A. Overview

It is the policy of the Clear Fork Valley Local School District Board of Education not to permit students who use Illicit or Banned Substances without a prescription, to participate in the District’s extracurricular activities or park motor vehicles on District property. Students who wish to participate or who are participating in extracurricular activities, and students who wish to obtain, or have obtained, a parking permit, shall be tested for use of Illicit and Banned Substances prior to participation and/or obtaining a permit, and shall be subject to random testing during participation and/or after obtaining a permit.

The procedure for initial and random drug testing of students in extracurricular activities (including all athletes and managers) and students wishing to obtain a parking permit 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, a list of Eligible Students at the following times:

1. at the beginning of the school year;
2. at the beginning of each sport season, e.g. fall, winter and spring; and
3. bi-weekly.

The testing Vendor tests all students wishing to participate in extracurricular activities at the beginning of each extracurricular season. The Vendor tests all students wishing to obtain a parking permit at the beginning of the school year. If a student who has not been so tested wishes to participate in extracurricular activities or obtain a parking permit, the Vendor tests those students before they participate or obtain a permit.

The Vendor also tests participants in extracurricular activities, including in-season athletes, and students who have obtained a parking permit, by randomly selecting up to 20% of these students for drug testing at regular intervals.

The Vendor will send qualified collectors to the school who will oversee the collection of all specimens as outlined in this document. Specimens are collected as split specimens. The Vendor will provide Medical Review Officer (MRO) services for interpretation and certification of results. Certified positive test results are reported to the Designated Official by the MRO.

Payment for initial testing, no matter the time of year it occurs, will be included in the student’s fees. Random testing prior to a certified positive test result will be paid for by the Clear Fork Valley School District.
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 Illicit or Banned 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 drugs.

3. To encourage students who use drugs to participate in drug treatment programs.

4. To prevent the impact drug and alcohol use has on the learning centers of the brain allowing students to achieve their full academic potential while a student is enrolled in Clear Fork Valley Local Schools.

C. Definitions

Extracurricular Activities - Any Board-approved athletic activity that is non-graded for which support is given by the Board through a supplemental contract including, without limitation, football, basketball, wrestling, track, soccer, baseball, softball, cross country, golf, tennis, volleyball, cheerleading,

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.

Eligible Student – A student in grade 7 through 12 who participates in athletics and/or has applied for a parking permit for the current or upcoming school year, obtained such a parking permit, has applied to participate in an extracurricular activity whose season has not ended, or who is participating in an extracurricular activity.
Vendor - The medical office or company selected by the Board of Education to carry out the policy and procedure.

Designated Official - The individual designated by the Board of Education 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”), nicotine, 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, and then forwarded to the MRO for 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 extracurricular activities or receive a parking permit until this form is properly executed and on file with the School.

2. Urine Drug Testing Frequency

Testing will occur for participants in extracurricular activities at the beginning of each season. Additionally, testing will occur at the beginning of the school year for those students wishing to purchase a parking permit. A student who wishes to participate in an extracurricular activity or obtain a parking permit who has not been tested shall be tested prior to participation or obtaining a permit.

Following initial testing, up to 20% of Eligible Students will be randomly tested on up to a bi-weekly basis anytime during the school year. Up to 100% of Eligible Students may be tested each semester. A student may be randomly tested more than once per school year.

3. Sample Collection

Samples will be collected as outlined under Vendor Requirements as seen below. Any Eligible Student selected randomly for 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 the testing time will be unable to participate in extracurricular activities or park on school grounds until a proper specimen is provided at the Vendor’s request. 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.

E. Confidentiality of Results

All drug test results are considered confidential information to the extent required by law and will be handled accordingly.
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 by the Designated Official, the Vendor must select the students to be tested in a random and confidential manner. Up to bi-weekly, 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 the Clear Fork Valley Local Schools Drug Testing Policy. Chain of Custody forms will be provided by the Vendor for those 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.

