

## FAIRLAND LOCAL SCHOOL DISTRICT

### **DRUG TESTING POLICY FOR STUDENTS PARTICIPATING IN EXTRACURRICULAR ACTIVITIES, PARKING ON SCHOOL PROPERTY, AND/OR WHOSE PARENTS HAVE PROVIDED CONSENT**

#### **PHILOSOPHY**

The policy is designed to help students and parents cope with alcohol and drug use. Therefore, the policy is in place to provide guidelines for each student/family to receive assistance as needed. The policy established herein by the Fairland Local School District administration is based upon the following beliefs:

1. We believe that there is no such thing as responsible use of alcohol, illegal drugs or mood altering chemicals by any high school student. Adolescent use is against the law. It jeopardizes the student's health and safety, and it inhibits attainment of individual potential. Therefore, any use of alcohol, illegal drugs or mood-altering chemicals by students who chose to participate in extracurricular activities or who chose to drive to school and park on school property will not be tolerated.
2. **We believe that participation in extracurricular activities and/parking on school property is a privilege, not a right.** Students who participate in extracurricular activities are often in a highly visible setting of leadership and/or competition/performance. Therefore, these students will be held to a higher accountability of conduct and behavior than the student who chooses neither to participate nor to represent Fairland Local Schools. Additionally, we believe it is our responsibility to provide for student safety and to deter suspected and observed use of alcohol or illegal drugs on our properties, and therefore, we hold students who park on our properties to a higher accountability of conduct and behavior than the student who chooses not to park on school properties.
3. We believe that the parent(s)/guardian(s)/custodian(s) of a student participating in extracurricular activities and/or driving to school and parking on school properties, or those who have consented to have their student included in the pool of students to be randomly tested have a right to be informed. Therefore, the parent(s)/guardian(s)/custodian(s) will be contacted regarding findings by school staff.
4. We believe that violating the Drug Testing Policy in a school or community setting reflects poorly on the individual, organization/team, and school. Therefore, violations of this nature will carry penalties in regard to continuation of participation in extracurricular activities and/or parking privileges.

5. We believe that participation is better than exclusion. Therefore, first offense violations generally allow the student to remain a member of the extracurricular activity, or to continue their parking privileges as long as he/she follows specific assistance recommendations.
6. Information regarding the results of a drug test conducted under this Policy will be provided only to the Superintendent, Principal and Assistant Principal of the school the student attends, the Athletic Director or other extracurricular advisor, if applicable, and such other school personnel as have a need to know.

## **PURPOSE**

1. To educate students regarding the serious physical, mental, and emotional harm caused by alcohol and drug abuse.
2. To provide a healthy and safe environment to all students participating in extracurricular activities and/or to all students operating vehicles and utilizing school parking privileges.
3. To discourage or provide a deterrence for all students participating in extracurricular activities and/or parking privileges from using alcohol and/or drugs.
4. To provide solutions for the students participating in extracurricular activities and/or parking privileges who use alcohol and/or drugs.
5. To provide the Fairland Local School District with guidelines and disciplinary policies for violations of this policy.

## **DEFINITIONS**

1. **Extracurricular Activity:** Any activity that is sponsored by the Fairland Local School District in which high school students voluntarily choose to participate and the organization or group has its own rules and requirements for participating students that do not apply to the general student body. The extracurricular activities affected by this policy include **all** extracurricular activities in which a grade is **not** provided for participation.
2. **Activity Student:** Any high school student participating in an extracurricular activity, including all athletics, under the control and jurisdiction of the Fairland Local School District.
3. **Driving Student:** Any high student who is permitted to drive to school and who is issued privileges or a permit to park on school property.
4. **Opt-in Student:** Any high school student who is not an activity student, or who is not a driving student, whose parent(s)/guardian(s)/custodian(s) has consented to include the student in random selection for drug testing.

5. **Random Selection:** A system of selecting activity, driving, or opt-in students for testing in which each student shall have a fair and equitable chance of being selected each time selections are required. This system may include computer generated random numbers or names or by pulling numbers from a pool of numbers equal to the number of eligible students.
6. **Illegal/Illicit Drugs:** Any controlled substance or other drug as referenced and included within the scope of Title 21, United States Code, Sections 802 and 812, the possession, use, distribution or purchase of which is prohibited by federal and/or state law. Illegal/illicit drugs include without limitation mood-altering chemicals.

