

# **DRUG AND ALCOHOL TESTING FOR STUDENTS -Regulation**

File: IGDJA-R

## Statement of Purpose

The Board of Education believes that athletics, as well as extra-curricular activities, can be an important aspect of a student's overall educational experience. The Board believes that the experiences gained while involved in athletics and other non-athletic activities can have a lifelong impact. However, student participation in athletics and extra-curricular activities is a privilege and not a right.

The Board is certainly aware of the pressures that the youth of today face, especially in the area of drugs and alcohol. It also realizes that due to the nature of athletic and extra-curricular activities, the use of drugs and alcohol can lead to added risks including injury to themselves and others.

In an effort to make this experience as positive as possible, the Board has adopted a mandatory drug testing policy for all student athletes and extra-curricular participants at the high school, effective July 1, 2013. The purpose of this program is to: (1) provide for the health and safety of all students; (2) undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use alcohol and illegal drugs; and (3) encourage students who use alcohol and illegal drugs to participate in a treatment program. The testing program is academically non-punitive. It is designed to create a safe and healthy environment for students and assist them in getting help when needed.

The following terms, conditions, expectations, and consequences are in effect for student athletes and extra-curricular participants, and will be enforced for twelve (12) months of the year. The consequences in certain situations may carry over to the next season of participation.

## Students Tested

All students who wish to participate in the interscholastic athletic program of the high school are subject to drug testing. The testing takes place at the beginning of each athletic season, fall, winter, and spring. Student athletes participating in multiple seasons within an academic year will not be tested at the beginning of the successive seasons unless selected for random testing or testing based on reasonable suspicion.

All students who wish to participate in extra-curricular activities at the high school, as well as those securing a parking permit, are subject to drug testing. Testing will take place before a student may participate in any such activity once the roster of members has been filed with the Principal. Parking privileges will be defined as an extra-curricular activity throughout this document.

Following the initial test, up to twenty percent (20%) of all student athletes and extra-curricular participants may be tested on a random selection basis, or may be tested on reasonable suspicion. Random urine drug testing and/or oral screening continues throughout a period of twelve (12) months.

Any extra-curricular participant who was not previously tested by the District during the current twelve (12) month period will be tested at the time they join an extra-curricular program. Any student purchasing a parking permit who was not previously tested by the District is tested at the next collection date after the purchase is made.

### Consent

Each athlete shall be provided a copy of this policy, the Athletic Code of Conduct Informed Consent Agreement, the Student Consent to Perform Testing for Drugs and Alcohol, and the Parent/Guardian Consent to Perform Testing for Drugs and Alcohol. These documents shall be distributed by the Program Administrator or his/her designee. The season for cheerleaders shall be the same as the season for the sport for which they are cheering. Each athlete and his/her parent(s)/guardian(s) must read, sign, and date these documents as condition of eligibility to participate in interscholastic athletic practices or competition. An athlete may not participate in any interscholastic athletic practices or competitions until all such documents are signed and submitted. The Program Administrator or his/her designee shall maintain these documents until the athlete's athletic eligibility expires.

Each extra-curricular participant shall be provided a copy of this policy, the Student Consent to Perform Testing for Drugs and Alcohol, and the Parent/Guardian Consent to Perform Testing for Drugs and Alcohol. The documents will be distributed by the Program Administrator or his/her designee. Each student and his/her parent(s)/guardian(s) must read, sign, and date these documents as condition of participation in extra-curricular programs. A student may not participate in any of these program's activities until all such documents are signed and submitted. The Program Administrator or his/her designee shall keep these documents on file.

### Random Selection Guidelines

Random selection of in-season and out-of-season student athletes for additional testing is conducted during the school year. Student athletes are randomly selected from a master list of identification numbers of all eligible athletes maintained by the Program Administrator. The student athletes selected are notified by the Program Administrator and directed to report to the designated collection site and provide a urine sample for testing within the time parameters established by these guidelines. Oral screening may be used as an alternative method of testing.

Random selection of extra-curricular participants for additional testing is conducted during the school year. These participants are randomly selected from a master list of identification

numbers of all participants maintained by the Program Administrator. The participants selected are notified by the Program Administrator and directed to report to the designated collection site and provide a urine sample for testing within the time parameters established by these guidelines. Oral screening may be used as an alternative method of testing.

