a meeting of the board of education held via videoconference or teleconference; however, a majority of the board need not be physically present at a physical meeting site when such meeting is conducted via videoconference or teleconference. In such cases, quorum may be established if a majority of the board is present via videoconference or teleconference, and each board member is audible or visible to each other and the public. In the event a quorum is not present at a meeting held via videoconference or teleconference, and a regularly scheduled meeting cannot be convened, the meeting shall be cancelled.

### **PUBLIC PARTICIPATION IN BOARD MEETINGS**

#### **Public Comments – General Guidelines**

Members of the public shall be allowed to participate and speak, to the extent allowed by rule of policy set by this board, in a meeting which utilizes videoconference or teleconference in the same manner and to the same extent as the public is allowed to participate or speak during a meeting where all public body members are physically present together at the meeting site.

## **EMERGENCY PREPAREDNESS AND MANAGEMENT**

The board of education is committed to ensuring that the technology center is prepared to address potential emergencies and to ensure that it can address emergencies in the most appropriate and efficient manner to provide a safe and healthy school environment.

The purpose of this policy is to address emergency preparedness and management. In the event of an emergency situation (including but not limited to fire, natural disasters, severe weather, acts of terror, health emergencies, and any other emergency situation) the superintendent is responsible for developing specific plans and procedures in accordance with this policy.

This policy is not intended to replace any current safety plans as related to evacuation procedures for fires, or severe weather sheltering

### **Definitions**

“Prevention” means the capabilities necessary to avoid, deter, or stop an imminent crime or threatened or actual mass casualty incident. It refers to the actions the technology center will take to prevent a threatened or actual incident from occurring.

“Protection” means the capabilities to secure the technology center against acts of violence and man-made or natural disasters. It focuses on ongoing actions that protect students, teachers, staff, visitors, networks, and property from a threat or hazard.

“Mitigation” means the capabilities necessary to eliminate or reduce the loss of life and property damage by lessening the impact of an event or emergency. It also means reducing the likelihood that threats and hazards will happen.

“Response” means the capabilities necessary to stabilize an emergency once it has already happened or is certain to happen in an unpreventable way, to establish a safe and secure environment, to save lives and property, and to facilitate the transition to recovery.

“Recovery” means the capabilities necessary to assist the technology center affected by an event or emergency in restoring the learning environment.

### **General Emergency Preparedness**

In the event an emergency arises that is not otherwise specifically covered in this policy, the technology center will follow the general procedures outlined below, leaving discretion to the superintendent or the superintendent’s designee(s) to address specific situations against the backdrop of this and other applicable board policies.

## **Decision-Making Authority**

The board of education grants the superintendent the authority to decide when an emergency exists and to communicate that emergency to employees, students, and appropriate stakeholders by the means appropriate to the nature of the emergency. Depending upon the type and severity of the emergency, the superintendent and technology center administrators may implement the following responses: Shelter in Place, Lockdown, Evacuation, Technology Center Closure, and any other response the superintendent and/or administrators deem appropriate under the circumstances. The superintendent may appoint or meet with a committee to discuss the needs of the technology center and to implement appropriate steps recommended by the committee to plan for and respond to emergencies. The board of education grants the superintendent the authority to delegate appropriate tasks to members of a committee and administrators in planning for and responding to emergencies.

After an emergency arises, the board of education may convene, pursuant to procedures provided in the Open Meeting Act, to discuss any necessary topic relevant to the technology center's handling of the situation as soon as practicable, including calling either a special or emergency meeting if necessary. The board of education shall convene under this provision in any situation that the superintendent believes a technology center closure of more than three days is required. In that meeting, the superintendent shall report on the emergency, including any steps taken. The board grants the superintendent the authority to take any necessary actions, delegate authority, and implement any necessary responses, including temporary technology center closures, prior to meeting with the board. Thereafter, the board will take further appropriate action.

## **Actions to be Taken**

Any action taken under this policy by the board of education or the superintendent will be made in accordance with applicable state and federal laws, regulations, and guidance; and recommendations from emergency management officials, law enforcement, health authorities, and other appropriate agencies and resources. Actions will be based upon sound information and data, and any plans and procedures that are developed will be evaluated and updated as new information becomes available.

## **Communication**

Throughout every phase of emergency preparedness and management, clear, accurate, and timely communication with employees, students, and (as appropriate) with stakeholders will be accomplished by designated personnel.

## **Technology Center Closure/Evacuation**

When responding to an emergency, if the superintendent or board of education determines that it is in the best interest of the technology center that sites should be closed and/or evacuated, appropriate measures shall be designed and implemented to ensure the safety and transportation of students; essential functions of the technology center shall continue to the extent practicable. In the event of a long-term closure of technology centers for more than five days, the measures shall address the following topics: continuity of instruction, access to student records, purchasing services, payroll/benefits administration, maintenance, and health services. Furthermore, the superintendent shall ensure that all stakeholders are adequately informed through appropriate communications.

## **Nondiscrimination**

In addressing emergency preparedness and management, the technology center will be mindful of its obligation to protect the rights of its students and employees, particularly in regard to Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and Title VI of the Civil Rights Act of 1964. The technology center will respond appropriately to allegations of discrimination regarding emergency preparedness and management.

