

Clear Fork Valley School District Illegal Substances Testing Policy

It is the policy of the Clear Fork Valley Local School District Board of Education not to permit students who use Alcohol, Illicit Substances, or Banned Substances without a prescription, to participate in the District's athletics and/or athletic team management, or obtain a parking permit. Eligible Students and their parent/guardian shall be required to give written consent of the student to be tested for alcohol or illicit drugs and/or banned substances by a vendor of the Board of Education's choosing. The consent shall include permission for random testing during the athletic season of the participating sport and/or after obtaining a parking permit, and for reasonable suspicion testing as warranted. The schedule will not follow any recognizable pattern. Any refusal to consent to drug testing by any student and/or parent will result in the student not being allowed to practice or participate in District athletics and/or obtain a parking permit in the Clear Fork Valley Local School District.

A. Overview

The procedure for random drug testing of students in all athletic teams and manager positions and those wishing to obtain a parking permit for grades 7-12 is accomplished in conjunction with an independent drug Testing Vendor selected by the Board of Education. The Testing Vendor is provided by the Designated Official with a list of Eligible Students at the beginning of the athletic season or upon application for a parking permit as determined by the Board of Education and updated thereafter.

The Testing Vendor in turn randomly selects students to be tested from the most current list of Eligible Students in a confidential manner. The Testing Vendor shall also test any other student whom a custodial parent/guardian wants to be tested, e.g. non-participants/non-drivers. The Vendor will arrange with the Designated Official a day and time to do the collection of specimens. The Vendor will send qualified collectors to the school who will oversee the collection of all specimens as outlined in this document. The Vendor will provide Medical Review Officer (MRO) services for interpretation and verification of results. Results are reported to the Building Principal or Designated Official by the MRO. Specimens are collected as split specimens.

Random testing will be paid for by a one-time per school year \$28 fee to be assessed to students participating in sports, or obtaining a parking permit. A custodial parent/guardian who requests that a student be tested shall be responsible for the cost of such testing.

B. Statement of Need and Purpose

Recognizing that the observed and suspected use of Illicit Substances and Banned Substances, including Alcohol, by Clear Fork Valley Local School District students is a serious concern, a program of deterrence will be instituted as a pro-active approach to a truly drug-free school. Likewise, students using illegal substances pose a threat to their own safety, as well as to that of other students. The purpose of this program is fourfold:

1. To provide for the safety of all students.
2. To undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal substances.
3. To encourage students who use drugs to participate in drug treatment programs.
4. To prevent the impact illegal substances use has on the learning centers of the brain, allowing students to achieve their full academic potential while a student within Clear Fork Valley Local Schools.

C. Definitions

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 or dental 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, provided 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. Alcohol is a Banned Substance.

Eligible Student – A student in grade 7 through 12 who is participating in one or more sport and/or who has obtained a permit to park a motor vehicle on Board property.

Parking Permit – A permit given to students seeking permission to drive and park their personal vehicle on school property.

Season – A period of time defined by start dates as published by the Ohio High School Athletic Association (“OHSAA”), and continuing until completion of the banquet or final event for the activity in the District

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

Vendor - The medical office or company selected by the Board of Education to carry out the policy and procedure.

Designated Official - The individual designated Board of Education or Superintendent to oversee the drug testing program of the District.

Medical Review Officer (MRO) - A licensed physician trained and certified in the process and interpretation of drug testing results.

Illicit Substance - Any controlled substance that a person may not legally sell, offer to sell, possess, give, exchange, use, distribute, or purchase under Ohio Revised Code Chapter 2925 or federal law, and any harmful intoxicant as defined in Ohio Revised Code Section 2925.01. Illicit Substance includes all prescription drugs being used in any way other than for medical purposes, or used not in accordance with the directions for use provided by the prescription or by the manufacturer. Illicit Substance includes any metabolite of an Illicit Substance.

Banned Substance - A substance defined by Board policy as being banned from use by students, including without limitation: alcohol, amphetamines, anabolic steroids, barbiturates, benzodiazepines, cocaine, LSD, marijuana, methadone, methaqualone, MD/MA (“ecstasy”), opiates, phencyclidine, propoxyphene (Darvon), synthetic marijuana (i.e., “Posh,” “Spice,” K2), any other substance listed in 21 U.S.C. 802(6), and any metabolite of a Banned Substance.

SAMHSA - The 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.

Quantitative Levels - The measurement levels of a specific chemical in the urine reported usually in nanograms per milliliter (ng/ml).