#### Reasonable Suspicion Testing Guidelines

Reasonable suspicion testing occurs when the District has reason to suspect a student athlete or an extra-curricular participant may be in violation of this policy. A reasonable suspicion test may occur based on:

- A. Observed behavior, such as direct observation of drug, alcohol use, or possession, or physical symptoms of drug or alcohol abuse;
- B. A pattern of abnormal conduct or erratic behavior;
- C. Arrest or conviction for drug related offense;
- D. Information provided either by a credible source or independently corroborated regarding a student's substance or alcohol use; or
- E. Evidence that the student being tested has tampered with a previous drug or alcohol test.

Any documentation used to support reasonable suspicion testing is documented in writing by the Principal/designee and maintained in the student's record.

#### Confidentiality

Because the selection and reporting process for the student tested is confidential, the selection, collection, chain-of-custody documentation and reporting of results are accomplished using identification number codes. The Program Administrator establishes a master list of student's names and unique code numbers. The list is maintained in a secure and locked location. The Superintendent, high school principal, and Program Administrator are the only school personnel with access to the list. These code numbers are used to select the pool to be tested for random testing.

The Program Administrator coordinates the scheduling of students for the collection of urine samples or saliva samples.

The Program Administrator shall be present at the collection site for the purpose of coordinating the identification of the student to be tested and the assignment of the code number master list. From that point on, the code number is utilized for specimen identification and reporting. The collection site master list is used to record prescription and over-the-counter medications that the student has identified as used in the five (5) days prior to the collection.

The collection site master list is then used by the Program Administrator to identify the test student's parents when positive, confirmed results or when inconclusive adulterated or suspect results are reported by identification number by the testing laboratory in accordance with this policy.

#### Collection Site for Urine Testing

The primary method of testing will be through the use of urine samples. Collection sites will be chosen based on adequate bathroom facilities and the ability to limit access to all persons except authorized monitors and students being testing during collection times. Facilities for female students being tested should have private stalls with closures.

There should also be sufficient room to hold waiting students who must remain supervised at the collection site until collection is complete. Upon initially entering the collection site, the student being tested must remain until collection is complete.

#### Collection

Upon reporting to the collection site, the student being tested will remove all outer garments (coats, jackets, hats, scarves, sweaters, etc.), select a sealed sterile container, verify the assigned identification number by signing the collection site master list and disclose in writing all medications, both prescription and non-prescription taken in the past five (5) days. That information will be placed in a sealed envelope which will then be provided to the monitor. The envelope will be opened only in the event of a positive test result. In the event of a positive test for a prescription drug, the parent and student will be afforded twenty-four (24) hours to provide either a current copy of the prescription, or the label from a current prescription container identifying that the said prescription drug has indeed been prescribed for the participant and in what dosage.

One student shall enter a secure bathroom facility accompanied by a monitor of the same sex, wash his/her hands, empty pockets of pants, and proceed to the urinal or toilet stall and open the sealed specimen container.

Male students being tested shall remain fully clothed with their back to the monitor. The monitor stands six (6) to ten (10) feet behind the student and listens for normal sounds of urination.

Female students being tested are allowed to close the door to an enclosed bathroom stall. The monitor stands and listens for normal sounds of urination.

If unable to provide a sample, the student being tested must take the empty specimen container to the monitor pending a later attempt. The monitor maintains control of the specimen container until given to the student for the next attempt. The student being tested must remain in the

holding area until able to produce a specimen or until excused by the Program Administrator.

Students who are absent when scheduled or are otherwise unable to provide an acceptable sample when scheduled are not eligible in the athletic program until a retest can be scheduled and an acceptable sample obtained. Those students in extracurricular activities may not participate in the program until a retest can be scheduled and an acceptable sample obtained.

If a partial but insufficient sample is collected, the original container is held by the monitor who checks the temperature of the sample. The student being tested must remain in the holding area until able to produce an additional specimen in a second container. The monitor tests the temperature of the second sample. If the temperature of both samples is within the established testing parameters, the samples may be combined in the presence of the student being tested.