This definition also includes alcohol, 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 by in the prescription or by the manufacturer.

7. **Assessment:** A program operated by a certified chemical dependency counselor or at any agency certified by the Ohio Department of Alcohol and Drug Addiction Services, or a licensed physician trained in chemical dependency.
8. **Possession:** Having control over an item.
9. **Trafficking:** Sell, offer to sell, distribute, possess with intent to distribute, cultivate, manufacture, or otherwise engage in any part of the production of an illegal/illicit drug, or attempting to sell, distribute, cultivate or manufacture an illegal/illicit drug.
10. **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 the directions for proper use.
11. **Paraphernalia:** Instruments such as pipes, roach clips, syringes, hypodermic needles, cocaine spoons or kits, and any other items normally or actually used for the packaging, conveyance, dispensation, or use of drugs will not be permitted on any school property or vehicle and will be subject to confiscation. Possession of drug paraphernalia will be treated the same as possession of an illegal/illicit drug.
12. **Counterfeit Substance:**

- (1) Any drug that bears, or whose container or label bears, a trademark, trade name, or another identifying mark used without authorization of the owner or rights to such trademark, trade name, or identifying mark.
- (2) Any unmarked or unlabeled substance that is represented to be an illegal/illicit drug as defined in this policy, manufactured, possessed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it.
- (3) Any substance that is represented to be an illegal/illicit drug but is not an illegal/illicit drug or is a different illegal/illicit drug;
- (4) Any substance other than an illicit/illegal drug that a reasonable person would believe to be an illicit/illegal drug because of its similarity in shape, size, and color or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

**13. Split Sample Testing Method:** The split sample method of urine sample collections, meaning the larger sample provided by the donor will be divided into two (2) smaller ones, will be utilized for all urine specimens collected. Both bottles will then be sealed, initialed by the student and shipped in a single container to a SAMHSA Certified Laboratory for analysis. Chain of custody procedures established in SAMHSA guidelines will be followed for all sample collections to easily identify test results in order to be attributed to the correct student. A licensed Medical Review Officer has the responsibility of certifying all drug test results to the School Board. If the test result of the primary urine sample is positive, the parent or legal guardian may request the split (or second) sample be analyzed at a different SAMHSA Certified Laboratory at their expense. Before any sample is declared positive by the Medical Review Officer, every reasonable attempt will be made to contact the student/parent to discuss with the MRO whether or not a medical or other condition may have triggered the positive result. The MRO will make the final determination as to the status of the particular sample.

**14. Medical Review Officer (MRO):** A licensed physician responsible for receiving laboratory results generated by the School Board's drug testing program that has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

## **RANDOM TESTING**

Random testing will be done throughout the school year of participation. A student may be randomly tested more than once per school year. In the event of a positive result, the student may have the original sample re-tested within 72 hours at his/her own expense.

a. **Random Selection of Students Participating in Extracurricular Activities or Athletics:**

A third party administrator, under the Principal's supervision, will use a system to ensure that students are selected in a random fashion.

b. **Scheduling of Urine Drug Testing:**

Random testing is unannounced. The day and date are selected by the Administrator (Principal's designee), Athletic Director or other extracurricular advisor, and confirmed with the building Principal. Random testing may be done weekly.

### **REFUSAL TO TEST**

A student will be subject to the same consequences as that of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

### **DRUGS FOR WHICH STUDENTS MAY BE TESTED**

Marijuana - Amphetamines - Barbiturates - Benzodiazepines - Methadone - Anabolic Steroids - Methaqualone - Opiates - Cocaine - Propoxyphene (Darvon) - or any other drug referenced and included within the scope of Title 21, United States Code, Sections 802 and/or 812.

### **APPROVED BOARD OF EDUCATION TESTING FACILITY**

The Fairland Local School Board of Education will designate the testing facilities where individuals may provide specimens.

### **COLLECTION PROCESS**

The selected student will be notified to report to the collection site. A specimen of urine is collected following this process:

1. Testing area must be secured during the testing.
2. Only lab technicians and the student to be tested will be witness to the test.

