

Drug Testing

5530.01 - STUDENT DRUG TESTING

STATEMENT OF PURPOSE AND INTENT

Although the Board of Education, administration, and staff desire that every student in Cabell 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 certain interscholastic 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, include, but are not limited to, limiting the opportunity of any student determined to be in violation of this policy to a student's privilege to participate in interscholastic extra-curricular activities, or drive to school. This policy supplements and complements all other policies, rules, and regulations of Cabell 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. Students who participate in interscholastic extra-curricular activities are respected by the student body and are representing the school district and the community. Accordingly, these students 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 of 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 a 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 illegal 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 interscholastic extra-curricular activities and upon the positive image these students project to other students and to the community on behalf of Cabell County Schools. For the safety, health and well-being of students who are permitted to drive to school and/or participate in interscholastic extra-curricular activities, and/or voluntarily choose to participate, the Board of Education of the County of Cabell has adopted this policy for use by all participants in interscholastic extra-curricular activities, for all students that drive and park on school property, and for those who voluntarily choose to participate in the drug testing in grades 9-12 beginning in the 2008-2009 school year and in grades 6-8 beginning in the 2009-2010 school year.

The administration shall adopt necessary regulations to implement this policy.

DEFINITIONS

- A. **"Activity Student"** means a member of any high school beginning in 2008-2009 or middle school beginning in 2009-2010 Cabell County schools sponsored extra-curricular organization which participates in interscholastic competition.

- B. "Driving Student"** means any student who is permitted to drive to school and is issued parking privileges on the school campus.
- C. "Opt-in Participant"** means any student in grades 9-12 beginning in 2008-2009 and any student in grades 6-8 beginning in 2009-2010 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.**
- D. "Participating Student"** means all students included in the random testing pool.
- E. "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.
- F. "Random Selection Basis"** means a mechanism for selecting participating students for drug testing that:
1. Results in an equal probability that any Participating Student from the total pool of Activity Students, Driving Students, and Opt-in Participants subject to the selection mechanism will be selected; and,
 2. Does not give the School District discretion to waive the selection of any Participating Student selected under the mechanism.
- G. "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.
- H. "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.
- I. "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.
- J. "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 a Participating Student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by a Participating Student supplied to school officials by other students, staff members, or patrons.

PROCEDURES

- A. **Consent Forms.** Each Activity Student and Driving Student shall be provided with a copy of a 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, or before participating in the Simulated Workplace. The Opt-in Participant and parent or custodial guardian shall also consent to read and sign a consent form. This consent requires the Activity Student, Driving Student, and Opt-in Participant to provide a urine sample:
1. When the Activity Student, Driving Student, or Opt-in Participant is selected by the random selection basis to provide a urine sample; and
 2. 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, drive to school, unless the student has returned the properly signed Student Drug Testing Consent Form.
- B. **Orientation Session.** Prior to the student and parent giving initial consent for drug testing, an orientation session 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 which may help to reassure the students and help avoid embarrassment or uncomfortable feelings about the drug testing process.
- C. **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. In addition, each student shall be presented instruction regarding the harmful consequences of drug and alcohol use and abuse through Health Education classes.
- D. **Random Sample.** Drug use testing for Participating Students will also be chosen on a random selection basis from a list of all Participating Students who are involved in off-season or in-season activities, driving, or as an opt-in participant. Cabell 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 drugs. Random drug testing will occur on a weekly basis.
- E. **Reasonable Suspicion Sample.** 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, teacher, principal, or sponsor has reasonable suspicion of illegal or performance-enhancing drug use by that particular student.