Because temperature of a freshly voided sample may be used as criteria for suspected tampering and dilution, it is imperative that the student being tested delivers the sample to the central processing area within four (4) minutes of collection. If delayed for any reason, the student must verify the temperature on the indicator strip on the container with the monitor. If upon initial testing the urine temperature is outside the testing parameters, the sample is deemed invalid and the student being tested is required to provide another sample. If no sample can be provided that day, the student is not eligible for participation in athletic activities until a rescheduled test is completed by the student.

The labeled samples will be maintained under strict security by the collection monitors to maintain proper chain-of-custody and safeguard the rights of the student.

### Testing

The samples will be sealed and may be tested for the presence of the following: anabolic steroids, alcohol, amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine metabolite, ecstasy, LSD, methadone, methaqualone, opiates, phenecyclidine, and propoxyphene.

If possible, specimens must be initially screened using an immunoassay and/or chromatographic method, with all presumptive positives then confirmed by gas chromatography (GC) or gas chromatography mass spectroscopy (GC/MS) methods.

No positive results are reported until screening results are confirmed.

In the event of the need for saliva or hair sampling, the protocol of the collecting lab will be followed.

### Notification Chain for an Inconclusive, Adulterated or Suspect Result

When the Program Administrator receives notice of a result that is inconclusive, adulterated, or suspect, the Program Administrator attempts to contact the parent/guardian of the student within twenty-four (24) hours of notification that a re-test is required. The Program Administrator then contacts the student to schedule the re-test.

### Policy Violation

For the purpose of this policy, the following actions constitute a violation:

- A. Failure to report to collection site after notification
- B. Refusal to submit urine sample for testing.
- C. Tampering with the sample for testing or attempting to subvert the collection/identification process.
- D. Confirmed positive result for banned substance.
- E. Aiding and/or abetting another student in violating this policy.
- F. Refusal to submit to a re-test when required following an inconclusive, adulterated, or suspect result.
- G. Failure of the student and/or the student's parent/guardian to sign the testing consent form(s) and return them to the Program Administrator prior to testing.

A positive alcohol and/or drug violation will result in additional testing either through an assessment program or through the District's drug testing program. The cost of this testing will be the responsibility of the student and/or the student's parent/guardian.

### Due Process

After notification of a positive test, the Principal notifies the parent/guardian by telephone and then certified mail of their right to a meeting with the Principal and head coach or advisor to explain the student's rights under this policy.

After notification of a positive test, the student and his/her parent/guardian may, at their own expense, elect to have a portion of the original sample re-tested by an independent certified laboratory of their choice. The District will forward the sample in response to a written request.

If the parent/guardian fails to contact the Principal within forty-eight (48) hours (excluding weekends) following receipt of said notice by telephone or certified mail to schedule a meeting to review or appeal the test results, the results are deemed conclusive for purpose of further action under this policy and the parents/guardians and the student are deemed to have waived their right to challenge the test result as it applies to challenges under this policy.

Any penalties authorized under this policy are in effect during the pendency of an appeal. The building principal issues a decision within forty-eight (48) hours (excluding weekends) of receipt of the appeal. Notice of the decision is given by phone if possible and then by certified mail.

Consequences for a second or third offense are not based on whether the banned substance detected is the same as that identified in the previous test(s).

Students who in any way aid or abet another athlete violating this policy will be disciplined as if they were the principal offender.

### Cost of Additional Testing

Once a student athlete or extra-curricular participant has had a positive test confirmed, any and all additional test or resulted costs are the responsibility of the student and his/her parent/guardian.

### Consequences of Violation for Student Athletes

#### A. First Violation

The athlete must participate in an assessment and follow-up program. This assessment must be conducted by a certified chemical dependency counselor, an agency certified by the Ohio Department of Alcohol and Drug Addiction Services, or a licensed physician trained in chemical dependency. The athlete must set an appointment within seven (7) days (excluding weekends) of notification of the violation. The athlete must participate in the evaluation process to its completion and follow the counselor's recommendation. Verification of this evaluation must be received by the Principal from the counselor, and the athlete must waive his/her rights of confidentiality so that a written report can be given to the Principal. Any costs for the assessment and follow-up program will be the responsibility of the athlete. The Principal will monitor the progress of the assessment program and report any failure to comply. Parents are encouraged to attend counseling sessions with their child. The student will automatically be included in the next random testing sequence.

