

# Calhoun Board of Education Student Drug Testing

## CHAPTER: STUDENTS

### TITLE: STUDENT DRUG TESTING

1.0 General. The Calhoun County Board of Education in an effort to protect the health and safety of all students from illegal and/or performance-enhancing drug use and abuse, proposes to adopt the following policy for drug testing of students participating in extra-curricular activities, those who wish to drive and park on school property, and those whose parent or guardian elects to include the student in the random selection process..

1.1 Statement of Purpose and Intent. Although the Board of Education, administration, and staff desire that every student in Calhoun County Schools refrain from using or possessing illegal drugs, school 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 extra-curricular activities, those who wish to drive and park on school property, and those whose parent or guardian elects to include the student in the random selection process.. The sanctions imposed for violations of this policy will be limitations solely upon 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 drive and park on school property. 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 Calhoun County Schools regarding possession or use of illegal drugs.

Participation in school-sponsored interscholastic extra-curricular activities and permission to drive to school and park on campus in Calhoun 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. 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 seven-fold:

- (a) To educate students of the serious physical, mental and emotional harm caused by illegal drug use.
- (b) 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.
- (c) To ensure that students adhere to training program that bars the intake of illegal and performance-enhancing drugs.
- (d) To prevent injury, illness, and harm for students that may arise as a result from illegal and performance-enhancing drug use.

- (e) To offer students practices, competition and school activities free of the effects of legal and performance-enhancing drug use.
- (f) To assure the safe operation of student-driven vehicles on campus.
- (g) To undermine the effects of peer pressure by providing an additional legitimate reason for students to refuse to use illegal drugs.

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 Calhoun County Schools. For the safety, health and well being of students in extra-curricular activities, students who drive and/or park on school property and/or voluntarily choose to participate, the Board of Education of the County of Calhoun has adopted this policy for use by all participants in interscholastic extra-curricular activities, students who drive and/or park on school property and/or voluntarily choose to participate, in grades 7-12.

1.2 Authority to Regulate. The administration may adopt regulations to implement this policy.

## 2.0 Definitions

- 2.1 *“Activity Student”* means a member of any Calhoun County Middle/High School sponsored extra-curricular organization which participates in interscholastic competition. This includes any student that represents Calhoun County Schools in any extra-curricular activity in interscholastic competition: such as, for example, FFA, FHA, Academic Team, Band, Vocal Music, Cheerleading and Athletics.
- 2.2 *“Driving Student”* means any student who is permitted to drive to school and is issued parking privileges on the school campus.
- 2.3 *“Opt-in Participant”* means any student in grades 7-12 beginning who is not an activity student or a driving student whose parent or guardian elects to include the student in the random selection for testing. **There shall be an annual fee associated with this option.**
- 2.4 *“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.
- 2.5 *“Random Selection Basis”* means a mechanism for selecting activity students for drug testing that:
  - (a) results in an equal probability that any activity student from a group of activity students subject to the selection mechanism will be selected; and
  - (b) does not give the School District discretion to waive the selection of any activity student selected under the mechanism.

- 2.6 *"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 Substances 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.
- 2.7 *"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.
- 2.8 *"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.
- 2.9 *"Reasonable suspicion"* means a suspicion of illegal or performance-enhancing drug use based on specific observations made by coaches/administrators/sponsors/teachers of the appearance, speech, or behavior of an activity or driving student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by an activity or driving student supplied to school officials by other students, staff members, or patrons.

## 2.0 Procedures

- 3.1 **Consent Forms.** Each activity student 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 before such student shall be eligible to practice or participate in any extra-curricular activities or before issuance of a driving/parking pass. The Opt-in participant and parent or custodial guardian shall also consent to read and sign a consent to read and sign a consent form. The consent requires the activity, driving and opt-in student to provide a urine sample: (a) when the activity, driving or opt-in student is selected by the random selection basis to provide a urine sample; (b) 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".
- 3.2 **Orientation Session.** Prior to the commencement of drug testing each year an orientation will be held with each Activity Student, Driving Student and Opt-in Participant to educate them of the sample collection process, privacy arrangements, drug testing procedures and other areas of which may help to reassure the Activity Student, Driving Student and Opt-in Participant and help avoid embarrassment or uncomfortable feelings about the drug testing process.
- 3.3 **Distribution of this Policy.** Each Activity Student, Driving Student, Opt-in Participant and parent/guardian shall receive a copy of the 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.
- 3.4 **Random Sample.** Drug use testing for Activity Students will also be chosen on a random selection basis from a list of all Activity Students, driving students and Opt-in Participants who are involved in off-season or in-season activities. Calhoun County Schools will determine a

number of student names to be drawn at random to provide a urine sample for drug use testing for illegal drugs or performance-enhancing drug.

- 3.5 Reasonable Suspicion Sample. In addition to the drug tests required above, any Activity Student, driving student and 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.
  - 3.6 Professional Laboratory. Any drug use test will be administered by or at the direction of a professional laboratory chosen by the Calhoun County Board of Education. 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.
  - 3.7 Privacy. 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.
  - 3.8 Obtaining Samples. 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. 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 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.
    - (a) Tampering. 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.
    - (b) List of Medications Taken. 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.
  - 3.9 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. A specimen shall not be reported positive unless the second test utilizing the gas chromatography/mass spectrometry procedure is positive for the presence of an illegal drug or the metabolites thereof.
  - 3.10 Preservation and Retention of Samples. 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 end of the school year.
- 4.0 Confidentiality

4.1 Notification by Laboratory. The laboratory will notify the principal/athletic director or designee of any positive test.