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). All specimens must be initially tested using an immunoassay technique, with all presumptive positive results, except as 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 and the Procedure for Drug Testing of Clear Fork Valley Local School District students as to the evaluation of positive drug tests and reporting findings in a timely and confidential manner. All results will be kept on file for a period of seven years.
5. Statistical Reporting and Confidentiality of Urine Drug Test Results:

The Vendor, testing laboratory, and MRO may not release any statistics on the rate of positive drug tests to any person, organization, news publication or media without the express written consent of the Clear Fork Valley Local School District Board of Education. The Vendor will provide the Designated Official 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. Each annual report is a public record.

G. Refusal to submit to drug testing.

When a student is requested to submit a urine sample for testing, the following events shall be considered to be a certified positive test:

1. Refusal to submit to drug testing and/or refusal to provide a urine sample; or
2. Providing an altered or adulterated urine sample;
3. Failure to appear at the collection site without good cause after being notified to appear.

H. Inability to provide an adequate urine sample.

A student’s inability to provide a urine sample of adequate volume for testing shall not be considered to be a positive test result, but the student shall not be permitted to participate in extracurricular activities or utilize a parking permit until the student is able to provide an adequate urine sample at the Vendor’s request.

I. Certification of a positive test result.

Positive drug test results must be certified positive by the MRO before the Designated Officer may act upon such results. Certification of a positive test result is a three-step process:

1. The MRO must determine if any discrepancies exist in the chain of custody and, if such discrepancies exist, whether they prevent certification of the positive test result;
2. 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. If
the Parent states that the Student has such a prescription, the Parent must provide the MRO with a copy of the prescription bottle label within five business days of the MRO's initial inquiry. The MRO may also request the Parent to provide written verification of the prescription from the prescribing physician.

3. The MRO shall certify the positive test result if:
   a. It is not possible to have a prescription for the substance(s) found in the Student's urine; or
   b. the Parent states that the Student does not have a prescription for the substance(s) found in the Student's urine; or
   c. the Parent fails to respond within two business days to the MRO's inquiry whether the Student has such a prescription; or
   d. the Parent fails to provide a copy of the prescription bottle label within five business days of the MRO's inquiry whether the Student has such a prescription; or
   e. if the MRO requests that the Parent provide written verification of the prescription from the prescribing physician, the Parent fails to provide such verification within five business days of the MRO’s request.

4. Exception to certification. 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 certify a positive result.

J. Notification of the Designated Official and Parent of a Certified Positive Test Result

The MRO shall notify the Designated Official and the Student's Parent within 24 hours of certifying a positive test result. The MRO shall also send written notice of the certified positive result to the Designated Official, the Student's Parent, and the Student within five business days.

K. Procedures in the Event of a Certified Positive Result

The Designated Official shall notify the Parent and Student in writing of the consequences of the certified positive test result, that the Parent or Student may appeal the result, but that an appeal shall not delay implementation of consequences.
The Designated Official shall implement the applicable consequences as described in Part K of this Policy.

The Parent or Student may appeal the result by delivering a written notice of appeal to the Designated Official within five business days of receipt of the Designated Official’s notification of consequences. The Designated Official shall notify the Vendor in writing of the appeal.

Upon receipt of notice of the appeal from the Designated Official, the Vendor shall deliver the split sample to a qualified laboratory other than the one that performed for first tests, and that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) following the guidelines of the Department of Health and Human Services (HHS). The laboratory conducting the test of the split sample shall complete a Gas Chromatography/Mass Spectroscopy (GC/MS) confirmatory test. If the first certified positive test showed the presence of LSD, confirmatory testing of the split sample by an immunoassay technique shall also be performed. The Student’s Parent shall be responsible for all costs associated with testing the split sample.

The laboratory conducting the test(s) of the split sample shall deliver a copy of the test results to the Designated Official, Parent, and Student.

