

## **Monroe County Policy JFCI**

### **Student Activity Drug Testing**

The Monroe County Board of Education, in an effort to protect the health and safety of its extracurricular activities students from illegal and/or performance-enhancing drug use and abuse, thereby setting an example for all other students of Monroe County Schools, proposes to adopt the following policy for drug testing of activity students.

#### **1.0 Statement of Purpose and Intent**

Although the Board of Education, administration, and staff desire that every student in the district refrain from using or possessing illegal drugs, district officials realize that their power to restrict the possession or use of illegal and performance-enhancing drugs is limited. Therefore, this policy governs only performance-enhancing and illegal drug use by students participating in certain extra-curricular activities and/or students who drive to school. The sanctions imposed for violations of this policy will be limitations specifically limiting the opportunity of any student determined to be in violation of this policy to a student's privilege to participate in extra-curricular activities or to drive to school as described herein. No suspensions from school or academic sanctions will be imposed for violations of this policy. This policy supplements and complements all other policies, rules, and regulations of the district regarding possession or use of illegal drugs. Participation in school-sponsored interscholastic extra-curricular activities sponsored by Monroe County Schools is a privilege. Students who participate in these activities are respected by the student body and are representing the school district and the community. Accordingly, students in extra-curricular activities carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible examples of conduct, sportsmanship, and training, which includes avoiding the use or possession of illegal drugs including performance enhancing drugs. Students who elect to drive a privately owned vehicle to and from school and park on school property also carry an added accountability for the safe operation of a vehicle while on school property.

#### **The purposes of this policy are as follows:**

- 1.1 To educate students of the serious physical, mental and emotional harm caused by illegal drug use.
- 1.2 To alert students with possible substance abuse problems to the potential harms that drug use poses for their physical, mental, and emotional well-being and offer them the privilege of competition as an incentive to stop using such substances.
- 1.3 Ensure that students adhere to a training program that bars the intake of illegal and performance-enhancing drugs.
- 1.4 To prevent injury, illness, and harm for students that may arise as a result of illegal and performance-enhancing drug use.
- 1.5 To undermine the effects of negative peer pressure by providing an additional legitimate reason for students to refuse illegal drugs.
- 1.6 To offer students practices, competition and school activities free of the effects of illegal and performance-enhancing drug use.

- 1.7 To keep the school environment safe for all students, staff and visitors.
- 1.8 To assure the safe operation of student-driven vehicles on campus.

## **2.0 Those affected by the policy**

Illegal and performance-enhancing drug use of any kind is incompatible with the physical, mental, and emotional demands placed upon participants in extra-curricular activities and upon the positive image these students project to other students and to the community on behalf of the district. For the safety, health and well being of students who are permitted to drive to school and/or participate in extra-curricular activities the district has adopted this policy for use by all participants in interscholastic extra-curricular activities in grades 7-12. **In the event that a 6<sup>th</sup> grade student athlete chooses to “play up” one level he/she would be included in and subject to this policy.**

## **3. Administrative Guidelines**

The administration may adopt regulations to implement this policy.

## **4. Definitions**

4.1 "Activity Student" means a member of any middle school or high school district sponsored extra-curricular organization which participates in interscholastic competition. This includes any student that represents Monroe County Schools in any extra-curricular activity in interscholastic competition, such as FFA, FBLA, Skills USA, HOSA, Academic Team, Band, Vocal, Cheerleader and Athletics. Band and/or choir students found to be in violation of this policy may only be suspended from performances beyond the school day such as concerts, parades, field shows, all county/state band/choir, and performances at athletic or other special events. Band/Choir students who test “positive” on a drug screen will be given alternate assignments in place of any activity points that may be tied to performances and grades/credit for the band or choir course.

4.2 "Drug use test" means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person's urine.

4.3 "Random Selection Basis" means a mechanism for selecting activity students for drug testing that:

4.3.1 results in an equal probability that any activity student from a group of activity students, driving students and opt-in participants subject to the selection mechanism will be selected, and

4.3.2 does not give the district discretion to waive the selection of any participating student selected under the mechanism.

4.4 "Illegal drugs" means any substance which an individual may not sell, possess, use, distribute or purchase under either Federal or West Virginia law. "Illegal drugs" includes, but is not limited to, all scheduled drugs as defined by the West Virginia Uniform Controlled Substance Act, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. "Illegal drugs" shall also include alcohol.

4.5 "Performance-enhancing drugs" include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other athletic ability. The term "performance-enhancing drugs" does not include dietary or nutritional supplements such as vitamins, minerals and proteins which can be lawfully purchased in over-the-counter transactions.

4.6 "Positive" when referring to a drug use test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal or a performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug use test.

4.7 "Reasonable suspicion" means a suspicion of illegal or performance-enhancing drug use based on specific observations made by coaches/administrators/sponsors of the appearance, speech, or behavior of an activity student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by an activity student supplied to school officials by other students, staff members, or patrons.