## **HEALTH EMERGENCIES**

The board of education seeks to provide an environment which is safe for all students and employees, while maintaining the dignity and privacy of individuals infected with contagious health conditions which constitute a health emergency.

This policy outlines the procedures the technology center will utilize to address health emergencies. The superintendent, after consultation with state and federal authorities, the State Board of Education, as well as appropriate guidance from the Centers for Disease Control (CDC), the Oklahoma Department of Health, and the County Health Department, is authorized to take any other action the superintendent deems necessary to address a health emergency. Ongoing research regarding contagious health conditions may require modification of this policy and procedures to meet a health emergency.

For purposes of this policy, “contagious health conditions” are serious illnesses that are capable of being transmitted to others via the air or casual physical contact between persons or contaminated surfaces.

## **Prevention**

The technology center will be proactive in preventing the spread of contagious health conditions and educate students, employees and appropriate stakeholders on their responsibility to prevent the transmission of these conditions. The board of education encourages all its employees and students to protect their personal health.

In consultation with appropriate health guidance and authorities, the following preventative measures will be implemented and communicated to students, employees and stakeholders:

1. **Handwashing** – The CDC recommends that every person wash their hands with clean, running water and soap; lather their hands by rubbing them together with soap (including the backs of the hands, under fingernails, and between fingers) for at least 20 seconds; rinse their hands well under clean, running water; and dry their hands using a clean towel or air drying them. If no soap and water is available, hand sanitizers may be used, but these do not remove all types of contaminants. If hand sanitizer is used, it should be rubbed all over the surface of ones’ hands until dry. Students and employees shall be encouraged to wash their hands in compliance with CDC guidelines.
2. **Cough and Sneeze Hygiene** – Students and employees should use a tissue to cover their mouths and noses when they sneeze or cough. Used tissues should be promptly discarded in a wastebasket, and hands should be washed with soap and water or hand sanitizer. Where tissues are unavailable, persons should sneeze or cough into their

elbow and should not use their hands. If hands become contaminated due to sneezing or coughing, appropriate handwashing should promptly follow. Additionally, the touching of eyes, noses, or mouths should be avoided.

3. Masks – Employees, students and stakeholders shall wear a face mask at all times directed by the superintendent. In determining whether cloth face masks or other masks are permissive or required, the superintendent shall consider state and local COVID-19 conditions and requirements, guidance of the local health department, school instruction cohorts, and the ability to utilize social distancing, as well as other relevant considerations.
4. Vaccines – Vaccinations are a primary way to prevent disease and the spread of contagious health conditions. Technology center officials shall comply with all state and federal requirements concerning vaccinations, and shall communicate the importance of vaccinations to parents and guardians.
5. Cleaning and Disinfecting – Technology center employees shall clean and disinfect surfaces and objects that are frequently touched in technology center buildings and buses using appropriate materials and techniques. The technology center shall ensure that it has adequate supplies to support its cleaning and disinfection practices. Technology center employees are required to follow the technology center's Bloodborne Pathogen Exposure Control Plan at all times when there is potential for exposure to any bodily fluid.
6. Community Education – The technology center shall educate students, employees and appropriate stakeholders to help them understand their role in preventing the spread of contagious health conditions, which may include language-appropriate signage, posters, emails, meetings, training, literature, and health curriculum components.

### **Protection/Mitigation**

In addition to the above prevention measures, to protect and mitigate against the spread of contagious health conditions, the following measures may be implemented: updating all contact information for students and employees; encouraging or requiring students and employees to remain home if they are sick; encouraging students and employees to practice social distancing; sending students home if they are sick; and educating stakeholders in preventing and identifying a contagious health condition.

### **Response**

In the event of a health emergency, the following procedures may be utilized:

1. Students and employees may be required to stay home if they are ill with a contagious health condition and may be sent home if technology center officials determine that they are exhibiting symptoms consistent with a contagious health condition. Students and employees will not be allowed to return to technology center until a health officer or official health department (the CDC, County Health Board, licensed physician, licensed physician's assistant, health department official, technology center nurse, etc.) has determined that the individual is free of the condition or that there is no danger of the condition spreading to others.

2. At the sole discretion of the administration, individuals who have been exposed to a contagious health condition may be separated from healthy persons or sent home to avoid spreading the condition to others. These determinations will be done on a case-by-case basis and will be done after the consideration of guidance issued by health officials. Any action taken in accordance with this paragraph will be done, to the extent possible, in a manner that avoids embarrassment or disclosure of protected information.
3. The technology center shall communicate information necessary to keep stakeholders informed about any health emergency, provide stigma-mitigating information, and educate them on their roles in preventing further transmission of the contagious health condition.
4. The technology center shall coordinate with appropriate health agencies to appropriately report absences and seek guidance in responding to a health emergency.
5. The technology center shall increase its cleaning and disinfection efforts.
6. The superintendent or board of education may cancel or reschedule extracurricular activities, close technology centers and/or evacuate students and employees from technology center sites. Should this become necessary, the superintendent shall implement the Technology Center Closure/Evacuation procedures found under General Emergency Preparedness.
7. Students may receive exemptions from other board policies due to excessive absences caused by a contagious health condition.