3. Privacy must be kept for all students.
4. An Administrator (Principal's designee), the Athletic Director or other extracurricular advisor, is responsible for ensuring that the Informed Consent Agreement is completed and signed by both parent/guardian/custodian and student.
5. To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for students who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.
6. No bags, backpacks, purses, cups, containers or drinks will be allowed to enter the collection area. All coats, vests, jackets, sweaters, hats, scarves or baggy clothing or other outer layers of clothing must be removed before entering the collection site. Only pants or skirts, and shirts, blouses, T-shirts or dresses may be worn in the collection area.
7. Students processed by the technician who cannot produce a sample will be kept in a secured area to wait until they can test. If they leave this area they may not be allowed to test. They are not to have contact with anyone until after they have tested.
8. Students will be asked to urinate directly into the collection cup given to them by the lab technician. The technician will stand outside the stall and listen for normal sounds of urination.
9. Any and all adulterations or diluted samples of the specimen will be detected and considered the same as a test refusal or drug policy violation. The lab checks samples for adulterations or diluted samples and requires a retest within 24 hours if such occurs.
10. Any suspicion of tampering with the sample will be brought to the tester's attention. The sample will be sent to the lab for immediate confirmation of tampering.
11. Drug tests require at least forty-five (45) milliliters of urine. If the student cannot provide the minimum amount of urine, the collector will advise the student to drink not more than forty (40) ounces of fluid, and, after a period not to exceed three (3) hours, again attempt to provide an adequate amount of urine. Multiple attempts are permissible. If the student still cannot provide an adequate urine sample, the specimen is to be discarded and the collection process halted. The urine sample collector will notify the Drug and Alcohol Testing Program's Medical Review Officer (MRO) describing the situation and circumstances. Typically, the MRO will advise the School Board to refer the student to a licensed Physician acceptable to the Board to determine whether or not the student has, or could have, a medical condition that prevents him/her from providing an adequate urine sample. If the Physician cannot make such a determination, the test result will be issued

as a Refusal to Test. The test result will be treated as a positive drug test for disciplinary purposes. The Physician is to provide the School Board with basis of his/her conclusions in writing.

12. Students are not to flush the toilets. In the event that a student flushes the toilet, they will be required to give a new sample immediately or the sample will be invalid.
13. With the student watching, the technician will recap the sample and hand it to the student who must then return it to the technician. In the event the student does not hand the cup directly to the technician, the sample is invalid and a new sample must be taken. If the student leaves the collection area or walks out to talk with anyone, the sample will be invalid and the student will have to give another sample.
14. Any infringement of these rules will result in the student taking a retest.
15. This collection procedure is subject to change because of procedural requirements by the testing agency. The Fairland Local School Board reserves the right to change the collection procedure to coincide with the testing guidelines as set forth by the agency.

#### **CONSEQUENCES FOR VIOLATIONS OF THIS POLICY**

##### **A. POSSESSION OF ILLEGAL DRUGS**

**OR**

##### **B. POSITIVE TEST RESULT**

**OR**

##### **C. SELLING / ATTEMPTING TO SELL/TRAFFICKING ILLEGAL DRUGS OR MOOD ALTERING CHEMICALS**

#### **FIRST OFFENSE**

1. An Administrator (Principal's designee), the Athletic Director, or other extracurricular advisor, under the Principal's supervision, shall contact the student's parent(s)/guardian(s)/custodian(s) by letter for a meeting and to alert the student of the violation and inform the student of the consequences of further violations. Testing results, as well as a copy of the letter sent to parent(s)/guardian(s)/custodian(s) shall be kept in a file separate from the student's educational records, and will **not** be turned over to law enforcement authorities.
2. The student may continue to participate in the extracurricular activity or continue his/her driving privileges if within five (5) days of the meeting, the student makes an appointment with a certified chemical dependency counselor (or at an agency certified by the Ohio Department of Health or the Ohio Department of Alcohol and Drug Addiction

Services) for chemical dependency assessment, follows the recommendations of the counselor, and shows proof of such counseling.

3. The student must agree to submit to a second drug test in two (2) weeks.
4. Failure to comply: The student is suspended from participation in all extracurricular activities or from driving privileges for fourteen (14) days

The parent/guardian/custodian is responsible for all expenses and for providing the Fairland Local School District with documentation that the student completed all recommendations of the counselor.

### **SECOND OFFENSE**

1. The student is suspended from participation in all extracurricular activities or from driving privileges for fourteen (14) days.
2. The student will have to make an appointment with a certified chemical dependency counselor (or at an agency certified by the Ohio Department of Health or the Ohio Department of Alcohol and Drug Addiction Services) for chemical dependency assessment, and must complete four (4) hours of substance abuse counseling.
3. The student must agree to submit to monthly drug tests.
4. Failure to comply: The student is suspended from participating in any extracurricular activity or from driving privileges for the remainder of the school year, or eighty-eight (88) school days, whichever is longer.