4.8 "Driving Student" means any student who is permitted to drive to school and is issued parking privileges on school property.

4.9 "Opt-in Participant" means any student, under 18 years of age, who is not an activity student or a driving student whose parent or guardian elects to include the student in the random selection for drug testing. An "Opt-in Participant" also means any student 18 years of age or older, who is not an activity student or a driving student who has a right to make decisions regarding his/her educational program. Note: the parent has a right to receive notice of the student electing to be included in the drug testing program.

## **5. Procedures**

### **5.1 Consent Form**

Each activity student, opt-in participant and driving student shall be provided with a copy of the "Student Drug Testing Consent Form" which shall be read, signed and dated by the student, parent or custodial guardian and coach/sponsor/administrator before such student shall be eligible to practice or participate in any extra-curricular activities or before issuance of a

driving/parking pass or before being designated as an opt-in participant. The consent requires the activity student to provide a urine sample:

~~5.1.1 as part of the student's annual physical or for eligibility for participation;~~

5.1.2 when the activity student, driving student or opt-in participant is selected by the random selection basis to provide a urine sample; and

5.1.3 at any time when there is reasonable suspicion to test for illegal or performance-enhancing drugs. No student shall be allowed to practice or participate in any extra-curricular activities involving interscholastic competition or drive to school unless the student has returned the properly signed "Student Drug Testing Consent Form."

#### 5.2 Orientation

~~Prior to the commencement of drug testing each year an orientation session will be held with each activity student, driving student and opt-in participant to educate them on the sample collection process, privacy arrangements, drug testing procedures and other areas which may help to reassure the activity student and help avoid embarrassment or uncomfortable feelings about the drug testing process. A mandatory training session will be held annually for principals, head coaches, and student organization advisors to review this policy. Each activity student, driving student, opt-in participant and parent/guardian shall receive a copy of the Activity Student Drug Testing Policy. The principal, head coach or sponsor shall be responsible for explaining the policy to all prospective students, and for preparing an educational presentation to acquaint the student with the harmful consequences of drug and alcohol use and abuse.~~

#### 5.3 Random Selection

Drug use testing for participating students will be chosen on a random selection basis periodically from a list of all participating students who are involved in offseason or in-season activities, driving, or an opt-in participant. The district will determine a percentage of student names to be drawn at random to provide a urine sample for drug use testing for illegal drugs or performance-enhancing drugs.

#### 5.4 Reasonable Suspicion

In addition to the drug tests required above, any activity student, driving student or opt-in participant may be required at any time to submit to a test for illegal or performance-enhancing drugs, or the metabolites thereof when an administrator, coach, or sponsor has reasonable suspicion of illegal or performance-enhancing drug use by that particular student.

#### 5.5 Professional Laboratory

Any drug use test will be administered by or at the direction of a professional laboratory chosen by the district. The professional laboratory shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and proper laboratory control and scientific testing.

All aspects of the drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen must be collected in a restroom or other private facility behind a closed stall. The principal/athletic director shall designate a coach, sponsor, or school employee of the same sex as the student to accompany the student to a restroom or other private facility behind a closed stall. The monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall to listen for the normal sounds of urination in order to guard against tampered specimens and to insure an accurate chain of custody. The monitor shall verify the normal warmth and appearance of the specimen. If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure and inform the principal/athletic director who will then determine if a new sample should be obtained. The monitor shall give each student a form on which the student may list any medications legally prescribed for the student he or she has taken in the preceding thirty (30) days. The parent or legal guardian shall be able to confirm the medication list submitted by their child during the twenty-four (24) hours following any drug test. The medication list shall be submitted to the lab in a sealed and confidential envelope and shall not be viewed by district employees. Note: School personnel may be aware of medication prescribed to students due to information provided on school emergency cards and WVSSAC athletic participation forms.

#### 5.6 Positive Tests

An initial positive test result will be subject to confirmation by a second and different test of the same specimen. ~~The second test will use the gas chromatography/mass spectrometry technique.~~ The second test will be administered through the Monroe County Health Centers at either the Peterstown or Union clinic within 24 hours of the first test. A specimen student shall not be reported positive considered as testing positive unless the second test utilizing the gas chromatography/mass spectrometry procedure is verifies a positive for the presence of an illegal drug and will therefore be allowed to continue participation in extracurricular activities until the results of the second test are available. ~~or the metabolites thereof. The unused portion of a specimen that tested positive shall be preserved by the laboratory for a period of six (6) months or the end of the school year, whichever is shorter.~~ Student records will be retained until the student graduates.

## 6. Confidentiality

The laboratory (School Wellness Center for the first test & Monroe County Health Center for second tests) will notify the Superintendent Principal/designee of any positive test. To keep the positive test results confidential, the Superintendent Principal/designee will only notify the student, the administrator Superintendent, the athletic director/head coach/sponsor, and the parent or custodial guardian of the student of the results. The administration or designee will schedule a conference with the student and parent or guardian and to explain the student's opportunity to submit additional information to the Superintendent's office or to the lab. The Monroe County District will rely on the opinion of the laboratory which performed the test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.