### **Recovery**

In recovering from a health emergency, the following procedures may be utilized as determined necessary by the superintendent: rigorous cleaning and disinfection of technology center facilities and buses; the provision of crisis management resources to address mental health needs; and other procedures deemed necessary. The superintendent shall communicate with appropriate stakeholders, debriefing and informing them of the technology center's recovery efforts. The technology center shall continue appropriate prevention, protection, mitigation, and response procedures listed above in preparation for potential resurgence of the health emergency. The superintendent shall also evaluate the effectiveness of the technology center's response to the emergency and recommend appropriate changes to this policy or the procedures used and report the results of this evaluation to the board of education.

### **PANDEMIC HEALTH EMERGENCIES**

A "pandemic" is a serious disease that spreads over a wide geographic area where a significant portion of the population becomes infected. The technology center recognizes its responsibility in working together with all stakeholders to slow the spread of pandemics.

In the event of a pandemic, the technology center shall comply with any and all relevant directives from federal and state officials, particularly the State Board of Education and the Oklahoma Department of Career and Technology Education concerning the pandemic. At all times the superintendent shall keep the board of education and all appropriate stakeholders



informed concerning the technology center's response to a pandemic. Efforts shall be made to keep the community calm and reduce panic or stigma.

### **Prevention**

1. The superintendent shall, at least annually, coordinate with state and local health departments when reviewing and updating this policy and associated procedures.
2. The superintendent shall monitor appropriate health resources such as those of the CDC and State Department of Health for reports of pandemics, as well as coordinate with local health departments to identify and prepare strategies for addressing likely pandemics.
3. The technology center shall circulate materials that educate students, employees, and appropriate stakeholders concerning the signs and symptoms of a likely pandemic. It shall also teach and reinforce to students and employees the importance of following the prevention procedures listed in the Health Emergencies section above.
4. The technology center shall obtain materials necessary to address a pandemic outbreak and shall intensify its cleaning and disinfecting process.

Technology center administrators shall train employees regarding identifying the symptoms of a likely pandemic and reinforce prior training on employees' responsibilities concerning isolation of students or employees in the event of a pandemic. Should a pandemic be reported in the community, in addition to the above procedures addressing health emergencies, the superintendent shall coordinate with state and local health departments to make informed decisions, monitor and report absenteeism to those departments, communicate with stakeholders, and prepare for possible extracurricular activity cancellations, technology center closures, and technology center evacuations.

1. The superintendent shall monitor reports of illness from within the technology center.
2. The technology center shall communicate to students, employees, and appropriate stakeholders to keep them informed about developments concerning the pandemic, providing stigma-mitigating information, and informing them of their roles in preventing further transmission of the pandemic disease.
3. Students and employees shall stay home if they exhibit symptoms consistent with the pandemic illness and shall be sent home if they exhibit symptoms consistent with the pandemic illness while at technology center. Parents and guardians of ill students shall be immediately informed and required to pick up their student(s). Students and employees will not be allowed to return until a health officer or official health department (e.g., the CDC, County Health Board, licensed physician, licensed physician's assistant, health department official, technology center nurse, etc.) has determined that the individual is free of the condition or that there is no danger of the condition spreading to others in the technology center environment. Depending upon the guidance issued by health authorities, students and employees may be prohibited from entering technology center facilities or participating in technology center events until a period of self-quarantine has expired.

4. Individuals who have been exposed to a pandemic disease shall be separated/isolated from healthy persons in a manner that addresses symptoms and avoids embarrassment or disclosure of protected health information. Parents and guardians of students who have been exposed to a pandemic disease shall be immediately informed and required to pick up their student(s). Depending upon the guidance issued by health authorities, students and employees may be prohibited from entering technology center facilities or participating in technology center events until a period of self-quarantine has expired.
5. If the technology center believes that technology center employees or students have been exposed to a person who has been confirmed to be infected with the pandemic disease or to a person subject to self-quarantine procedures by health officials, the technology center will, to the extent possible, communicate that exposure to affected individuals in a way intended to protect the privacy of the affected individual.
6. If any technology center employee, student, or technology center patron is confirmed to have been infected with the pandemic disease and has attended the technology center within the previous two-week period, they should notify technology center officials as soon as possible.
7. The technology center shall communicate and coordinate with appropriate federal and state authorities, as well as local health agencies, to report absences and seek guidance in responding to the pandemic.
8. The technology center shall further intensify its cleaning and disinfection efforts.
9. The superintendent or board of education shall cancel or reschedule extracurricular activities as necessary.
10. If appropriate, the superintendent or board of education may close technology centers and/or evacuate students and employees from technology center sites. Should this become necessary, the superintendent shall implement the Technology Center Closure/Evacuation Procedures found in the General Emergency Preparedness section above.
11. In the event of a technology center closure due to a pandemic disease, the superintendent shall cause all affected areas of the technology center to be closed off and be thoroughly cleaned and disinfected, focusing on frequently-touched surfaces and using products approved by the EPA to kill the disease associated with the pandemic. Guidance on cleaning and disinfection from the CDC shall be consulted and adhered to.
12. The superintendent shall seek the guidance of local health agencies and follow all directives from the State Department of Education regarding when technology center sites shall be reopened.