4.2 Notification to Student, Head Coach/Sponsor, and His/Her Parent/Guardian. To keep the positive test results confidential, the principal/athletic director or designee will only notify the student, the head coach/sponsor (activity students only), and the parent or custodial guardian of the student of the results. The principal/athletic director or designee will schedule a conference with the student and parent or guardian and explain the student's opportunity to submit additional information to the principal/athletic director or to the lab. Calhoun County Schools 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.

4.3 Record of Test Results. Test results will be kept in the 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.

#### 5.0 Appeal

5.1 Procedure for 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. 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 or drive to school until the review is completed. The Superintendent or his/her designee 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 not subject to appeal.

#### 6.0 Consequences

6.1 Restrictions on Activity Students. Any Activity Student who tests positive in a drug test under this policy shall be subject to the following restrictions:

(a) 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 the student and parent/guardian must, within five (5) days of the joint meeting, show 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 two (2) weeks in accordance with the testing provisions of this policy.

(i) If parent/guardian and student agree to these provisions, the student will continue to participate in the activity. Should the parent/student not agree to these provisions the consequences listed in this policy for the second offense will be imposed.

(b) For the Second Offense. Suspension from participation in all activities covered under this policy for fourteen (14) calendar days, and successful completion of four (4) hours of substance abuse education/counseling provided by the school. The student may not

participate in any meetings, practices, scrimmages or competitions during this period. The student will be randomly tested monthly for the remainder of the school year. The time and date will be unknown to the student and determined by the principal/athletic director or designee.

- (i) These restrictions and requirements shall begin immediately, consecutive in nature, unless a review appeal is filed following receipt of a positive test.
- (ii) Provided, however, a student who on his or her own volition informs (self-refers) the athletic director, principal, or coach/sponsor of usage before being notified to submit to a drug use test will be allowed to remain active in all activities covered under this policy. Such student will however, be considered to have committed his/her first offense under the policy, and will be required to re-test as would a student who has tested positive.

(c) For the Third Offense (in the same school year). Complete suspension from participation in all extra-curricular activities including all meetings, practices, performances, and competition for the remainder of the school year, or ninety (90) school days (one semester) whichever is the longer.

## 6.2 Restrictions on Driving Students.

Any Driving Student who tests positive in a drug test under this policy shall be subject to the following restrictions:

- (a) **For the First Offense.** The parent/guardian and student will be contacted immediately and a private conference will be scheduled to present the positive test results. Driving privileges will be immediately suspended until the parent or guardian submits proof that the student has received drug counseling from a qualified drug treatment program or counseling entity. Additionally, the student must voluntarily submit to three (3) additional drug screenings within the next calendar year that follow the provision 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. Should the parent/student not agree to these provisions, the consequences listed in this policy for the second offense for driving students will be imposed

- (b) **For the Second Offense.** All privileges to drive and/or park at school shall be revoked for a minimum of ninety (90) school days. Reinstatement of these privileges 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. The student shall be subject to five (5) additional drug screenings during the next calendar year
- (c) **Restrictions for Opt-in Participants.** The parent/guardian and student will be contacted immediately and a private conference will be scheduled to present the positive test results.

A violation of this policy is NOT a violation of the *Student Code of Conduct Policy*. Any Activity Student who tests positive in a drug test under this policy shall, as a result thereof, be subject to the restrictions described under this section labeled **CONSEQUENCES** only; notwithstanding any provision of the *Student Code of Conduct Policy*. When school district employees charged with the administration of this drug testing policy are made aware of drug use by an Activity Student, Driving Student, or Opt-in Participant, solely as a result of drug testing under this policy, that Activity Student, Driving Student, or

Opt-in Participant shall **NOT** be disciplined under the *Student Code of Conduct Policy* or of their drug use so discovered.

7.0 Refusal to Submit to Drug Use Test

7.1 Ineligibility to Participate. 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, competitions or drive and park on school property for the remainder of the school year. Additionally, such student shall not be considered for any interscholastic activity honors or awards given by the school.

8.0 Important Note on Consequences

8.1 No Interaction with Student Code of Conduct Policy. A violation of this policy is NOT a violation of the Student Code of Conduct Policy. Any Activity, Driving or Opt-In Student who tests positive in a drug test under this policy shall, as a result thereof, be subject to the restrictions described in Section 6, above, only; notwithstanding any provision of the Student Code of Conduct Policy. When school district employees charged with the administration of this drug testing policy are made aware of an Activity Student's drug use solely as a result of drug testing under this policy, that Student shall NOT be disciplined under the Student Code of Conduct Policy.

9.0 Postscript

*The Calhoun County Board of Education and all of its employees are committed to cooperating with parents/guardians in an effort to help students avoid illegal drug use. The Calhoun County Board of Education believes accountability is a powerful tool to help some students avoid using drugs and that early detection and intervention can save lives.*

**ADOPTION DATE: 12/15/03 (Effective 2/01/04)**

**REVISION DATE: 8/10/09**