Chain-of-custody Form - A preprinted form provided by the testing laboratory that records all contact with the provided specimen. The form is initiated by the collector and follows the specimen as testing is completed, then forwarded to the MRO for final certification.

Adulterant/Adulteration – Any attempt to alter the outcome of a urine drug 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 purposefully over hydrating oneself in an attempt to dilute the urine to decrease possible detection of illicit or banned substances

D. Procedures for Students

1. Informed Consent for Testing

At the beginning of each year/season or when a student moves into the District, students and parent/guardian/custodian will complete and sign the Clear Fork Local Code of Conduct and Expectations Informed Consent Agreement. No student may participate in sports or receive a parking permit until this form is properly executed and on file with the School.

2. Urine Drug Testing Frequency

Testing of students participating in sports (and managers) will begin at the commencement of the participating sport. Random testing for student athletes will occur at any time throughout the season of the participating sport. Student drivers will be tested randomly throughout the duration of the school year, so long as the

student holds a parking permit. The random testing schedule will not follow any recognizable pattern. The Testing Vendor will select the students to be tested from the list of Eligible Students in a random and confidential manner. The Vendor will arrange with the Designated Official a day and time to do the collection of specimens. When a parent requests that his or her child be tested, the Designated Official shall notify the Testing Vendor of the request and the student shall be included in the next group of students to be tested. Any student who refuses to submit to urine drug testing will be considered to have had a positive test result.

Up to 100% of Eligible Students may be tested each semester. A student may be tested more than once per school year.

3. Sample Collection

Samples will be collected as outlined under Vendor Requirements below. Any Eligible Student selected randomly for urine illegal substance 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 urine specimen at the testing time will be unable to participate in extracurricular activities or park on school grounds until the proper specimen is provided. Arrangements may be made for special collections at a Vendor Collection site with prior approval of the Building Principal or Designated Official. There may be additional fees associated with the use of an off-site collection point, which shall be the responsibility of the student or parent.

Should a parent choose to use an alternative testing vendor, the alternative vendor must be approved by the Board. This test must be conducted under the same parameters as the designated Vendor. The Board approved vendor will send test results to the Designated Official and will notify the parent or guardian/custodian within 24-48 hours of the test or as soon as test results are available. The parent/guardian/custodian must notify Clear Fork's Designated Official of the test results by providing a copy of all test results to the Designated Official (H.S. Principal) no later than the next day school is in session once test results are provided by Workable. All fees incurred at this alternative testing site will be paid for by the parent/guardian of the student.

E. Confidentiality of Results

All illegal substance test results are considered confidential information and will be handled accordingly. School officials having results reported to them as set forth by this Policy must sign a Confidentiality Statement.

F. Vendor Requirements

At a minimum, the Vendor must be able to provide the following services:

1. Random Selection of Eligible Students:

Once provided a list of Eligible Students, the Vendor must select the students to be tested in a random and confidential manner. The Vendor will arrange with the Designated Official a day 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 these students to report to the collection area.

2. Collection of Urine Specimens:

The Vendor will oversee the collection of urine specimens as outlined in the Procedures for Random Urine Drug Testing. Chain of Custody forms will be provided by the Vendor that meet the criteria of this Policy and that of the testing laboratory. Students will be given as much privacy as possible in the obtaining of the specimen (See Section G., Collection Process).

3. Testing of Urine Specimens:

The Vendor will have all specimens tested for Illicit and Banned Substances by a qualified laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) following the guidelines of the Department of Health and Human Services (HHS). The testing laboratory should have greater than 10 years' experience in toxicology testing and chain-of-custody procedures. All specimens must be initially tested using a highly accurate immunoassay technique, with all presumptive positive results, except for LSD, then confirmed by a Gas Chromatography/Mass Spectroscopy (GC/MS) confirmatory test (no current GC/MS test is available for LSD).

4. Medical Review Officer (MRO) Services:

The Vendor will provide MRO services by a licensed physician who is certified by the Medical Review Officer Certification Council (MROCC) or the American Association of Medical Review Officers as having proven by examination to have had the appropriate medical training to interpret and evaluate drug test results and thus qualified for certification as a Medical Review Officer. Additionally, the MRO must demonstrate a willingness to abide by this Policy. All results will be kept on file for a period of seven years.

5. Reporting of Random Urine Test Results by Vendor:

The MRO will verify all urine drug screens as negative or positive. Verified positive findings will be reported in a confidential manner to the Parent and the Designated Official.

