

DRUG TESTING OF STUDENTS INVOLVED IN NON-ACADEMIC ACTIVITIES

Acknowledging that peer pressure has a significant impact on student life and recognizing that observed and suspected use of alcohol, tobacco, and illicit drugs by students of Tuscarawas Valley Local Schools is a serious concern, a program of deterrence will be instituted as a proactive approach to the goal of a safe and drug-free school environment. Since participation in non-academic activities is a privilege, this program shall apply to all students, grades 7-12, who participate in school-sponsored athletics or other extra-curricular activities for which a grade is not given, to eligible students who wish to obtain a parking permit, and to students who have earned special privileges, including but not limited to late arrival, early release, or mid-day sign outs. The purpose of the drug testing program is to:

- A. Provide for the safety and well-being of all students;
- B. Mitigate the effects of peer pressure by providing legitimate reasons for students to refuse to use drugs, tobacco, or alcohol;
- C. Encourage students who abuse drugs or alcohol to participate in drug treatment programs by a licensed chemical dependency counselor; and
- D. Prevent the impact drug and alcohol use has on the learning centers of the brain, allowing students to achieve their full academic potential while attending Tuscarawas Valley Local Schools.

DRUG TESTING REQUIREMENTS

Prior to participation, any student who intends to participate in athletics, extra-curricular activities, special privileges, or to obtain a parking permit will be required to provide written consent, along with his/her parent/guardian's consent, for random testing of prohibited substances. The Board of Education will pay the cost of the testing, unless a split sample test is requested by the parent and/or student. Mandatory testing stemming from positive test results will be at the parent/guardian's expense.

The Board may contract with an external agency for the purpose of collecting and analyzing test samples. All samples will be collected under the supervision of medical personnel, and in a manner that protects the privacy of the student(s) being tested. Any student who fails or refuses to produce a sample will be prohibited from participation in his/her designated activity(ies) until a sample is obtained and tested.

The results of the tests shall not become part of the student's permanent record. Test information shall only be released to persons designated in Board regulations and procedures. Test results will not be reported to law enforcement authorities, and test information will not be released to law enforcement or other parties except in response to a lawfully executed subpoena. In the latter case, parents will be notified within forty-eight (48) hours of the receipt of the subpoena.

Except as stated in the Student Code of Conduct, violation of this drug testing policy will not result in suspension or expulsion. Nonetheless, the testing program does not affect current policies of the Board regarding student use or possession of drug, tobacco, or alcohol, where reasonable suspicion is established by means other than testing as outlined in this policy. Additionally, any student who in any way aids or abets another student in violating this policy will be subject to disciplinary action.

The Superintendent shall establish procedures for implementation of this policy, as well as procedures to address violations.

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Prior to obtaining a parking permit or participating in any school-sponsored athletics, extra-curricular activity, or special privileges, those students and their parent/guardian shall be required to give written consent for the student to be tested on a random basis for illicit drugs by a vendor of the Board of Education's choosing, which must result in a negative test. The consent shall include permission for random testing throughout the year. Any refusal to consent to the drug testing by any student and/or parent will result in the student not being permitted to participate in athletics, extra-curricular activities, school events, special privileges, or park on school property until consent is given and a negative sample obtained.

#### DEFINITIONS

**Adulteration:** Any attempt to alter the outcome of a drug test by adding a substance to the sample, attempting to switch a sample, or otherwise interfere with the detection of illicit or banned substances in the test sample.

**Alcohol:** Any intoxicating liquor, alcohol, beer, wine, mixed beverage or malt liquor/beverage, as defined in Ohio Revised Code Section 4301.01. This definition includes any liquid or substance, such as "near beer," which contains alcohol in any proportion or percentage. This definition does not include a substance used for medical purposes in accordance with directions for use provided in a prescription or by the manufacturer and in accordance with District policy and rules related to the use of prescription and non-prescription drugs, providing the substance is a) authorized by a medical prescription from a licensed physician and kept in the original container which shall state the student's name and direction for use; or b) an over-the-counter medicine.

**Banned Substance:** A substance defined by Board Policy 5530 as being banned from use by students, including but not limited to: LSD, Alcohol, Marijuana, Amphetamines, Methadone, Anabolic Steroids, Methaqualone, Barbiturates, Benzodiazepines, Opiates, Cocaine, Propoxyphene (Darvon), MD/MA (Ecstasy), Phencyclidine, or any substance included in 21 U.S. C. 802 (6).

