

Policy for Random Urine Drug Testing of Wapakoneta City School District Students

OVERVIEW

The procedure for possible initial and random drug testing of students in all athletic related extra-curriculars including cheerleading in grades 8-12, pep band, show choir, and Red Peppers grades 8-12 is accomplished in conjunction with an independent drug testing Vendor selected by the Board of Education. The Vendor is provided by the Designated Official a list of eligible students and in turn randomly selects 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. The Vendor will provide Medical Review Officer (MRO) services for interpretation and verification of results. Results are reported to the Building Principal or Designated Official by the MRO. Specimens are collected as split specimens.

1. A STATEMENT OF NEED AND PURPOSE

Recognizing that observed and suspected use of alcohol and illicit drugs by school students is a serious concern (please see appendix A), a program of deterrence will be instituted as a pro-active approach to a truly drug free school. Likewise, students using drugs 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; and
- (4) 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 within Wapakoneta City Schools.

The program is non-punitive. It is designed to create a safe, drug free, environment for Students and assist them in getting help when needed.

2. SUPPORTING DATA

a. Random urine drug testing of a public school is legal as determined by the United States Supreme Court in the cases:

1. *Veronia School Distr. 47J v. Acton*, 515 U.S. 646 (1995)
2. *Board of Education of Independent School Dist. No. 92 of Pottawatomie Cty. V. Earls*, 356 U.S. 822 (2002).

b. Have suspended nine students this year for drug/alcohol offenses

c. Pictures of students partaking in alcoholic activities, which have been presented to us by local law enforcement as well as parents, through print media and social networking sites

3. DEFINITIONS

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.

Banned/ Illicit Substance – A drug classified by the Drug Enforcement Administration (DEA) as being available only by prescription from a physician or classified as being controlled and having no therapeutic use, and/ or a substance defined by School policy as being banned from use by students.

Alcohol	Amphetamines	Anabolic Steroids
Barbiturates	Benzodiazepines	Cocaine
LSD	Marijuana	Methadone
MDMA (Ecstasy)	Nicotine	Opiates
Phencyclidine	Propoxyphene	Metabolites

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 donor then follows with the specimen until the results are certified by the testing scientist and forwarded to the MRO for final certification.

Designated Official – The individual hired by the school or district to oversee the drug testing program of the school or district.

GC/MS – Gas Chromatography/Mass Spectroscopy; a scientific process to identify specific chemical compounds. A molecular fingerprint is obtained that identifies a chemical compound with 100% accuracy.

Medical Review Officer (MRO) – A licensed physician trained and certified in the process and interpretation of drug testing results.

Quantitative Levels – The measurement levels of a specific chemical in the urine reported usually in nanograms per milliliter (ng/ml).

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.

Student Participant – A qualified student participating on a sanctioned athletic team as defined by the State Athletic Association, and/or a student wishing to receive a parking permit.

Vendor – The medical office or company selected by the Board of Education to carry out the policy and procedure.

4. PROCEDURES FOR STUDENTS

a. Informed Consent for Testing

At the beginning of each year/season/activity or when a student moves into the district, students and parent/guardian/custodian will complete and sign **The Wapakoneta City Schools Code of Conduct and Expectations Informed Consent Agreement** (Exhibit B). No student may participate in athletic related extra-curriculars including cheerleading in grades 8-12, pep band, show choir, and Red Peppers grades 8-12 until this form is properly executed and on file with the School.

b. Urine Drug Testing Frequency

At the beginning of each year/season/activity or when a student moves into the District, all students wishing to participate in athletic related extra-curriculars including cheerleading in grades 8-12, pep band, show choir, and Red Peppers grades 8-12 MAY be subject to urine testing for illicit or banned substances as specified in Paragraph 9 below. Following initial testing, up to 20% eligible students will be randomly tested on up to a bi-weekly basis anytime during the school year. Any student who refuses to submit to urine drug testing will not be allowed to participate for the Wapakoneta City School District as this will be considered a positive test. Student-athlete consequences are listed below. Pep Band, Show Choir, and Red Pepper member consequences will be determined by the respective director and building principal, but will not be punitive in regards to academic performance. participate for the Wapakoneta City School District as this will be considered a positive test. Student-athlete consequences are listed below. Pep Band, Show Choir, and Red Pepper member consequences will be determined by the respective director and building principal, but will not be punitive in regards to academic performance.