References: The Readiness and Emergency Management for Schools Technical Assistance Center (REMS): *The Role of Districts in Developing High-Quality School Emergency Operations Plans*; REMS: *The Guide for Developing High-Quality School Emergency Operations Plans*; The Centers for Disease Control and Prevention (CDC): *Coronavirus Disease 2019 (COVID-19) Guidance for School Settings*; CDC: *Handwashing: Clean Hands Save Lives*; CDC:

*Environmental Cleaning and Disinfection Recommendations*; OKLA. STAT. tit. 63, §§ 638.1–683.24.

**LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

*THIS POLICY SHALL BE IN EFFECT UNTIL DECEMBER 31, 2020 OR UNTIL THE EXPIRATION OF SUCH LEAVE UNDER FEDERAL LAW*

Under the Families First Coronavirus Response Act (FFCRA) employees of the technology center are provided with additional paid and unpaid leave. This policy sets out the scope of that leave. As new regulations or guidance are issued by the Department of Labor regarding this leave, the technology center will comply with such guidance.

The leave described in this policy shall only apply to a technology center employee who is scheduled to work, but is unable to due to a qualifying COVID-19 condition. In the case that the technology center employee has been directed or approved to work remotely and can fully perform their job duties remotely, this leave will only apply if the employee cannot work remotely due to a qualifying COVID-19 condition.

The leave provided under this policy is non-cumulative and expires on December 31, 2020, unless extended by Federal Authorities. Employees entitled to leave under this policy do not have a property interest in such leave and the leave provided under this policy will not be paid out to the employee upon separation from the technology center, retirement, or at the end of their contract term.

COVID-19 Conditions

The following are COVID-19 conditions that may qualify an eligible employee for leave pursuant to this policy:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine related to COVID-19;
3. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. The employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2)<sup>1</sup>;
5. The employee is caring for a son or daughter<sup>2</sup> whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19<sup>3</sup>;

<sup>1</sup> An employee seeking leave for this purpose must have a genuine need to care for the individual, such as a relationship that creates an expectation that the employee would care for the person (i.e. immediate family member, roommate, or similar person).

<sup>2</sup> This definition encompasses the employee's own child, including biological, adopted or foster children as well as stepchildren, legal wards, or a child for whom the employee stands in *loco parentis*.

<sup>3</sup> An employee requesting leave based on this condition must certify that no other suitable person is available to care for the children for whom care is necessary and that no other person will be providing care for the children during the period for which the employee requests leave for this condition. This condition includes caring for a son or daughter over the age of 18 who is incapable of self-care due to physical or mental disability.

6. Or the employee is experiencing any other substantially-similar condition specified by the U.S. Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Leave provided for qualifying individuals experiencing these conditions is described below.

#### Emergency Paid Sick Leave Act (EPSLA)

All technology center employees, regardless of length of employment, are eligible for limited paid leave under the Emergency Paid Sick Leave Act (EPSLA). An employee who is scheduled to work, but unable to work (or to work remotely if directed or approved) due to any qualifying condition listed above may request such leave. The employee will be required to apply for the Emergency Paid Sick Leave.

The amount of paid leave available to the qualified employee shall be determined based on whether the employee has full or part-time employment with the technology center. For the purpose of this policy, a full-time employee is defined as an employee that works 40 hours per week. The following leave amounts are available:

- Full-Time Employees: 80 leave hours
- Part-Time Employees: A number of hours equal to the number of hours averaged over a two-week period.

Part-time employees who wish to take Emergency Paid Sick Leave should consult with Human Resources to determine the number of hours to which they are entitled.

Payments for Emergency Paid Sick Leave are capped as follows:

- For employees with COVID-19 related Conditions 1, 2, or 3: 100% of the employee's regular rate up to \$511 a day (\$5,110 total).
- For employees with COVID-19 related Conditions 4, 5, or 6: 2/3 of the employee's pay rate based on the hours the employee would otherwise be normally scheduled to work. Paid leave under this provision shall not exceed \$200 per day and/or \$2,000 in aggregate. The employee may supplement this leave with accrued leave up to 100% of the employee's regular rate.

This leave, with one exception, is in addition to FMLA and other leave. The exception is Emergency Paid Sick Leave approved for the purpose of caring for a son or daughter, whose school or place of care is closed, or child care provider is unavailable for reasons related to COVID Condition 5. COVID-19 child care-related leave counts toward the leave provided in the EFMLEA section below. Employees are not required to use accrued paid leave prior to using Emergency Paid Sick Leave.

Unless teleworking, employees who begin taking paid sick leave related to COVID-19 conditions 1-4 or 6 above must continue to take paid sick leave until either (1) the full amount of paid sick leave is used or (2) the employee no longer has a qualifying condition for taking paid sick leave.