If the result of the confirmatory test(s) of the split sample is negative for any Illicit or Banned Substance, the District will treat the Student as if the certified positive test did not occur, and any consequences imposed shall be removed. The District will reimburse Parent for the cost of the confirmatory test(s).

L. Non-Punitive Nature of the Policy

No student will be penalized academically for testing positive for Illicit or Banned Substances. The results of drug tests pursuant to this policy will not be documented in any student’s academic records. Information regarding the results of 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. Although a student shall not be subject to detention, in-school suspension, out-of-school suspension, expulsion, or other similar discipline as a result of a certified positive drug test, nothing in this Policy shall prevent a student from being so disciplined for a violation of the Student Code of Conduct involving drugs, such as possession of drugs, sale of drugs, or being under the influence of drugs, which is not associated with a drug test pursuant to this Policy.
M. Consequences of Certified Positive Test Results

Certified positive test results are cumulative throughout the student’s career in grades 7 through 12, inclusive.

1. First Certified Positive Test Result

Upon the first certified positive test result, the student will be given two options:

a. The student will make an appointment with a chemical dependency counselor, certified or licensed by the State of Ohio, for a chemical dependency assessment, and then follow all of the recommendations of the counselor. The assessment must be completed within fifteen business days of receipt of notification of a certified positive test result. The student’s parent is responsible for the cost of the assessment and all recommended treatment. The parent must provide the Designated Official with written documentation that establishes completion of the assessment and all recommended treatment. The student must submit to three additional drug tests at parent expense, the dates of which shall be determined by the Vendor; or

b. The Designated Official shall deny student participation in extracurricular activities and/or deny parking privileges for the remainder of the school year, or for four months, whichever is shorter. The student will be required to submit to three of the next six random test sessions. If during this time the student completes a chemical dependency assessment and the recommendations from the assessment, the student may petition the Designated Official for reinstatement of privileges by providing the Designated Official with evidence of the assessment and completion of treatment. The Designated Official shall reinstate the student’s privileges upon submission of evidence of completion of the assessment and the counselor’s recommendations for treatment. If the student continues to be involved with extracurricular activities and/or parking on school property following reinstatement of privileges, student will submit to three additional drug tests at parent expense, the dates of which shall be determined by the Vendor.

2. Second Certified Positive Test

Upon the second certified positive test result, the student will be given two options:

a. The student will make an appointment with a chemical dependency counselor, certified or licensed by the State of Ohio, for a chemical dependency assessment, and then follow all of the recommendations of
the counselor. The assessment must be completed within fifteen business days of receipt of notification of a certified positive test result. The student’s parent is responsible for the cost of the assessment and all recommended treatment. The parent must provide the Designated Official with written documentation that establishes completion of the assessment and all recommended treatment. The student must submit to three additional drug tests at parent expense, the dates of which shall be determined by the Vendor; or

b. The Designated Official shall deny student participation in extracurricular activities and/or deny parking privileges for the remainder of the school year, or for sixth months (not including when school is not in session), whichever is longer. The student will be required to submit to three of the next six random test sessions. If during this time the student completes a chemical dependency assessment and the recommendations from the assessment, the student may petition the Designated Official for reinstatement of privileges by providing the Designated Official with evidence of the assessment and completion of treatment. The Designated Official shall reinstate the student’s privileges upon submission of evidence of completion of the assessment and the counselor’s recommendations for treatment. If the student continues to be involved with extracurricular activities and/or parking on school property following reinstatement of privileges, the student will submit to three additional drug tests at parent expense, the dates of which shall be determined by the Vendor.