c. Sample Collection

Samples will be collected as outlined under Vendor Requirements, Paragraph 6 below. Any eligible student selected randomly for urine drug testing who is not in school on the day of testing will be tested on the next available testing time. Students not able to provide an adequate urine specimen at the testing time will be unable to participate in their specified extra-curricular until the proper specimen is provided. A refusal to test will be handled as a positive test. Arrangements may be made for special collections at a Vendor Collection site with prior approval of the Building Principal or Designated Official. Participant will acknowledge that there may be a fee associated with the use of an off-site collection point.

5. CONFIDENTIALITY OF RESULTS

All drug test results are considered confidential information and will be handled accordingly. Those persons having results reported to them as set forth by this Policy must sign a Confidentiality Statement (Exhibit C).

6. VENDOR REQUIREMENTS

At a minimum, the Vendor must be able to provide the following services:

a. Random Selection of Eligible Students

Once provided a list of eligible students, the Vendor must select the required number of students 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.

b. Collection of Urine Specimens

The Vendor will oversee the collection of urine specimens as outlined in the **Procedures for Random Urine Drug Testing of Wapakoneta City School District Students**. Chain of Custody forms will be provided by The Vendor that meets 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.

c. Testing of Urine Specimens

The Vendor will have all specimens tested for the specific illicit or 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)**. The testing laboratory should have greater than 10 years experience in toxicology testing and chain-of-custody procedures. All specimens must be initially tested using a highly accurate immuno-assay technique with all presumptive positive results then confirmed by a **Gas Chromatography/Mass Spectroscopy (GC/MS)** confirmatory test (understand that no current GC/MS test is available for LSD).

The testing laboratory must be able to test for the following drug classes, substances or their metabolites in collected urine specimens. The Building Principal may specify specific classes or substances to be tested.

Alcohol	Amphetamines	Anabolic Steroids
Barbiturates	Benzodiazepines	Cocaine
LSD	Marijuana	Methadone
MDMA (Ecstasy)	Nicotine	Opiates
Phencyclidine	Propoxyphene	Metabolites

d. 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 the **Procedure for Random Urine Drug Testing of Wapakoneta City 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.

e. Reporting of Random Urine Test Results by Vendor

The MRO will certify all urine drug screens as negative or positive. Positive findings will be reported by telephone in a confidential manner to the Parent and then the Building Principal.

f. Statistical Reporting and Confidentiality of Urine Drug Test Results

The Vendor, testing laboratory, or MRO may not release any statistics on the rate of positive drug tests to any person, organization, news publication or media without expressed written consent of the Wapakoneta City Board of Education. However, the Vendor will provide the Building Principal 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.

7. PROCEDURES IN THE EVENT OF A POSITIVE RESULT

a. Whenever a student's test result indicates the presence of illegal drugs or banned substances or adulteration, the following will occur after notification of the parent:

(1) After notified by the MRO, the Building Principal, within 24 hours, will notify the parent/guardian/ custodian first, then the student and Designated Official of any positive results. A written notification from the Building Principal, by form letter, will be sent to the parent/guardian/custodian by certified mail. The Building Principal may keep all test results for a period up to seven years. The student will be notified and be required to submit to 5 periodical urine tests throughout the next calendar year.

(2) If the parent/guardian/custodian or student wishes 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 of Education for testing. This is done at parent/guardian/custodian or student expense. Such a request must be made to the Building Principal in writing within five (5) working days from first notification of positive test results.

(3) The MRO may use quantitative results to determine if positive results on repeat testing 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 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.