### Emergency Family and Medical Leave Expansion Act (EFMLEA)

A technology center employee who has been employed for at least 30 calendar days is entitled to Emergency FMLA leave under the Emergency Families and Medical Leave Expansion Act. An employee who is scheduled to work, but unable to work (or work remotely if directed or approved) because they are required to care for a son or daughter whose school or place of care is closed related to COVID-19 (COVID-19 Condition 5 above), is entitled to partially-paid leave of twelve weeks, subject to the following conditions:

- The first two-weeks of Emergency FMLA leave shall be unpaid. However, the employee, at their discretion, may use accrued leave or Emergency Paid Sick Leave to supplement this leave up to 100% of the employee's regular rate.
- For subsequent days, the employee shall receive 2/3 of the employee's regular/usual rate of pay based on the number of hours the employee would otherwise be normally scheduled to work. Paid leave under this provision shall not exceed \$200 per day and/or \$10,000 in aggregate.<sup>4</sup> The employee may supplement this leave with accrued leave up to 100% of the employee's regular rate.

The employee will be required to apply for the Emergency FMLA Leave.

Emergency FMLA leave runs concurrently with any FMLA leave available to a qualified employee. Therefore, an employee who has exhausted FMLA leave is not entitled to additional leave under the EFMLEA. Likewise, an employee who has used a portion of their FMLA leave will only be eligible for Emergency FMLA leave on a prorated basis. Employees are not required to use other accrued paid leave prior to using EFMLEA leave.

### Intermittent Leave

Eligible employees may request to use their available Emergency Paid Sick Leave or their Emergency FMLA leave on an intermittent basis by following the same application and certification process as described above, and under the following conditions:

- If the employee is teleworking:
  - *Emergency Paid Sick Leave:*
    - If the employee is unable to telework their normal hours due to a COVID-19 condition.
  - *Emergency FMLA:*

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<sup>4</sup> Therefore, an employee taking both Emergency Paid Leave for COVID-19 child care purposes (COVID-19 condition 5) and Emergency FMLA leave for COVID-19 child care purposes (COVID-19 condition 5) will be eligible for an aggregate of twelve (12) weeks of paid leave under this policy. Such leave shall be provided at 2/3 of their regular/usual rate of pay not to exceed \$200 per day and/or \$12,000 in aggregate using both types of leave. Employees must apply separately for each leave.

- If the employee is caring for a son or daughter whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19, and is unable to telework their normal hours due to a COVID-19 condition.
- If the employee is working from a Technology center site:
  - *Emergency Paid Sick Leave<sup>5</sup> or Emergency FMLA:*
    - If the employee is caring for a son or daughter whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19, and is unable to telework their normal hours due to a COVID-19 condition.

Intermittent leave will only be provided in [half-day, hour, ½ hour, etc.] increments and must be approved by the Technology center.

### Compliance with Federal Regulations and Guidance

It is the Technology center's intention to comply with all federal law, regulations and guidance related to Emergency Paid Sick Leave and Emergency FMLA leave. In the event the Technology center's policy conflicts with federal law, regulations or guidance, the Technology center will comply with federal law, regulations, guidance and applicable court decisions.

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<sup>5</sup> Intermittent Leave is not available for employees working on site with COVID-19 conditions 1-4 or 6.

**TELEWORK DURING EXTENDED TECHNOLOGY CENTER CLOSURE  
OR FOR INTERMITTENT USE**

THIS POLICY SHALL BE IN EFFECT WHEN TECHNOLOGY CENTER SITES ARE CLOSED FOR AN EXTENDED PERIOD DUE TO EXIGENT CIRCUMSTANCES OR WHEN INTERMITTENT TELEWORK ARRANGEMENTS ARE WARRANTED; THESE PROCEDURES WILL NOT BE USED WHEN THE TECHNOLOGY CENTER IS OPEN FOR IN-PERSON INSTRUCTION EXCEPT AS DETERMINED NECESSARY BY THE SUPERINTENDENT.

The board of education, while preferring that all technology center employees perform their work duties at their Primary Work Locations, does recognize that under certain extenuating circumstances it may be necessary to require or authorize some technology center employees to work from an alternative work location.

The purpose of this policy is to ensure the technology center is able to effectively continue educating and serving its students when it is required to temporarily close technology center work sites for an extended period due to extenuating circumstances, including, but not limited to, pandemic health emergencies and closure orders from federal, state, or local authorities or when the Superintendent determines that intermittent telework arrangements are necessary and meet technology center needs.

**DEFINITIONS**

- **Technology Center Work Location:** A location, either on or off technology center property, to which a Teleworking Employee must physically report to complete a task or work assignment by his/her supervisor.
- **On-Call:** A work assignment where the employee is considered “at work,” though not physically present at his/her Primary Workplace, by being immediately available and accessible by electronic or telephonic means during the employee’s regular work hours, including any other designated hours due to a staggered or alternate work schedule, and who is required to physically report to a technology center Work Location or the Teleworking Employee’s Primary Workplace when directed by their supervisor.
- **Primary Workplace:** The Teleworking Employee’s usual and customary workplace or work site.
- **Telework/Teleworking:** A flexible work arrangement in which the superintendent or designee directs or allows Teleworking Employees to perform their essential job functions at pre-approved Telework Locations in accordance with their same performance expectations.
- **Telework Employee(s)/Teleworking Employee(s):** Technology center personnel who have been authorized by technology center administration to Telework during a Telework Event to produce an agreed upon work product and/or complete work-related duties. This includes support personnel who are working On-Call.