#### B. Second Violation

- a. Denial of the privilege to participate in twenty percent (20%) of games, but must still attend and participate in practices. The athlete must also be present with the team at the games or meets (but not in uniform). These events shall be consecutive starting with the first scheduled event after the confirmation of the violation. Any denial occurring at the end of the season is carried over to

the next sport in which the student participates until this consequence for the first offense is fulfilled.

- b. The athlete must participate in an assessment and follow-up program. This assessment must be conducted by a certified chemical dependency counselor, an agency certified by the Ohio Department of Alcohol and Drug Addiction Services, or a licensed physician trained in chemical dependency. The athlete must set an appointment within seven (7) days of notification of the violation. The athlete must participate in the evaluation process to its completion and follow the counselor's recommendation. Verification of this evaluation must be received by the Principal from the counselor, and the athlete must waive his/her rights to confidentiality so that a written report can be given to the Principal. Any cost for the assessment and follow-up program will be the responsibility of the athlete. The Principal will monitor the progress of the assessment program and report any failure to comply.

C. Third Violation

- a. Denial of the privilege to participate for a period of 365 days from the time of notification of violation.
- b. The athlete must participate in an assessment and follow-up program. This assessment must be conducted by a certified chemical dependency counselor, an agency certified by the Ohio Department of Alcohol and Drug Addiction Services, or a licensed physician trained in chemical dependency. The athlete must set an appointment within seven (7) days of the notification of the violation. The athlete must participate in the evaluation process to its completion and follow the counselor's recommendation. Verification of this evaluation must be received by the Principal from the counselor, and the athlete must waive his/her rights of confidentiality so that a written report can be given to the Principal. Any cost for the assessment and follow-up program will be the responsibility of the athlete. The Principal will monitor the progress of the assessment program and report any failure to comply.

Athletes who in any way aid or abet another athlete in violating this policy will be disciplined as if they were the primary offender.

An adulterated test sample will be treated the same as a positive test result.

Consequences for a second and third violation are not based on whether the banned substance detected is the same as that identified in the previous test(s).

No athlete will be penalized academically for violating this policy. Moreover, information regarding test results will not be disclosed to criminal or juvenile authorities absent legal compulsion by a valid and binding subpoena or other legal process, which the District will not solicit. In the event of service of any such subpoena or legal process, the athlete and his/her parents/guardian will be notified at least forty-eight (48) hours before a response is made by the District, to the extent legally permitted.

Failure to complete the assessment following any of the violations shall result in denial of participation in the covered activities until the completion of the assessment.

Violations are accumulative throughout the student athlete's secondary school career at the high school.

#### Student Drivers and Extra-Curricular Participants

In addition to students participating in interscholastic athletics, the following students are also eligible for drug and alcohol testing at the high school:

- A. any student participating in a school club, organization, or an extra-curricular school sponsored activity that requires a coach and/or an advisor;

Eligibility for testing begins with the first meeting through the end of the school year including all activities scheduled during summer.

- B. Any elected or appointed positions, beginning with the election/appointment through the expiration of the term of office/season/activity.

If the student is involved in an extra-curricular activity, the student testing positive for the first time will participate in an assessment and follow-up program and all club activity participation will be suspended for two (2) weeks from the date of notification of a positive test. A second violation will result in suspension of club activity participation for one (1) calendar year and the student must participate in an assessment and follow-up program. A third violation will automatically result in permanent exclusion from all extra-curricular activities offered by the District.

Students who elect to secure a parking permit from the high school will be automatically entered into the random testing pool for the school year. Students testing positive for the first time will have his/her parking permit suspended for 1 month of the school year and must participate in an assessment and follow-up program. A second offense will result in a prorated refund for the parking permit and the student shall be banned from parking in the high school parking lot for one (1) calendar year. The student must participate in an assessment and follow-up program. A third offense will result in the student being banned from parking at the high school for the

remainder of his/her high school career.

In order to be reissued a parking permit after the first offense, the student will submit a sample at the next random testing.