- F. Professional Laboratory.** Any drug use test will be administered by or at the direction of a professional laboratory chosen by the Cabell County Board. 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.
- G. 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.
- H. 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 facility behind a closed stall. The specimen will be collected by a trained, certified professional vendor. 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 vendor **shall** not observe the student while the specimen is being produced. The vendor shall verify the normal warmth and appearance of the specimen. Any eligible student selected randomly for urine drug 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 testing time will be unable to participate or park until the proper specimen is provided. A student whose season is over can be removed from the program by signed parental consent delivered to the designated official, but the student will be ineligible for extra-curricular activities for the remainder of the school year.
 - 1. Tampering.** If at any time during the testing procedure the vendor has reason to believe or suspect that a student is tampering with the specimen, the vendor may stop the procedure and inform the principal/athletic director who will then determine if a new sample should be obtained.
 - 2. List of Medications Taken.** Students/Parents will be provided the opportunity to inform the testing company of any medications legally prescribed for the student that s/he has taken in the preceding thirty (30) days. The medications listed will remain confidential and not be viewed by District employees.
- I. Confirmation Tests.** An initial positive test result will be subject to confirmation GCF testing, the industry standard.

CONFIDENTIALITY

- A. Notification by Medical Review Officer.** The Medical Review Officer will notify the Superintendent or designee of any positive test.
- B. Notification to Student, Principal, Head Coach/Sponsor, and His/Her Parent/Guardian.** To keep the positive test results confidential, the Superintendent or designee will provide written notification only to:
 - 1. For Activity Students:** the student, the principal, the head coach/sponsor, and the parent or custodial guardian of the student.
 - 2. For Driving Students:** the student, the principal and the parent or custodial guardian of the student.
 - 3. For the Opt-in Participants:** the student and the parent or custodial guardian of the student.
- C. 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.

APPEAL

Procedure for Appeal. If the parent/guardian/custodian or student wish 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 for testing. This is done at parent/guardian/custodian or student expense. Such a request must be made to the Superintendent, in writing, within five (5) working days from first notification of positive test results.

CONSEQUENCES

- A. Restrictions on Activity Students:** Any Activity Student who tests positive in a drug test under this policy shall be subject to the following restrictions:
 - 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. In order to continue participation in the activity the student and parent/guardian must, within five (5) school 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 three (3) additional drug screenings within the next calendar year that follows the provisions of this policy.

If parent/guardian and student agree to these provisions, the student

may 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 for activity students will be imposed.

- 2. For the Second Offense.** Suspension from participation in all activities covered under this policy for **fourteen (14) calendar days**, and successful completion of a Board approved substance abuse education/counseling program. 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.
 - a.** These restrictions and requirements shall begin immediately, consecutive in nature, unless a review appeal is filed following receipt of a positive test.
 - b.** Provided, however, a student who on his/her own volition informs (self-refers) the athletic director, principal, coach/sponsor, or instructor of usage before being notified to submit to a drug 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.
- 3. For the Third Offense, and each offense thereafter.** Complete suspension from participation in all extra-curricular activities including all meetings, practices, performances, and competition for one (1) calendar year.

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

- 1. 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 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. 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.

- 2. 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.
- D. 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.

REFUSAL TO SUBMIT TO DRUG USE TEST

Ineligibility to Participate or Drive and Park at School. 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, performances, and competitions or drive and park on school property for one (1) calendar year. Additionally, such student shall not be considered for any interscholastic activity honors or awards given by the school.

IMPORTANT NOTE ON CONSEQUENCES

Notwithstanding, 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 is under the influence of medications or drugs on school grounds; the student is subject to disciplinary action as outlined in the *Student Code of Conduct policy*, up to and including expulsion. Reasonable suspicion testing that reveals that a student was under the influence on school property can result in disciplinary action.

ADVISORY COUNCIL

In order to monitor policy effectiveness the Superintendent shall appoint an advisory council to review the local data and make recommendations to the Board of Education regarding policy effectiveness. This advisory council shall include but not be limited to a school counselor from the high school, middle school and elementary school as well as a community agency representative involved professionally with drug use prevention and treatment programs.

POSTSCRIPT

The Cabell 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 Cabell 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.

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