- **Telework Event:** A potentially recurring situation during which time designated employees may Telework in lieu of physically reporting to their Primary Workplace.
- **Telework Location:** A work site or space not owned or leased by the technology center, but which is an approved location from which Teleworking Employees may perform their assigned job functions, which can include an employee's home. A Telework Location is one which is safe, secure, free of undue distractions, adequately equipped to allow the Teleworking Employee to complete assigned work tasks and duties, and one which allows the employee to be immediately available and accessible by electronic or telephonic communication means during regular work hours and any other assigned or designated hours (e.g., required office hours pursuant to any virtual or distance learning policy).

## **GENERALLY**

In circumstances which necessitate extended cessation of in-person instruction and/or closure of some or all technology center work sites, the technology center considers Telework to be a viable alternative work arrangement for the delivery of instruction and services to students from designated certified employees and support staff. Therefore, under certain circumstances, the board of education (board) delegates authority to the superintendent or designee to designate employees, individually or collectively, who may or must Telework until further advised.

Teleworking, in part or whole, will continue as an acceptable work arrangement as long as, in the superintendent's sole discretion, such conditions continue to exist which necessitate the use of Teleworking as a means to deliver instruction and/or services to students. The superintendent will consider local, state and/or federal guidance related to the Telework Event when making this determination.

The decision of whether Telework is appropriate or required for a particular employment position is at the sole discretion of the superintendent. The superintendent or designee is authorized to establish any necessary guidelines or procedures to be used in identifying suitable work positions and employees who are eligible to Telework and may require any employee to Telework or not Telework. Teleworking arrangements may be discontinued at any time with reasonable advance notice.

Telework may be appropriate for some employment positions and employees; however, Teleworking is not an entitlement. Telework may be denied to certain employees at the sole discretion of the superintendent or designee, and any such denial is not appealable to the board. The superintendent's discretion under this policy shall, in compliance with federal and state antidiscrimination laws, be exercised in a non-discriminatory manner.

Notwithstanding the provisions above, if the assignment or denial of Telework to an employee effectively results in a demotion, suspension, or termination, this policy shall not prevent a qualified employee from exercising due process rights under the technology center's policies related to that demotion, suspension or termination.

Not all employees may be eligible for Teleworking. Employees who may not be eligible to Telework can include, but are not limited to, those employees that are identified as emergency personnel, members of critical infrastructure pursuant to any federal or state order, or employees whose physical presence at their Primary Workplace is essential to the performance of their duties (e.g., food service, maintenance, administrative personnel, etc.). If an employee is not eligible for Telework and the employee is unable to work during assigned hours, the

employee may be required to take any available accrued leave, whether paid or unpaid, in compliance with relevant technology center leave policies, unless the employee is eligible for other state or federal leave benefits available at the time.

Neither this policy, nor the procedures outlined herein, are intended to and do not confer additional employment rights on any technology center employee, including the right to Telework or be assigned to a position that is eligible for Teleworking under this policy.

The board reserves discretion to overrule or modify the superintendent's decisions to permit, require, or terminate Telework under this policy.

### **TELEWORK LOCATION APPROVAL**

Any and all telework locations must be approved prior to the employee beginning telework assignments. It is the duty of the employee to provide the address of the telework location to the superintendent/designee and to receive written approval within a reasonable time frame prior to commencing telework. No employee shall commence telework without written prior approval of the telework location by the superintendent or designee. The requested telework location may be denied to employees at the sole discretion of the superintendent or designee. Telework out-of-state will not be approved due to the myriad tax, employment and other issues presented when employees seek to work in out-of-state locations.

If an employee wishes to work from an alternative location, other than the pre-approved location, the employee must give [suggested # of weeks here] notice to the superintendent/designee including the new address of the location and reason for the relocation. The employee must receive written approval prior to commencing telework in the new location.

All teleworking employees must be available to report to the technology center worksite location at all times during work hours unless a health consideration exists.

### **CONDITIONS OF TELEWORK**

Employees may not Telework on a full-time, permanent basis. Teleworking Employees shall adhere to all applicable technology center policies and procedures, unless specifically preempted pursuant to this policy.

Employees who Telework via electronic means must be computer literate and have access to a pre-approved, appropriate Telework Location, along with the required computer and telecommunications resources necessary for completion of work responsibilities. technology center-owned software may be installed on a Telework Employee's personal computer equipment in compliance with and subject to applicable software license agreements and must be removed from the employee's personal electronic equipment upon direction by technology center Administration. In all cases, if an employee separates from the technology center for any reason, all technology center software must be removed from the employee's personal electronic equipment.

Employees must seek prior approval to remove center technology or equipment from the pre-approved telework location. Absent approval, teleworking employees may not remove technology center technology or equipment from the pre-approved telework location for any reason.