3. Three or More Certified Positive Tests

Upon the third and subsequent certified positive test results, the Designated Official shall deny student participation in extracurricular activities and/or deny parking privileges for one calendar year from the date of notification of each certified positive test. If during any of these one calendar year periods the student completes a chemical dependency assessment and the recommendations from the assessment, the student may petition the Designated Official for reinstatement of privileges by providing the Designated Official with evidence of the assessment and completion of treatment. The Designated Official shall reinstate the student’s privileges upon submission of evidence of completion of the assessment and the counselor’s recommendations for treatment. If the student continues to be involved with extracurricular activities and/or parking on school property following reinstatement of privileges, the Vendor shall include the student in 50% of subsequent random testing during the calendar year period, which shall be at parent expense. The dates of the testing shall be determined by the Vendor.
Procedures for Drug Testing of Clear Fork Valley Local School District Students

A. List of Eligible Students

The Designated Official will prepare a list of Eligible Students who will submit urine specimens for testing and will forward the list to the Vendor for initial testing and subsequent random selection of students.

B. Initial Testing

At the beginning of the school year or extracurricular season, or when a student moves into the district or wants to purchase a parking pass, all Eligible Students are subject to urine drug testing. This expense will be included in the student fees. This testing will be accomplished on a date and time coordinated with the testing Vendor. The Designated Official is responsible for seeing that all students and their parent/guardian/custodian properly sign the Informed Consent Agreement prior to testing. A student is only required to take one initial test per school year to participate in a sport and/or receive a parking permit.

C. 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 or adapted for the purpose of randomly selecting individuals for drug testing.

D. Scheduling of Random 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 may be done up to bi-weekly, but not during holidays and spring break. Random testing prior to a confirmed positive drug test is at the Clear Fork Valley Local School District expense.

E. Testing Year

The testing year begins the date the first extracurricular activity for the upcoming school year commences and continues for 365 days thereafter.

F. 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 Drug Testing Policy, its students and the testing laboratory.
G. Collection Process

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

1. 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.

2. The collector adds a bluing agent (food coloring) to the water in the urinal or toilet.

3. Student is asked to rinse their hands and dry them. If no water is easily accessible, a non-alcoholic wipe may be used instead.

4. The drug testing custody and control form is completed by the student and collector.

5. 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.

6. The student enters a closed stall to collect the specimen, then hands the container to the collector.

7. 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.

8. With the student watching, the collector will pour the specimen into the two bottles and recap the specimen bottles tightly.

9. 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.

10. The sealed bottles are placed inside the transport bag.

11. 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.

12. The Student may wash their hands and is then sent back to class.
13. 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.

14. The Designated Official will be notified immediately of any student who refuses to give a urine sample or is suspected of adulteration.

H. Medical Review Officer (MRO) Responsibilities

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

1. The MRO determines if any discrepancies have occurred in the Chain of Custody.

2. 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.

3. If the student is on medication, the parent/guardian/custodian will be asked to provide copies of prescription bottle labels to document what medications the student is currently taking. The MRO may also request the Parent to provide a letter from each prescribing physician documenting the prescriptions. Failure to provide such requested information within five business days of the MRO’s request will cause the positive result to be certified positive.

4. The MRO will determine if any prescribed medications caused the positive drug test. A prescribed medication resulting in a positive drug test will cause the test result caused by the medication to be negative.

   (a) For example, a drug screen positive for codeine may be ruled negative by the MRO when he receives a copy of the student’s prescription bottle label or a letter from the treating physician that the student has been prescribed Tylenol© with codeine as a pain medication following tooth extraction.

   (b) Or, if the student has a positive drug screen for codeine and has no documented prescription for the medication (maybe a parent gave the student one of their pills), this would be ruled a certified positive drug test by the MRO.

   (c) Drug screens positive for an Illicit or Banned Substance for which it is not possible to have a prescription (i.e., marijuana, heroin, cocaine, alcohol, tobacco, etc.) shall automatically be certified positive by the MRO.
5. The MRO may use quantitative results to determine if positive results on a test indicates 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.

6. The MRO, based on the information given, will certify the drug test results as positive or negative. Certified positive results will be reported to the Parent and Designated Official.

I. 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: ]