**** Prescription Drug Error Positive**

A student that is determined to have used a prescription drug without a legal prescription in their name will be given a positive test result by the MRO. If in meeting with the Parent/Guardian it is determined that this is the result of a parent/guardian error and not an intended abuse of the substance, the following will occur: The parent will submit, in writing to the designated official, an explanation of the error and recognition of the law in regards to prescription drugs. Upon receipt of this document and recognition as a reasonable explanation by the Designated Official, the suspension from driving and activities will be lifted and no assessment or intervention will be required.. The student will undergo a follow-up drug screen at the parent's expense to ensure the banned substance(s) are in decay. Upon completion of these requirements, this positive test will be removed from the student's record. This rule may only be applied one time in a student's enrollment within the school district. Further errors ruled positive by the MRO will constitute the actions listed above in article 11.

**** Prohibition of Over-the-Counter Sports Enhancing Supplements.**

There exists several over-the-counter products known as sports enhancing supplements. The purpose of those supplements are to assist an athlete, enhance his/her overall physical development and some are designed to enhance a specific athletic event.

This District wants to be clear in conveying the thought that the use of any supplement(s) or product(s) designed to enhance performance is not endorsed or condoned. It is our hope that parents will support our view that the use of such supplements should be prohibited.

As a means of conveying our opinions on the topic, our coaches, trainers and health teachers shall, through our curriculum and annual team orientations, address this issue with our students. The message we want to convey to our students is that preparation for athletic performance is best served through a proper and well-balanced nutritional diet and appropriate physical activity designed by our coaches, trainers, and weight room supervisors.

b. Consequences:

(1) Plea for Help

Any student who admits to using illegal substances prior to being selected for random testing will be afforded the opportunity to attend counseling- paid for by the individual and subject to the next five random tests, again paid for by the student (currently \$37)- without penalty of loss of extra-curricular (one time only in lifetime)

(2) First Positive Result

A positive result from the MRO or an altered sample will constitute a first positive and the following consequences will be applied.

Student will be suspended for the equivalent of 20% of the regular season contests. The student must enroll in a counseling program approved by the principal and/or athletic director. It will be the responsibility of the student to schedule, attend and assume all costs of this program including the next five drug tests (currently \$37) The local counseling agency will determine the length and closure of the program. All confidential information will be released to the Principal or Athletic Administrator. If the student fails to complete the program, the student will not be reinstated into extra-curricular activities.

(3) Second Positive Result

Suspension from specified extracurricular for one (1) calendar year.

(4) Third Positive Result

Student becomes ineligible for the remainder of the years enrolled in the Wapakoneta School System.

(5) In case of suspension with less than 20% of the season remaining, student-athlete will have the suspension carry over into the next sport they participate in until the total 20% suspension has been fulfilled.

8. NON-PUNITIVE NATURE OF POLICY

No student will be penalized academically for testing positive for illegal drugs 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, unless required by law. In the event of service of a subpoena or legal process, the student and the student's custodial parent, legal guardian, or custodian will be notified before response is made by the Wapakoneta City School Board of Education, to the extent permitted by such subpoena or legal process.

9. ILLICIT OR BANNED SUBSTANCES

For the purpose of this Policy, the following drug classes, substances or their metabolites that can be tested for are considered illicit or banned for Wapakoneta City Schools Students:

Alcohol	Amphetamines	Anabolic Steroids
Barbiturates	Benzodiazepines	Cocaine
LSD	Marijuana	Methadone
MDMA (Ecstasy)	Nicotine	Opiates
Phencyclidine	Propoxyphene	Metabolites

END OF POLICY

Procedures for Random Urine Drug Testing of Wapakoneta City School District Students

1. LIST OF ELIGIBLE STUDENTS

The Designated Official will prepare a list of eligible students. This list will be forwarded to the Vendor for the random selection of students who will submit urine specimens for testing throughout each activity season.

2. 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 specifically for the purpose of randomly selecting individuals for drug testing.

3. SCHEDULING OF URINE DRUG TESTING

Urine drug testing is unannounced. The day and date 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.

4. INITIAL TESTING- NOT USED AT WAPAKONETA HIGH SCHOOL AT THIS TIME- BUT MAY BE CONSIDERED IN THE FUTURE

At the beginning of the year/season/activity, or when a student moves into the District all eligible students may be subject to urine drug testing at the parent's expense. 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 (Policy Exhibit B)** prior to testing. Any student moving in to the District shall be tested at the time they join. A student is required to take one initial test per year to participate and/or receive a parking permit.