Teleworking Employees must be available by phone and email during their regularly-scheduled work hours and during any alternate or staggered schedule hours as necessary under the circumstances and assigned by the employee's supervisor (e.g., scheduled office hours pursuant to any virtual or distance learning policy). Attendance at the employee's Primary Workplace for mandatory on-site meetings, training sessions, or other official technology center business activities is required when scheduled by the technology center.

On-Call Employees must be immediately available and accessible by electronic or telephonic communication means during the employee's regular work hours, including any other designated hours due to a staggered or alternate work schedule, from their Telework Location and are required to physically report to a technology center Work Location or the Teleworking Employee's Primary Workplace when directed by their supervisor.

All technology center and professional standards of performance and conduct that apply in the employee's Primary Workplace continue to apply at Telework Locations. Furthermore, employees shall adhere to all technology center policies, rules, and regulations while Teleworking. Employees with questions as to how a specific policy or procedure will be effective in the Telework environment should contact their direct supervisor for guidance.

The technology center may, but is not required, to give the employee a list of directives regarding teleworking in relation to this policy. Any work-related injuries that occur while the employee is teleworking must be reported to the technology center.

#### **IMPACT ON SALARY AND BENEFITS**

Any change in salary and hourly pay or benefits will be done in accordance with Oklahoma law. Teleworking employees unable to Telework due to illness or other reasons should contact their supervisor in accordance with technology center leave policies.

#### **TELEWORKING AS AN ADA ACCOMMODATION**

This policy does not apply to employees who Telework as an accommodation under the Americans with Disabilities Act (ADA). Should the technology center determine that Teleworking is a reasonable accommodation under the ADA and does not impose an undue burden on the technology center, the technology center and employee shall follow the technology center's applicable ADA accommodations procedures and policies with respect to such accommodation.

Reference: 29 U.S.C. 201-209; 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35

## **VIRTUAL, HYBRID, AND DISTANCE INSTRUCTION**

The Technology Center may choose to engage in virtual, hybrid, or distance learning (or any combination thereof) when permitted by the Oklahoma State Department of Education (OSDE)/Oklahoma Department of Career and Technology Education (ODCTE) and its promulgated rules and regulations. When the Technology Center engages in virtual, hybrid, or distance instruction, instruction can be delivered via a number of Technology Center-Approved Means and Mediums, but in all cases, instructional delivery methods will comply with requirements and guidance from the OSDE/ODCTE. These methods can include, but are not limited to, means and mediums already implemented or may be implemented in the future by Technology Center administration which may or may not include use of technology. Although the student may not be on school grounds, “school” will continue, and the Technology Center shall continue to engage students with instruction and experiences that provide opportunities for continuous learning while allowing them to stay connected with their instructors and classmates.

### **EQUITABLE CONSIDERATIONS**

Whether provided through virtual, hybrid, or distance instruction, the Technology Center shall, to the greatest extent practicable, provide its students with quality educational opportunities and continuity of instruction that is consistent with the Technology Center’s vision and mission. As a part of its commitment to providing quality education to all students the Technology Center states that:

- When making decisions regarding the means and mediums utilized for virtual and distance instruction, the Technology Center shall strive to bridge any equity gaps between those students with and without the technology and resources necessary to access virtual instruction.
- The Technology Center will ensure that all students have access to all required supplies (including any necessary textbooks, writing paper, pencils, and other supplies as appropriate) for participation in virtual, hybrid, or distance instruction. If students lack these, the Technology Center shall provide them free of charge.<sup>1</sup>
- If the Technology Center only offers virtual instruction to students, the Technology Center will ensure all students have access to virtual instruction and will ensure the necessary equipment and connectivity free of charge to those students who do not have access to the necessary equipment and connectivity.

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<sup>1</sup> Students or parents of students who do not have access to such supplies may request that their classroom teacher provide such supplies or may contact the school site administration.

Each classroom teacher will coordinate with the Administration on providing necessary supplies to students in need.

- If the Technology Center offers a combination of virtual and distance learning instruction to students, it will ensure that all students have access to equitably equivalent instruction and content. It may do this by either:
  - Ensuring that all students have the necessary equipment and connectivity to access any virtual learning component of the student's assigned curriculum or courses and providing access to that necessary equipment and connectivity to any student who does not have access to them.
  - If the Technology Center is unable to provide access to necessary equipment and connectivity to all students in need, the Technology Center may only provide virtual learning instruction if it ensures that any students unable to access the virtual instruction component be offered equitably equivalent instruction through distance instruction means and methods. If a student receives distance instruction in lieu of instruction that would ordinarily be presented virtually, that instruction should be supplemented, as appropriate, by periodic direct contact with teachers through Technology Center Approved Means and Mediums. If the Technology Center is only able to provide access to necessary equipment and connectivity to a limited number of students, it will determine which students receive that access in the most equitable manner.
- In no case shall a student have their grade lowered or be otherwise penalized (including attendance measures) for failure to engage with instructional supports the student does not have the resources to access (e.g., telephone service, internet access, transportation).