Violations are accumulative throughout the student's secondary school career at the high school. No student will be penalized academically for violating this policy.

### Definitions

**ADULTERATION** - Any attempt to alter the outcome of a test by adding a substance to the sample, attempting to switch the sample, or otherwise interfere with the detection of illicit or banned substances in the urine, or purposely over-hydrating oneself in an attempt to dilute the urine to decrease possible detection of illicit or banned substances.

**ALCOHOL** - Intoxicating liquor, alcohol, wine, beer, mixed beverages, malt liquor, and malt beverages as defined in R.C. 4301.01. The term "alcoholic beverages" also means any liquid or substance, such as "near beer" intended for use as a beverage, used as a beverage, or capable of being used as a beverage, which contains alcohol in any proportion or percentage. The term "alcoholic beverage" 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 prescriptions so long as the substance is authorized by a medical prescription from a licensed physician and kept in the original container, which container shall state the student's name and directions for use.

**ASSESSMENT AND FOLLOW-UP PROGRAM** - A program operated by a certified chemical dependency counselor or any agency certified by the Ohio Department of Alcohol and Drug Addiction Services, or a licensed physician trained in chemical dependency.

**ATHLETE** - Any student participating in high school athletic programs and/or contests under the control and jurisdiction of the Ohio High School Athletic Association (OHSAA). Athletes include cheerleaders for the teams.

**CHAIN OF CUSTODY** - The methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to the final disposition for all such materials and providing for accountability at each stage of handling, testing, and storing specimens and reporting test results.

**CONFIRMATION TEST, CONFIRMED TEST, OR CONFIRMED DRUG TEST** - A second analytical procedures used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

**EXTRA-CURRICULAR ACTIVITY** - Any activity that has been adopted by the Board as a program for which (1) the Board issues a supplemental contract to an advisor, supervisor, or coach, and (2) a grade is not provided for participation. Parking permit holders are included.

**FOCUSED SELECTION** - A mechanism for selecting students for drug/alcohol testing in which each student in a particular group shall be selected for testing when selections are made. Examples may include males, females, freshmen, sophomores, juniors, and/or seniors.

**ILLEGAL DRUGS OR DRUGS** - Any substance, as included in schedules 1 through 5 of 21 U.S.C. 802(6) which an individual may not sell, exchange, give, possess, use, distribute, or purchase under State or Federal law. 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 in accordance with the directions for use provided in the prescription or by the manufacturer. This definition includes nicotine.

**MOOD-ALTERING CHEMICALS** - Includes without limitation, narcotics, depressants, stimulants, hallucinogens, counterfeit drugs, marijuana, alcohol, and any common substance such as "white out", glue, gasoline, etc., used for its mood altering effect. Prescription drugs are included in this, unless authorized by a medical prescription from a licensed physician and kept in the original container, which container shall state the student's name and directions for proper use.

**POSITIVE** - The presence of alcohol, nicotine, or illegal drugs.

**RANDOM SELECTION** - A mechanism for selecting students for drug/alcohol testing in which each student has an equal chance for being selected for testing each time selections are made.

**REASONABLE SUSPICION DRUG TESTING** - Drug testing based on a belief that a student is using or has been using drugs and is drawn from specific objective and articulated facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon one or more of the following criteria:

- A. observable phenomena, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug, but not limited to appearance, speech, body odors, behavior, or other physical or observable traits of a student;

In the context of performance enhancing drugs, reasonable suspicion specifically includes unusual increase in size, strength, weight, or other athletic abilities.

- B. evidence that a student tampered with a drug test;
- C. evidence that student used, possessed, sold, solicited, or transferred drugs while at school or while participating in any interscholastic athletic program/extra-curricular activity;

D. inconclusive, adulterated, or suspect test results or drug tests that report test acceptability criteria that have not been met.

**SPECIMEN** - Any urine, saliva, or hair sample provided by a student for testing pursuant to this policy.

**STUDENT** - Any student enrolled in the high school.

**TEAM SELECTION** - A mechanism for selecting athletes for drug/alcohol testing in which each athlete of a particular team shall be selected for testing when selections are made.

(Adopted 7/16/13)