**Chain of Custody Form:** A preprinted form provided by the testing laboratory that records all contact with the test specimen, from initial collection through the final certification of the test result.

**DATIA (Drug and Alcohol Testing Industry Association):** DATIA's mission is to provide education, resources, and advocacy to those involved in and interested in drug and alcohol testing.

**Day:** School day or work day (not Saturday or Sunday), unless otherwise noted as a calendar day.

**Designated Official:** The trained and/or credentialed individual designated by the Board to oversee the District's drug testing program, typically the building principal and/or the superintendent.

**Extra-Curricular Activities:** Any Board-approved or school sponsored activity that is non-graded for which support is given by the Board of Education through a teaching and/or supplemental contract, including, but not limited to: football, basketball, wrestling, track, soccer, baseball, softball, cross country, golf, volleyball, intramurals, cheerleading, yearbook, student council, Washington DC trip, academic challenge,

drama/musical, speech, National Honor Society, ski club, marching band, jazz or pep band, majorettes, flag corps, school trips.

**Illegal/Illicit Drugs:** Any controlled substance that a person may not legally sell, offer to sell, possess, give, exchange, use, distribute, or purchase under Ohio Revised Code 2925 or federal law, any harmful intoxicant as defined by Ohio Revised Code 2925.01, and anabolic steroids. This definition also includes all prescription drugs obtained without authorization and all prescribed and over-the-counter drugs being used in any way other than for medical purposes or in accordance with the directions for use provided in the prescription by a licensed physician or by the manufacturer.

**Medical Review Officer (MRO) and Medical Review Assistant (MRA):** A licensed physician or assistant trained and certified in the process and interpretation of drug testing results.

**Medical Staff:** DATIA-certified employees of the Third Party Administrator.

**Opt-In:** An opportunity for students enrolled at Tuscarawas Valley Local Schools, grades 7-12, to be included in the random drug testing program when they are not otherwise eligible through participation in school-sponsored athletics, extracurricular activities, special privileges, and/or parking permits.

**Parking Permit:** A permit given to students seeking permission to drive and park their personal vehicle on school property during the school day.

**Positive Result:** The presence of alcohol, nicotine, illegal drugs, or their metabolites.

**Prevention:** Activities designed to motivate students to avoid substance abuse.

**Quantitative Levels:** The measurement levels of a specific chemical in the test sample, usually reported in nanograms per milliliter (ng/ml).

**Random Selection:** A mechanism for selecting student participants for drug/alcohol testing in which each participant shall have an equal chance of being selected for testing each time selections are made.

**Reasonable Suspicion:** A suspicion based on specific personal observations, including but not limited to: appearance, speech, odors, behavior, or other physical or observable traits of a student.

**SAMHSA (Substance Abuse and Mental Health Services Administration):** A governmental agency that certifies toxicology laboratories that perform drug testing following strict guidelines and constant quality assurance programs.

**School Day:** For purposes of this policy, the school day is from 7am through 3pm.

**School Year:** The period of time that begins with the first official day of school and concludes with the last official day of school, as determined by the Board of Education.

**Season:** A period of time defined by start dates as published by the school or sanctioning organization and continuing until completion of the final event or banquet for that particular activity in the District.

Self-Referral: The decision by the student to seek assistance or counseling for suspected substance abuse. A self-referral is not a means of avoiding consequences of a violation of this policy. Policy violations already reported or pending violations with law enforcement cannot be self-referred.

Special Privileges: The privileges earned through good behavior and scholarship, including but not limited to: late arrival, early release or mid-day sign out.

Split Specimen: An original test specimen that is split into two separate samples.

Student: An individual enrolled in the Tuscarawas Valley Local Schools, grades 7 through 12, who attends (full or part-time) Tusky Valley High School, Buckeye Career Center, Tusky Valley Middle School, Trojan A+ Academy, STAR Alternative School, or any other school directly affiliated with Tuscarawas Valley Local Schools.

Student Driver: Any student who drives or parks his/her personal vehicle on school property during the school day. All students who drive or park on school property must register their vehicles with the high school office and have the appropriate identification posted in their vehicle.