## **DEFINITIONS**

- **Virtual Instruction:** Instruction provided via electronic means, utilizing the internet and computers as the primary tools for delivery of instruction, evaluation, and interaction. Instructional delivery may include video or audio means, online instructor interaction using Technology Center- Approved Means and Mediums (platforms, software, and resources, along with Technology Center social media, instructional television, video telecourses, or other Technology Center-Approved means that require the internet and computer technology).
- **Distance Instruction:** Instruction provided via printed material, augmented by individual contact with students via Technology Center-Approved Means and Mediums (e.g., telephonic means) consistent with this and all Technology Center policies.
- **Hybrid Instruction:** Instruction provided utilizing the internet and computers and/or printed material using Technology Center-Approved Means and Mediums as well as in class instruction. Hybrid Instruction can be a mix of in-person classes and virtual instruction, a mix of in-person classes and distance instruction, or a mix of virtual and distance learning instruction.
- **Technology Center-Approved Means and Mediums:** Equipment and electronic programs and platforms that have been pre-approved by the board of education for instructional delivery and communication/interaction with students and their legal guardian(s) appropriate to the grade level and subject matter concerned.

- **Social Media:**
  - **Generally:** Online platforms, websites, or networks on which users share information, communications, or other content and includes, but is not limited to, sites used for media sharing and social networking (e.g., YouTube, Facebook, Twitter, Snapchat, Instagram, etc.).
  - **Technology Center Social Media:** Authorized Technology Center-related social media that is either school-based (e.g., approved, established and/or monitored by the building principal or designee) or Technology Center-based, Technology Center computer network-based, or subject area/department-based.
  - **Personal Social Media:** Social media that is not Technology Center Social Media, which is established by a user for his/her personal or private use and objectives.
  - **Non-Technology Center Social Media:** Social media that is not Technology Center Social Media, which is established by a third party or other organization.

### **IMPACT ON EXISTING POLICIES, RULES, AND SERVICES**

Once this policy is effectuated, though instruction will be provided via virtual, hybrid or distance instruction, each is a continuation of the District’s instructional program. Therefore, the rules and responsibilities of students, their legal guardian(s), and Technology Center personnel, unless otherwise expressly stated in this policy, are the same as if students were present at school during the instructional day. Unless specifically noted in this policy, existing provisions of the Student Handbook, “Acceptable Use” policies and agreements, privacy policies, and program/course syllabus shall remain in effect. For example, students shall attend scheduled online meetings or classes in a timely manner (attendance), prepare for class in advance of the day’s lesson (homework), meaningfully and appropriately participate in instruction (class participation), and shall also adhere to all existing rules concerning behavioral (e.g., bullying, harassment, violations of the Acceptable Use Policy) and academic misconduct (e.g., cheating, unauthorized group work on individual assignments). When students are visible to Technology Center personnel or other students, they shall dress in conformance to the school dress code.

#### **Attendance**

Students must continue to meet all state-mandated compulsory attendance requirements and are not exempt from state truancy laws, except to the extent permitted or required by the OSDE/ODCTE. To the extent appropriate under the circumstances, Technology Center attendance policies shall remain in effect, and student attendance and participation shall be monitored and recorded as closely as possible to existing Technology Center policies. Attendance and participation shall be measured by means appropriate in a virtual, hybrid, or distance instruction environment which may include, but are not limited to, Technology Center- Approved-and-monitored chatrooms and message board posts, emails, submission of assignments, or other Technology Center-Approved Means and Mediums.

When the Technology Center provides virtual instruction (as defined by O.A.C. 210:35-21-2), the Technology Center shall ensure that its attendance measures will meet or exceed the minimum requirements set by the Oklahoma State Department of Education and mandated by O.A.C. 210:35-21-2, and 70 O.S. §§ 3-145.8, 3-145.8(B).

### **Intellectual Property**

At no time shall either Technology Center personnel or students use, upload, post, mail, display, store, or otherwise transmit in any manner any such material that is protected by copyright, patent, trademark, service mark, or trade secret, or in violation of any Federal Communications Commission rules applicable to public broadcasts, except when such use or disclosure is properly authorized and bears the appropriate notations. Technology Center personnel shall consult guidance from the OSDE regarding compliance with applicable infringement laws, including fair use. Instructors shall use public domain resources when permission to use protected material cannot be obtained.

### **Privacy Laws and FERPA**

In all cases of virtual, hybrid, or distance instruction, but especially in an online learning environment, Technology Center personnel shall conform with FERPA requirements and other applicable privacy laws and Technology Center policies.

Tulsa Tech does not permit recording of classrooms except by an authorized instructor or other school official. When doing so the instructor or other school official shall not record or otherwise disclose personally identifiable information from student education record(s) during a virtual lecture or presentation unless written permission has been provided to do so. Additionally, when a video recording is made, it shall only be shared with class members and not be made public.

### **ONGOING EVALUATION AND ADAPTATION TO EXIGENT CIRCUMSTANCES**

The Technology Center, in consultation with state, local, and federal officials, shall continuously evaluate this policy, and the procedures herein, and adapt the same based on guidance from appropriate agencies.

Reference: 20 U.S.C. § 1232g  
34 CFR Part 99