The parent/guardian/custodian is responsible for all expenses and for providing the Fairland Local School District with documentation that the student completed all recommendations of the counselor.

### **THIRD OFFENSE**

1. The student is suspended from participating in any extracurricular activity or from driving privileges for the remainder of the school year, or eighty-eight (88) school days, whichever is longer.

Note: Students who in any way aid or abet another student will be disciplined as if he/she were the principal offender.

### **DENIAL OF PARTICIPATION IN EXTRACURRICULAR ACTIVITIES OR DRIVING PRIVILEGES FOR VIOLATIONS**



Test results obtained under this policy will **not** be used for, or in connection with, suspension, expulsion, or emergency removal of a student from regular school attendance under Ohio Revised Code Section 3313.66 and related Board policies.

Students who participate in extracurricular activities and/or driving privileges that use, possess, sell, or attempt to use, possess or sell illegal drugs will be subject to denial of participation in extracurricular activities and/or driving privileges. Denial of participation or privileges may result not only from the results of random drug testing, but also from instances in which evidence other than the results of the drug testing described above indicates that a student has used, possessed, sold, or attempted to use, possess or sell drugs in violation of this policy. The Principal, Athletic Director, or other extracurricular advisor responsible for supervision of that activity will initiate the disciplinary procedure outlined below for violations of the District's drug policy for students who participate in extracurricular activities, or who have been granted driving privileges, which may lead to sanctions in accordance with this policy including denial of participation in extracurricular activities and/or driving privileges. Drug abuse in violation of the student code of conduct (i.e., **found from evidence other than random drug testing** as provided in this policy) shall be subject to discipline under the student code of conduct.

### **APPEAL PROCEDURE**

A student who has been determined by the Principal, Athletic Director, or other extracurricular advisor to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her designee(s). Such a request for a review must be submitted to the Superintendent in writing within five (5) working 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.

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**INFORMED CONSENT FORM**

We understand and agree that participation in extracurricular activities or access to parking on school property is a privilege that may be withdrawn for violations of the Drug Testing Policy.

We have been provided and have read the Drug Testing Policy, and thoroughly understand the consequences of violating the Policy.

We pledge to promote healthy lifestyles for all students of the Fairland Local Schools. My son/daughter has my permission to participate in extracurricular activities and/or to park a vehicle on school property.

We understand that with participation in any extracurricular activity and/or driving privileges, these students are subject to random urine drug testing. We understand that a refusal to test is a violation of the Drug Testing Policy, which results in the consequences specified in the Drug Policy. We have read the Drug Testing Policy and the Informed Consent Form and agree to their terms.

**RELEASE OF CLAIMS**

As parent/guardian/custodian of a child wishing to participate in extracurricular activities and/or park a vehicle at the buildings or upon the grounds of the Fairland Local School District, I hereby give permission for my child (as named below) to participate in the activity/activities named below and any related events, activities or transportation. In consideration of allowing my child's participation in the activity or activities indicated below, I hereby, for myself, for my child, and for all heirs, executors, administrators and assigns, do hereby forever release, waive, and relinquish all claims my child or I have or may have as a result of participating in this and any other programs which are permitted to conduct activities in the buildings and grounds of the Fairland Local School District. Furthermore, I promise on behalf of myself and my child not to sue the Fairland Local School District Board of Education or any of its officers, employees or agents for actions or omissions arising from or connected with such activities, and to indemnify and hold the Fairland Local School District Board of Education harmless from any loss or damages incurred by the Fairland Local School District Board of Education as a consequence of my or my child's participation in such activities.

**Activity/Activities:** \_\_\_\_\_

**Student Name:** \_\_\_\_\_

**Grade:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(PLEASE PRINT)

**Student Signature:** \_\_\_\_\_

**Parent\*/Guardian/Custodian Signature:** \_\_\_\_\_

**Parent\*/Guardian/Custodian Signature:** \_\_\_\_\_

**Home Phone:** \_\_\_\_\_

**Work Phone:** \_\_\_\_\_

**My Medical Insurance Company is:** \_\_\_\_\_

**This agreement must be signed and on file in the School Office or Athletic Office before a student may participate in extracurricular activities or park a vehicle on the property of the Fairland Local School District**

\*Both parents must sign unless only one has legal custody of the student.