Third Party Administrator: The medical office or company that the Board of Education selects to carry out this random drug testing policy and communicates results to the Designated Official.

Vendor: The laboratory that will result the sample given by the student participant.

#### TESTING REQUIREMENTS

All students grades 7 through 12 who participate in school-sponsored athletics or other extra-curricular activities for which a grade is not given, eligible students who wish to obtain a parking permit, and those students earning special privileges including but not limited to late arrival, early release, or mid-day sign outs, shall be subject to the drug testing program as a condition of participation or obtaining a parking permit.

Tests will be administered on a random basis throughout the year. Up to 100% of eligible students may be tested on a monthly basis during the school year. A student may be tested more than once per school year.

#### PARENT REQUEST

A parent/guardian of a student who is subject to this policy may request, in writing and at their expense, that their son/daughter be tested during the next random test date.

#### PROCEDURES FOR STUDENTS

##### A. Informed Consent for Testing Students

For students desiring to participate in non-academic extra-curricular activities, exercise special privileges or obtain a parking permit, a Tuscarawas Valley Local School District Informed Consent Agreement must be completed and properly signed by both the student and his/her parent/guardian and be on file in the principal's office each school year or when a student moves into the District. No eligible student may participate in activities covered by this policy and/or receive a parking permit until this form is properly signed and on file in the school office.

B. Drug Testing Frequency

Up to 100% of eligible students may be randomly tested anytime during the year. Students and parents/guardians will be informed of all possible test methods prior to the commencement of testing.

C. Sample Collection

Preferred sample collection is saliva swab, however samples may be collected through saliva swab, urine screen, or hair follicle testing, and will be collected as outlined in the Vendor Requirements. Any student selected randomly for drug testing who is not in school on the day of testing will be tested at the next available testing time. Students not able to provide an adequate specimen at the time of testing will be unable to participate in activities covered in this policy until the proper specimen is provided. Arrangements may be made for special collections at a vendor collection site with prior approval of the Designated Official. Parents/guardians may be assessed a fee associated with the use of special testing or off-site collection point(s).

D. Drugs for which Students May be Tested

LSD, Alcohol, Marijuana, Amphetamines, Methadone, Anabolic Steroids, Methaqualone, Barbiturates, Benzodiazepines, Opiates, Cocaine, Propoxyphene (Darvon), MD/MA (Ecstasy), Phencyclidine, or any substance included in 21 U.S.c. 802 (6), which an individual may not sell, possess, give, exchange, use, distribute, or purchase under State or Federal Law. This definition also includes all prescribed and over-the-counter drugs being used in any way other than for medical purposes in accordance with the directions for use provided for in the prescription by a licensed physician or by the manufacturer.

### CONFIDENTIALITY OF RESULTS

All drug test results are considered confidential information to the extent required by law.

### TESTING METHOD

A. Random Testing

Students will be selected in a random fashion for testing throughout the year. A student may be tested more than once per school year. Any student who refuses to submit to the drug testing will not be permitted to participate in athletics, extra-curricular activities, special privileges, or park on school property during the day at the Tuscarawas Valley Local School District until such time as the student submits to testing and results are reviewed.

B. Random Selection of Students

On a monthly basis, the Designated Official will prepare a list of eligible students and forward that list to the Vendor for the random selection of students for testing. Once provided a list of eligible students, the Vendor must select the required number of students in a random and confidential manner. This system will utilize a computer-based system designed specifically for the purpose of randomly selecting individuals for drug testing. Up to bi-weekly, the Vendor will arrange with the Designated Official a date and time to do the collection of specimens. The schedule will not follow any recognizable pattern. The selected student names will be given to the Designated Official who will arrange for those students to report to the collection area.

C. Scheduling of Random Testing

Random testing will be unannounced. The Third Party Administrator will select the day and time for testing and confirm with the Designated Official. Every effort will be made to conduct testing during students' non-academic time.

D. Reviewing Results

The MRO will review all results of drug testing.