5. TESTING YEAR

The testing year begins the date the first activity for the upcoming school year commences and continues for the remainder of the season.

6. FORM COMPLETION

The Vendor is responsible for seeing that proper drug testing custody and control forms are used that satisfy the needs of the **Policy for Random Urine Drug Testing of Wapakoneta City School District Students** and the testing laboratory. A student number will be used for identification with the student's name only appearing on the copies that go to the donor, MRO, and School Official.

7. COLLECTION PROCESS

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

- a. 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.
- b. The collector adds a bluing agent (food coloring) to the water in the urinal or toilet.
- c. Student is asked to rinse their hands and dry them. If no water is easily accessible, a non-alcoholic wipe may be used instead.
- d. The drug testing custody and control form is completed by the Student and the collector.
- e. 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.
- f. The student enters a closed stall to collect the specimen, then hands the container to the collector.
- g. 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.
- h. With the student watching, the collector will pour the specimen into the two bottles and recap the specimen bottles tightly.
- i. The collector takes the properly signed and initialed bottle seals and places them over the caps and sides of the bottles.
- j. The sealed bottles are placed inside the transport bag.
- k. 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 is given the donor copy of the form.
- l. The Student may wash their hands and is then sent back to class.
- m. 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.
- n. The Designated Official will be notified immediately of any student who refuses to give a urine sample or is suspected of adulteration.

8. MEDICAL REVIEW OFFICER (MRO) RESPONSIBILITIES

The MRO will review all results of urine drug testing. Any urine specimen testing positive for illicit drugs, banned substances, or adulteration will be handled in the following manner:

- a. The MRO determines if any discrepancies have occurred in the **Chain of Custody**.
- b. 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.
- c. If the student is on medication, the parent/guardian/custodian will be asked to obtain a letter from the prescribing physician, within five (5) working days, to document what medications the student is currently taking. Failure to provide such requested information will be considered a positive result.
- d. The MRO will then determine if any of the prescribed medications resulted in the positive drug screen.
 - (1) For example, a drug screen positive for codeine may be ruled negative by the MRO when he receives a letter from the treating physician that the student has been prescribed Tylenol® with codeine as a pain medication following tooth extraction.
 - (2) Or, if the student has a positive drug screen for codeine and has no documented physician order for the medication (maybe a parent gave the student one of their pills), this would likely be ruled a positive drug test by the MRO.
 - (3) Drug screens positive for illicit drugs (marijuana, heroin, cocaine or alcohol, etc.) would automatically be considered positive by the MRO.
- e. The MRO may use quantitative results to determine if positive results on repeat tests 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 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.
- f. Finally, the MRO, based on the information given, will certify the drug test results as positive or negative. Positives will be reported to the Building Principal by phone.

9. 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.

10. PROCEDURES IN THE EVENT OF A POSITIVE RESULT

- a. Whenever a student's test result indicates the presence of illegal drugs or banned substances or adulteration, the following will occur after notification of the parent:

- (1) After notified by the MRO, the Building Principal, within 24 hours, will notify the parent/guardian/ custodian first, then the student and Designated Official of any positive results. A written notification from the Building Principal, by form letter, will be sent to the parent/guardian/custodian by certified mail. The Building Principal may keep all test results for a period up to seven years.
The student will be notified and be required to submit to 5 periodical urine tests throughout the next calendar year.
- (2) If the parent/guardian/custodian or student wishes 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 of Education for testing. This is done at parent/guardian/custodian or student expense. Such a request must be made to the Building Principal in writing within five (5) working days from first notification of positive test results.
- (3) The MRO may use quantitative results to determine if positive results on repeat testing 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 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.

b. Consequences:

