

# **POLICY ON COMMENT**

## **MONROE COUNTY POLICY JFCI STUDENT ACTIVITY DRUG TESTING**

**DEADLINE FOR COMMENT  
OCTOBER 11, 2021 @ 3:00 P.M.**

## **Monroe County Policy JFCI**

### **Student Activity Drug Testing**

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

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

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

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

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

1.6 To offer students practices, competition and school activities free of the effects of illegal and performance-enhancing drug use.

1.7 To keep the school environment safe for all students, staff and visitors.

1.8 To assure the safe operation of student-driven vehicles on campus.

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

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

## **3. Administrative Guidelines**

The administration may adopt regulations to implement this policy.

## **4. Definitions**

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

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

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

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

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

4.4 "Illegal drugs" means any substance which an individual may not sell, possess, use, distribute or purchase under either Federal or West Virginia law. "Illegal drugs" includes, but is not limited to, all scheduled drugs as defined by the West Virginia Uniform

Controlled Substance Act, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. "Illegal drugs" shall also include alcohol.

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

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

4.7 "Reasonable suspicion" means a suspicion of illegal or performance-enhancing drug use based on specific observations of the appearance, speech, or behavior of student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by student supplied to school officials by other students, staff members, or patrons. When a teacher or other employee observes or is notified of behaviors or events that lead him or her to believe that a participating student is possessing, under the influence of, using or abusing illegal drugs and/or alcohol, s/he shall notify the Principal.

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

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

4.10

## **5. Procedures**

### **5.1 Consent Form**

Each activity student, opt-in participant and driving student shall be provided with a copy of the "Student Drug Testing Consent Form" which shall be read, signed and dated by the student, parent or custodial guardian and coach/sponsor/administrator before such student shall be eligible to practice or participate in any extra-curricular activities or before issuance of a driving/parking pass or before being designated as an opt-in participant. The consent requires the activity student to provide a urine or saliva sample:

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

5.1.2 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 or drive to school unless the student has returned the properly signed "Student Drug Testing Consent Form."

## 5.2 Random Selection

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

## 5.3 Reasonable Suspicion

In addition to the drug tests required above, any activity student, driving student or opt-in participant may be required at any time to submit to a test for illegal or performance-enhancing drugs, or the metabolites thereof when an administrator, coach, or teacher, in consultation with the Principal as described herein, has reasonable suspicion of illegal or performance-enhancing drug use by that particular student. The school principal or Monroe County Superintendent and/or his/her authorized designee(s) are the only individuals in the Monroe County School System authorized to make the determination that reasonable suspicion or cause exists to order drug testing and are the only individuals who may order a student to submit a drug test.

## 5.4 Professional Laboratory

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

5.4.1 Testing All aspects of the drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. ~~If at any time during the testing~~ If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure and inform the principal/athletic director who will then determine if a new sample should be obtained.

The monitor shall give each student a form on which the student may list any medications legally prescribed for the student he or she has taken in the preceding thirty (30) days. The parent or legal guardian shall be able to confirm the medication list submitted by their child during the twenty-four hours following any drug test. The medication list shall be **secured by the monitoring agency and kept confidential** ~~submitted to the lab in a sealed and confidential envelope~~ and shall not be viewed by district employees. Note: School personnel may be aware of

medication prescribed to students due to information provided on school emergency cards and WVSSAC athletic participation forms.

5.4.2 Urine Testing. If urine testing is used rather than saliva testing, a urine specimen must be collected in a restroom or other private facility behind a closed stall. The principal/athletic director shall designate a coach, sponsor, or school employee of the same sex as the student to accompany the student to a restroom or other private facility behind a closed stall. The monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall to listen for the normal sounds of urination in order to guard against tampered specimens and to insure an accurate chain of custody. The monitor shall verify the normal warmth and appearance of the specimen.

#### 5.4.3 Oral Fluid/Saliva Screens

A specimen will be collected from the student as follows and all students must follow this process:

All students must have a picture ID or be identified by the principal or designee. No exceptions shall be allowed.

Drug testing area must be secured during the testing.

Only ~~laboratory technicians/collection~~ **designated monitoring agent**, designated school administration or designee, and student being tested will be present for the testing as privacy must be maintained for all students.

The principal/designee is responsible for ensuring that all required forms are completed and signed by both the parent/guardian and the student. No one is to enter the collection site until all forms and proper student identification have been completed.

No bags, backpacks, purses, drinks/drink containers of any kind will be allowed to enter the testing area. All coats, jackets, sweaters, hats, and scarves must be removed and left outside of the testing area. Any infringement of the rules will result in the student being required to repeat the testing procedure.

Students must not have any food, drink, gum or other item in the oral cavity/mouth for ten (10) minutes prior to specimen collection. If student has anything in the oral cavity/mouth at the time s/he is called to the testing area, s/he will discard the item immediately and remain in the testing area. Specimen collection may begin 10 minutes after removal of items from the oral cavity/mouth.

Each student will collect his/her own specimen under direct supervision and observation of a trained ~~collector~~ **monitoring agent**.

The student will be given an individual sealed package containing the specimen collection swab. The student will place the collection swab/pad **under the tongue until indicator turns completely blue. The pad should not be moved during collection.** ~~between the lower cheek and gum, then gently rub the swab/pad back and forth along the gum line until the swab/pad is moist.~~ The collection swab/pad

will remain under the tongue between the cheek and gum for five (5) up to ten (10) minutes or until the indicator turns blue.

### 5.5 Positive Tests

Specimens will be reviewed by a certified Medical Review Officer (MRO). In the case of a positive test result, the MRO along with the school nurse will contact the parent/guardian to discuss the result. The MRO will validate potential claims of valid prescription medications as a cause for a positive test result with the appropriate pharmacist and prescription number(s).

The MRO will ~~notify~~ receive notice from the laboratory/collection agency of the positive test result and any follow-up information pertinent to that result.

The laboratory/collection agency will notify the Monroe County Schools Superintendent or designee of the positive test result and any follow-up information received from the MRO.

## 6. Confidentiality

The ~~laboratory~~ monitoring agency will notify the ~~Principal~~ school nurse/designee of any positive test. To keep the positive test results confidential, the ~~Principal~~ school nurse/designee will only notify the student, principal, ~~S~~superintendent, the athletic director and head coach, and the parent or custodial guardian of the student. The administration or designee will schedule a conference with the student and parent or guardian. The Monroe County District will rely on the opinion of the laboratory which performed the test, and the MRO in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.

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

## 7. Appeal

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

## **8. Consequences**

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

### 8.1.1 For the First Offense:

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

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

### 8.1.2 For the Second Offense:

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

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

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

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

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

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



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

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

Updated by Board Action: \_\_\_\_\_