COLLECTION PROCESS

Selected students will be notified to report to the collection site. A specimen will be collected from each student as described below and all students must follow the process as outlined:

- All students must have a picture ID or be positively identified by the Designated Official.
- The drug testing area will be secured during the testing timeframe.
- Only lab technicians, Designated Official, and students will be present during the test collection.
- Privacy will be maintained for all students.
- The Designated Official will be responsible for verifying that all necessary forms are completed and signed by both parent/guardian and student. No student is to enter the collection site until forms are completed, cell phones/electronic devices are collected, and proper ID is produced.
- No accessories (bags, backpacks, purses), containers, electronic devices, food, or beverages will be allowed to enter the collection area with the student. All outerwear, including coats, vests, jackets, sweaters, hats, scarves, baggy clothing, or any other item believed to possibly hinder the testing process, must be removed before entering the collection site.
- Other than those directly involved in the testing, students are not to have contact with anyone until after the sample is given. Students processed by the lab technician who cannot produce a sample will be kept in a secured area to wait until they are able to produce the sample. If he/she leaves this area, it will be treated as a positive result and the student will be unable to participate in athletics, extra-curricular activities, or park on school property during the school day until the student is able to submit a test with a negative result or until the next testing cycle. Students will be given a reasonable amount of time to produce a sample.
- Any and all adulterations of the specimen will be detected and considered the same as a test refusal or first time infraction. Adulterations are treated as first-time offenses. They are not called positive, but have the same consequences. A retest will be required within 24 hours at the expense of the parent/guardian.
- Anyone who suspects tampering with the sample shall notify the Designated Official. The sample will be screened or sent to the lab for immediate confirmation of tampering.
- This collection procedure is subject to change because of procedural requirements by the Vendor.
- The Board reserves the right to change the collection procedure to coincide with the testing guidelines set forth by the Vendor.

PROCEDURE FOR POSITIVE TEST RESULTS

The MRO/MRA will certify all drug screens as negative or positive and report, by telephone or electronic transmission, positive findings in a confidential manner to the Designated Official. In the event of a positive result, the specimen will be sent to laboratory for confirmation of results, and a certified Medical Review Officer/MRA will determine the results.

Any specimen testing positive for illicit or banned substances will be handled in the following manner:

- A. The MRO/MRA determines if any discrepancies have occurred in the Chain of Custody.

- B. Depending on the substances found, if necessary, the MRO/MRA will contact the parent/guardian to determine if the student is on any prescribed medication from a licensed physician.
- C. If the student is on medication, the parent/guardian will be asked to provide a copy of the prescription label within three (3) working days to document what medications the student is currently taking. Failure to provide such requested information will be considered a positive result.
- D. The MRO/MRA will then determine if any of the prescribed medications resulted in the positive drug screen.
- E. Finally, the MRO/MRA, based on the information given, will certify the drug test results as positive or negative and report this to the Designated Official, initially reporting positive results by phone or electronic transmission.

Drug screens showing the presence of illicit drugs (marijuana, heroin, cocaine, alcohol, etc.) will initially be considered positive by the MRO/MRA. The MRO/MRA may use quantitative results to determine if positive results indicate recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substance from the body. After the initial drug screen, if the MRO feels the quantitative levels determined to be above the established cutoffs do not reflect current use but natural decay, then a negative result may be reported.

The Designated Official will contact the student's parent/guardian with the results within 24 hours of the verification by the Medical Review Officer/MRA. The parent shall be advised that the result may be contested, and a retest may be performed at the student/parent's expense. If the parent or student wishes to contest the results, written notification from the building principal and/or Designated Official will also be sent.

Until a positive result is officially verified by the Medical Review Officer, the Designated Official will determine whether or not the student in question will participate in his/her school-sponsored athletics, extra-curricular activities, special privileges, and/or parking privileges.

A request for a retest of the original sample must be made to the Designated Official in writing within three (3) working days from the parent's first notification of the positive test result. All results for a retest are at the parent's expense unless the second test result is negative.

If a student and his/her parent/guardian contests the results of the first test, the penalty will be held in abeyance provided the District receives confirmation from the testing company that the parents and/or student committed to the financial payment for the second test. If the second test result is negative, the District will then treat the student as if the first positive result did not occur, and no penalty will be imposed under the Code of Conduct as outlined in the Student/Parent Handbook. The District will be responsible for the payment of a second test with a negative result.

An altered test or refusal to test will be treated the same as a positive result.