- (1) **Plea for Help**
Any student who admits to using illegal substances prior to being selected for random testing will be afforded the opportunity to attend counseling- paid for by the individual and subject to the next five random tests, again paid for by the student (currently \$37)- without penalty of lose of extra-curricular (one time only in lifetime)
- (3) **First Positive Result**
A positive result from the MRO or an altered sample will constitute a first positive and the following consequences will be applied.
Student will be suspended for the equivalent of 20% of the regular season contests. The student must enroll in a counseling program approved by the principal and/or athletic director. It will be the responsibility of the student to schedule, attend and assume all costs of this program including the next five drug tests (currently \$37) The local counseling agency will determine the length and closure of the program. All confidential information will be released to the Principal or Athletic Administrator. If the student fails to complete the program, the student will not be reinstated into extra-curricular activities.
- (3) **Second Positive Result**
Suspension from specified extracurricular for one (1) calendar year.
- (4) **Third Positive Result**
Student becomes ineligible for the remainder of the years enrolled in the Wapakoneta School System.
- (5) In case of suspension with less than 20% of the season remaining, student-athlete will have the suspension carry over into the next sport they participate in until the total 20% suspension has been fulfilled.

END OF PROCEDURE

Consent to Perform Urinalysis for Drug Testing

We hereby consent to allow the student named on the front of this form to undergo urinalysis testing for the presence of illicit drugs or banned substances in accordance with the **Policy and Procedure for Random Urine Drug Testing of Wapakoneta City Schools Students** as approved by the Wapakoneta City Schools Board of Education. We understand that a refusal to test will be handled as a positive test.

We understand that the collection process will be overseen by a qualified vendor.

We understand that any urine samples will be sent only to a certified medical laboratory for actual testing, and that the samples will be coded to provide confidentiality.

We hereby give our consent to the medical vendor selected by the Wapakoneta City School Board, their laboratory, doctors, employees, or agents, together with any clinic, hospital, or laboratory designed by the selected medical vendor to perform urinalysis testing for the detection of illicit drugs or banned substances.

We further give permission to the medical vendor selected by the Wapakoneta City School Board, its doctors, employees, or agents, to release all results of these tests to the Medical Review Officer (MRO) working for the medical vendor. We understand these results will be forwarded to the Building Principal and will also be made available to us.

We understand that consent pursuant to this **Informed Consent Agreement** will be effective for all activities in which this student might participate during the current school year.

We hereby release the Wapakoneta City School Board of Education, SPORT SAFE Testing Service, Inc. and its employees from any legal responsibility or liability for the release of such information and records.

BE SURE TO READ CODE OF CONDUCT AND EXPECTATIONS AND SIGN!

**WAPAKONETA CITY SCHOOL CODE OF CONDUCT AND EXPECTATIONS
INFORMED CONSENT AGREEMENT**

Student Name _____ Grade _____
(Please Print)

Student ID # _____ Gender: Male / Female Sport(s) _____

AS A STUDENT:

I understand and agree that participation in the above mentioned groups as outlined in the overview of the policy is a privilege that may be withdrawn for violations of the **Code of Conduct and Expectations**, hereafter **Code of Conduct**.

I have read the **Code of Conduct** and thoroughly understand the consequences that I will face if I do not honor my commitment to the Code of Conduct.

I understand and realize that there is risk of injury in participating in activities.

I understand that when I participate in any athletic program, pep band, show choir, and/or Red Peppers, I will be subjected to initial and random urine drug testing; and if I refuse, I will not be allowed to practice, or participate. I understand that a refusal to test will be handled as a positive test. I have read the consent on the reverse of this form and agree to its terms.

I understand this is binding while a student with the Wapakoneta City Schools.

Student Signature Date _____

AS A PARENT/GUARDIAN/CUSTODIAN:

I have read the **Code of Conduct** and understand the responsibilities of my son/ daughter/ward as a participant in any athletic program, pep band, show choir, and/or Red Peppers in the Wapakoneta City Schools.

I understand and realize that there is an assumed risk of injury involved for my son/ daughter/ward as a participant in activities.

I understand that my son/daughter/ward, when participating in any athletic program, pep band, show choir, and/or Red Peppers, may be subjected to initial and random urine drug testing; and if they refuse, will not be allowed to practice or participate. I understand that a refusal to test will be handled as a positive test. I have read the consent on the reverse of this form and agree to its terms.

Parent/Guardian/Custodian Signature Date _____

Parent/Guardian/Custodian Name (print) Home Phone Work Phone