All negative tests will be kept on file at the school wellness center along with each student's consent forms. Test results will be kept in files separate from the student's other educational records, shall be disclosed only to those school personnel who have a need to know, and will not be turned over to any law enforcement authorities unless the law enforcement authority presents a valid court subpoena, search warrant, or signed consent from the parent/guardian or student. A parent or custodial guardian may sign a release of information for the transfer of the results of the drug testing to an outside agency.

## 7. Appeal

A student who has been determined by the principal/athletic director to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her designee(s). Such request for a review must be submitted to the Superintendent in writing within five (5) calendar days of notice of the positive test. A student requesting a review will remain eligible to participate in any extra-curricular activities until the review is completed. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision will be provided and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable.

## 8. Consequences

8.1 Activity and Driving students - any activity student who tests positive in a drug test under this policy shall be subject to the following restrictions:

### 8.1.1 For the First Offense:

The parent/guardian will be contacted immediately and a private conference will be scheduled to present the test results to the parent/guardian. A meeting will then be set up with the student, parent/guardian, athletic director, and principal concerning the positive drug test. ~~In order to continue participation in the activity after a 30 day suspension is served the student and parent/guardian must, within ten (10) days of the joint meeting, show written proof that the student is scheduled for or is receiving drug counseling from a qualified drug treatment~~

program or counseling entity. The student will receive a 10 school day suspension from all extracurricular activities, practices, after-school events, and driving privileges. The student must also complete a minimum of one counseling session through the school's wellness center and be scheduled for at least one more follow up session prior to being allowed to return to participating in these activities. Additionally, the student must voluntarily submit to a second drug test to be administered within four (4) weeks in accordance with the testing provisions of this policy and be subject to random drug screens during the next 365 days from the date of the positive drug screen.

If parent/guardian and student agree to these provisions, the student will continue to participate in the activity after a 30 10 day suspension is served. Should the parent/student not agree to these provisions the consequences listed in this policy for the second offense will be imposed.

#### 8.1.2 For the Second Offense:

Complete suspension from participation in all extra-curricular activities including all meetings, practices, performances, and competition for 365 days. Should a student opt to resume participation in extra-curricular activities or to drive after 365 days then he/she must submit to an initial drug screen.

~~8.2 Driving students — any driving student who tests positive in a drug test under this policy shall be subject to the following restrictions, which shall be cumulative throughout each programmatic level:~~

~~8.2.1 For the First Offense: The parent/guardian will be contacted immediately and a private conference will be scheduled to present the test results to the parent/guardian. A meeting will then be set up with the student, parent/guardian, and principal concerning the positive drug test. Driving privileges shall be immediately suspended until the parent or guardian submits written proof that the student has received drug counseling from a qualified drug treatment program or counseling entity. Additionally, the student must voluntarily submit to a second drug test to be administered within four (4) weeks in accordance with the testing provisions of this policy. If the parent/guardian and student agree to these provisions, the student may resume driving to school upon proof of participation in drug counseling as specified and with a clean drug screen. The student will be randomly drug screened during the next 365 days. The time and date will be unknown to the student and determined by the Superintendent or designee. Should the parent/student not agree to these provisions, the consequences listed in this policy for the second offense for driving students shall be imposed.~~

~~8.2.2 For the Second Offense: All privileges to drive and/or park at school shall be revoked for 365 days. Parking fees will not be refunded. Reinstatement of these privileges, after 365 days, shall require the student to submit to another drug test performed under the procedures stated in this policy with a negative result at the student's expense.~~

8.3 Opt-in participants – in the event that an opt-in participant tests positive in a drug test under this policy the parent/guardian and student shall be contacted immediately. A private conference shall be scheduled to present the positive test results and outline interventions.

## **9. Refusal to Submit to Drug Use Test**

A participating student, who refuses to submit to a drug test authorized under this policy, shall not be eligible to participate in any activities covered under this policy including all meetings, practices, performance and competitions or drive and park on school property for 365 days. Additionally, such student shall not be considered for any interscholastic activity honors or awards given by the school.

## **10. Code of Conduct Violations**

Important Note: Any student who violates the Student Code of Conduct Policy and West Virginia law by the illegal use of medications or drugs of any kind while on school grounds or during a school activity; or is under the influence of medications, (used illegally), or illegal drugs on school grounds or during a school activity; is subject to disciplinary action as outlined in the Student Code of Conduct Policy, up to and including expulsion.

Monroe County Schools is committed to cooperating with parents/guardians in an effort to help students avoid illegal drug use. The district believes accountability is a powerful tool to help some students avoid using drugs and that early detection and intervention can save lives.

## **11. Timeline for Implementation**

If adopted, the plan will be implemented at JMHS immediately. It will be evaluated at the end of the 2011-2012 school year for possible implementation for the county middle school grades.

**Adopted by Board Action:** May 5, 2009; effective July 1, 2009