### CONSEQUENCES OF POSITIVE TEST RESULTS

#### First Positive Result

For the first confirmed positive result, the student will be given two options:

1. The student will make an appointment with a licensed chemical dependency counselor to undergo a chemical dependency assessment and then follow the recommendation(s) of the certified dependent counselor. This assessment must be completed within seven (7) calendar days of notification of the positive test result. The student will be denied participation in school-sponsored

athletics, extra-curricular activities, special privileges, and parking on school property during the school day until his/her parent/guardian show proper, written documentation that the student participant has successfully completed the assessment. In order to maintain participation in athletics, extra-curricular activities, special privileges, and parking, the student must comply with all treatment recommendations. The student will also submit to three (3) additional drug tests at the parent/guardian's expense. Mandatory testing dates will be selected by the Third Party Administrator.

-OR-

2. The student will be denied participation for a minimum of four months from the date of notification. A student athlete disciplined under this policy will follow additional guidelines outlined in the Code of Conduct, Student/Parent Handbook, and/or Athletic Handbook. The student will be required to submit to three (3) random drug test sessions. During that time, the student may petition for reinstatement of privileges provided the student shows proof of assessment by a licensed chemical dependency counselor and completion of treatment in a substance abuse program as recommended by the chemical dependency counselor. The parent/guardian and student will meet with the Designated Official and his/her designee/administrator to determine reinstatement. Upon reinstatement, if the student continues to be involved in athletics, extra-curricular activities, special privileges, and/or receive a parking permit, he/she will submit to random drug testing for a period of one calendar year from the date of reinstatement at parent/guardian expense.

#### Second Positive Result

After the second positive result, the student will be given two options:

1. The student will make an appointment with a licensed chemical dependency counselor to undergo a chemical dependency assessment and then follow the recommendation(s) of the certified dependent counselor. This assessment must be completed within seven (7) calendar days of notification of the positive test result. The student will be denied participation in school-sponsored athletics, extra-curricular activities, special privileges, and parking on school property during the school day until his/her parent/guardian show proper, written documentation that the student participant has successfully completed the assessment. In order to maintain participation in athletics, extra-curricular activities, special privileges, and parking, the student must comply with all treatment recommendations. The student participant will submit to five (5) additional drug tests at the parent/guardian's expense. Mandatory testing dates will be selected by the Third Party Administrator.

-OR-

2. The student will be denied participation in athletics, extra-curricular activities, special privileges, and/or parking privileges for six (6) months from the date of notification or the remainder of the school year, whichever is longer. A student athlete disciplined under this policy will follow additional guidelines outlined in the Code of Conduct and Student/Parent Handbook. The student will be required to submit to random drug tests for one calendar year in addition to three (3) mandatory tests. At any time, the student may petition for reinstatement of privileges provided the student shows proof of assessment by a licensed chemical dependency counselor and completion of treatment in a substance abuse program as recommended by the chemical dependency counselor. The parent/guardian and student will meet with the Designated Official and his/her designee/administrator to determine reinstatement. Upon reinstatement, if the student continues to be involved in athletics, extra-curricular activities, special privileges, and/or

receive a parking permit, he/she will submit to random drug testing for a period of two (2) calendar years from the date of reinstatement at parent/guardian expense. The length of time for random testing will be determined by the Designated Official.

#### Third Positive Result

The student will be denied participation in all athletics, extra-curricular activities, special privileges, and parking privileges for one calendar year from the date of notification of the positive test. After that time, the student may petition for reinstatement of privileges provided he/she shows proof of assessment by a licensed chemical dependency counselor and satisfactory completion of treatment in a substance abuse program as determined by the licensed chemical dependency counselor. The parent/guardian and student will meet with the Designated Official and building principal or designee to determine reinstatement. Upon reinstatement, the student will submit to random drug testing at the parent/guardian's expense for the remainder of his/her time involved in athletics, extra-curricular activities, special privileges, and/or parking privileges.

Violations are accumulative throughout the student's secondary school career at Tuscarawas Valley Local Schools, grades 7-12.

#### SELF-REFERRALS

A student may make a self-referral while a student at the Tuscarawas Valley Local School District. Self-referrals can only occur BEFORE student is selected for testing. Counseling and additional testing as required for a first positive result must be followed, but no other punitive action will be taken. The student will be required to produce such evidence of counseling and testing as determined by the Designated Official. Any student testing positive after self-referral is subject to consequences for a second or third positive result. Self-referral shall be made to the Designated Official, school counselor, or building principal.