6. Statistical Reporting and Confidentiality of Urine Drug Test Results:

The Vendor, testing laboratory, or MRO may not release any statistics on the rate of positive illegal substances tests to any person, organization, news publication or media without expressed written consent of the Clear Fork Valley Local School District Board of Education. However, the Vendor will provide the Building Principal (or designee) with an annual report showing the number of tests performed, rate of positive and negative tests, and what substances were found in the positive urine specimens.

7. Verification of a positive test result:

Positive drug test results must be verified positive by the MRO before the Designated Officer may act upon such results.

- a. Verification of a positive test result is a three-step process:

- i. The MRO must determine if any discrepancies exist in the chain of custody and, if such discrepancies exist, whether they prevent verification of the positive test result;
 - ii. If one or more of the substances indicated to be present in the positive test result are available by prescription, the MRO must contact the Parent to determine whether the Student has such a prescription. The MRO shall allow the Parent two business days to respond to the MRO's inquiry.
 - iii. If the Parent states that the Student has such a prescription, the Parent must provide the MRO with a letter from the prescribing physician verifying the prescription within five business days of the MRO's initial inquiry.
- b. The MRO shall verify as positive a test result if:
 - i. It is not possible to have a prescription for the substance(s) found in the Student's urine; or
 - ii. The Parent states that the Student does not have a prescription for the substance(s) found in the Student's urine; or
 - iii. The Parent fails to respond within two business days to the MRO's inquiry whether the Student has such a prescription; or
 - iv. The Parent fails to provide the prescribing physician's written verification of the prescription within five business days of the MRO's inquiry whether the Student has such a prescription.
- c. If a Student's urine tests positive both for substances for which a prescription may be held and substances for which one cannot have a prescription, the MRO shall verify as positive the results showing the presence of the substances for which one cannot have a prescription, even though verification of the test results for the substances for which it is possible to hold a prescription may be pending.
- d. Exception to positive verification. The MRO 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. If the MRO concludes that the quantitative levels determined to be above the established cutoffs reflect natural decay rather than current use, the MRO may decline to verify a positive result.
- e. Any and all adulterations of the specimen will be detected and considered the same as a test refusal or first time infraction. Adulterations are not treated as positive, but have the same consequences. A retest will be required within twenty-four (24) hours.

Anyone who suspects tampering with the sample shall notify the designated school official. The sample will be screened or sent to the lab for immediate confirmation of tampering.

G. Procedures in the Event of a Verified Positive Result

1. The MRO shall notify the Designated Official and the Student's Parent of a verified positive test result for Illicit Substances or Banned Substances, or if adulteration is detected. Notification shall include written notification.
2. The Building Principal (or designee) will notify the student and the parent/guardian/custodian of any verified positive results. Notification of the student and parent should be done during the next day the student is in attendance at school. If school will not be in session for an extended period of time (such as Christmas, Spring Break, or Summer Break) the principal (or designee) may choose to call the student's home to notify both the student and parents. A written notification from the Building Principal (or designee) will be sent to the parent/guardian/custodian in all cases.
3. If the parent/guardian/custodian or student wishes to contest the results, the Vendor will arrange for the split portion of the specimen to be submitted to another laboratory approved by the Board of Education for testing. This is done at parent/guardian/custodian or student expense. Such a request must be made to the Building Principal (or designee) in writing within five working days from first notification of a verified positive test results by the Building Principal (or designee). If the test of the split sample is negative for any Illicit or Banned Substance, the District will treat the Student as if the positive test for that substance did not occur.
4. The MRO 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. 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.

H. Non-Punitive Nature of the Policy

No student will be penalized academically for testing positive for Illicit or Banned Substances that is a result of random or parent-requested testing. The results of drug tests pursuant to this Policy will not be documented in any student's academic records. Information regarding the results of random or parent-requested drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the Clear Fork Valley Local School District Board of Education will not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent, legal guardian, or custodian will be notified at least 72 hours before response is made by the Clear Fork Local School Board of Education, to the extent permitted by such subpoena or legal process.

Nothing in this Policy shall prevent a student from being disciplined for a violation of the Code of Student Conduct for any offense, including an offense involving drugs that is not associated with a random or parent-requested drug test.

A verified positive test for Illicit or Banned Substances shall affect the student's ability to participate in sports and/or park a motor vehicle on District property as set forth in the applicable Student Handbook.

I. Procedures for Random Urine Drug Testing of Clear Fork Valley Local School District Students

1. List of Eligible Students

The Designated Official will prepare a list of Eligible Students. This list will be forwarded to the Vendor for the random selection of students who will submit urine specimens for testing.

2. Random Selection of Students for Testing

The Vendor will use a system to assure that students are selected in a random fashion. This system will utilize a computer based system designed specifically for the purpose of random selection.

3. Scheduling of Urine Drug Testing

Random urine drug testing is unannounced. The day and time are selected by the Designated Official and confirmed with the Vendor. Random testing can occur at any time during the participating season or while the student holds a parking permit. The schedule will not follow any recognizable pattern.

4. Testing

The Designated Official is responsible for seeing that all students and their parent/guardian/custodian properly sign the Informed Consent Agreement prior to testing.

5. Form Completion

The Vendor is responsible for seeing that proper drug testing custody and control forms are used that satisfy the needs of the Clear Fork Valley Local School District Illegal Substance Testing Policy, its students and the testing laboratory. A student number will be used for identification with the student's name only appearing on the copies that go to the donor, MRO, and Designated Official.

6. Collection Process

Selected Students are escorted from class to the collection site. A specimen of urine is collected following this process:

- a. No purses, bags or containers may be taken into the collection area with the student. All extra coats, vests, jackets, sweaters, etc., are to be removed before entering the collection area.
- b. The collector adds a bluing agent (food coloring) to the water in the urinal or toilet.

- c. Student is asked to rinse their hands and dry them. If no water is easily accessible, a non-alcoholic wipe may be used instead.
- d. The drug testing custody and control form is completed by the student and collector.
- e. The student is told to urinate directly into the provided container and should provide a sufficient amount of urine (at least 30ml) in one attempt. The student is also told they are to hand the container of urine to the collector.
- f. The student enters a closed stall to collect the specimen then hands the container to the collector.
- g. The collector checks the volume, reads and records the temperature within four minutes of collection, and looks for evidence of tampering.

If tampering is suspected, a second specimen will be requested. A second suspected tampered specimen will be considered refusal to test and the Designated Official notified.

- h. With the student watching, the collector will pour the specimen into the two bottles and recap the specimen bottles tightly.
- i. The collector takes the bottle seals and places them over the caps and sides of the bottles and ensures they are properly signed and initialed.
- j. The sealed bottles are placed inside the transport bag.
- k. The top lab copies of the drug testing custody and control form are folded with the top portion visible to the outside and placed in the Requisition Pouch. The transport bag and pouch are sealed as indicated. The student completes the COC and is given the donor copy of the form.
- l. The Student may wash their hands and is then sent back to class.
- m. The collector distributes the remaining copies of the form as required, being responsible for getting the appropriate copy of the form to the MRO in a timely manner.
- n. The Designated Official will be notified immediately of any student who refuses to give a urine sample or is suspected of adulteration.

7. Medical Review Officer (MRO) Responsibilities

The MRO will review all results of urine illegal substances testing. Any urine specimen testing positive for Illicit Substances, Banned Substances, or adulteration will be handled in the following manner:

- a. The MRO determines if any discrepancies have occurred in the Chain of

Custody.

- b. Depending on the substances found in the urine, if necessary the parent/guardian/custodian will be contacted to determine if the student is on any prescribed medication from a physician.
 - c. If the student is on medication, the parent/guardian/custodian will be asked to obtain a letter from the prescribing physician to document what medications the student is currently taking. Failure to provide such requested information within five business days will be considered a verified positive result.
 - d. The MRO will determine if any of the prescribed medications resulted in the positive drug test.
 - i. For example, a positive test for codeine may be verified negative by the MRO when he receives a letter from the treating physician that the student has been prescribed Tylenol© with codeine as a pain medication following tooth extraction.
 - ii. Or, if the student has a positive drug screen for codeine and has no documented physician order for the medication (maybe a parent gave the student one of their pills), this would likely be ruled a verified positive drug test by the MRO.
 - iii. Drug screens positive for an Illicit or Banned Substances for which it is not possible to have a prescription (i.e., marijuana, heroin, cocaine, alcohol, etc.) shall automatically be verified positive by the MRO.
 - e. The MRO 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. 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.
 - f. The MRO, based on the information given, will verify the drug test results as positive or negative. Verified positives results will be reported to the Parent and Designated Official.
8. Pick-Up Process
The Vendor is responsible for seeing that specimens are delivered to or picked up by the testing laboratory and the Chain of Custody form properly annotated.

(Adoption Date: August 14, 2014)