

KENTON CITY SCHOOLS BYLAWS AND POLICIES

Overview Random Alcohol, Drug and Nicotine Testing of Kenton City School District Students

The procedure for initial and random alcohol, drug and nicotine testing of participating students is accomplished in conjunction with an independent testing Vendor selected by the Board of Education. The Vendor will be provided by the Designated Official (as defined in Section 3) with a full list of eligible students, and in turn the Vendor will randomly select students for testing at regular intervals. The Vendor will send qualified collectors to the school who will oversee the collection of all specimens. The Vendor will provide Medical Review Officer (MRO) services for interpretation and verification of results. Results will be reported to the Designated Official by the MRO.

1. A STATEMENT OF NEED AND PURPOSE

Recognizing that the use of alcohol, drugs and nicotine by students involved in activities is a pervasive local and national problem, and with the support from the U.S. Supreme Court, the Kenton City School District implements this program of deterrence and identification, as a proactive approach to a truly safe and alcohol, drug and nicotine free school. Likewise, through participation in activities, students using these substances pose a threat to their own health and safety, as well as to that of other students. The purpose of this program is fourfold:

- a. To provide for the health and safety of all students;
- b. To undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use alcohol, drug and/or nicotine;
- c. To encourage students who use alcohol, drug and/or nicotine to participate in treatment programs; and
- d. To prevent the impact alcohol, drugs and nicotine use have on the learning centers of the brain, allowing each student to achieve his/her full academic potential while he/she is involved in activities within the Kenton City School District.

This program is designed to create a safe, alcohol, drug and nicotine free, environment for students and assist them in getting help when needed. The program does not affect the current policies, practices, or rights of the District regarding student alcohol, drug and/or nicotine possession or use, where reasonable suspicion is established by means other than testing through this policy.

Any student in grades nine (9) through twelve (12) and his/her parent/guardian/custodian(s) must first sign a testing registration/consent form in order to be eligible to participate in any one (1) or combination of the following:

- A. Athletics; and/or
- B. Competitive extra-curricular activities (that are not tied to an academic grade) other than athletics; and/or
- C. Purchasing a parking pass, which allows a student to drive to/from school.

2. SUPPORTING DATA

Random testing of a public school interscholastic athlete and competitive extra-curricular activities (not tied to an academic grade) is legal as determined by the United States Supreme Court in the case of Vernonia School District 47J (Oregon) v Wayne and Judy Acton, and Pottawatomie v. Earls.

3. DEFINITIONS

Adulterant/Adulteration - Any attempt to alter the outcome of the test by adding a substance to the sample, attempting to switch the sample, or otherwise interfere with the detection of alcohol, drugs and nicotine in the urine, or purposefully over hydrating oneself in an attempt to dilute the urine to decrease possible detection of alcohol, drugs and nicotine.

Alcohol- Any intoxicating liquor, beer, wine, mixed beverage, or malt liquor beverage as defined in the Ohio Revised Code Section 4301.01. The term "alcoholic beverage" includes any liquid or substance, such as "near beer" which contains alcohol in any proportion or percentage.

Athletic Season- In-season start dates will begin as published by the Ohio High School Athletic Association or sanctioning organization and continue until the completion of the season for that sport. There are three athletic seasons: Fall, Winter and Spring.

Chain-of-Custody Form - A preprinted form provided by the testing laboratory that records all contact with the provided specimen. The form is initialed by the collector and then stays with the non-negative specimen until the results are certified by the testing scientist and forwarded to the MRO for final certification.

Designated Official(s) - The individual hired and/or identified by the district to oversee programs of the school or district.

Drug - A controlled substance used or possessed without proper medical prescription.

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 specific chemicals in the urine reported usually in nanograms per milliliter (ng/ml).

Random Testing/Selection – A system of selecting student participants for alcohol, drug and nicotine testing in which each student shall have a fair and equitable chance of being selected each time selections are required. Random testing will be unannounced, and a student may be tested more than once or not at all.

SAMHSA - The Substance Abuse and Mental Health Services Administration, a governmental agency that certifies toxicology laboratories that perform alcohol, drug and nicotine testing following strict guidelines and constant quality assurance programs.

Student Participant - A qualified student participating on a sanctioned activity as defined by the OSHAA/or in a qualifying activity recognized by the Board of Education.

Testing Year - The testing year begins August 1 and continues for the remainder of the school year or athletic season.

Vendor - The medical office or company selected by the Board of Education to carry out the procedure identified in this policy.

4. PROCEDURES FOR STUDENT PARTICIPANTS

a. Informed Consent for Testing

At the beginning of each athletic season/school year, student participants and their respective parent/guardian/custodian will complete and sign the testing registration/consent form. ***No student will be allowed to participate in athletics, non-academic competitive extra-curricular activities or purchase a parking permit in the Kenton City School District until this form is properly executed and on file with the Designated Official.**

b. Alcohol, Drug and Nicotine Testing Frequency

Testing will be done on a random basis throughout the school year. All students wishing to participate may be subject to testing for alcohol, drugs and nicotine as specified below. Eligible students will be randomly tested anytime during the testing year. This program continues until the student graduates. Any student that has completed his/her activity, and does not intend on participating in any other activity for the remainder of his/her time at Kenton High School, may be removed from the program with a signed parent/guardian/custodian letter to the Designated Official. If no letter is submitted, and the parent/guardian/custodian submits the testing registration/consent form yearly, then the student will remain in the program for the remainder of his/her school year. If the student decides to rejoin an activity after submitting the letter of removal then he/she will be treated as an initial entrant into the Kenton City School Drug Testing policy/procedures. Any student who refuses to submit to testing or does not submit a completed testing registration/consent form will not be allowed to participate in athletics, non-academic competitive extra-curricular activities, or purchase a parking permit in the Kenton City School District.

c. Sample Collection

Samples will be collected as outlined below. Any eligible student selected randomly for 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 until the proper specimen is provided.

d. Procedures

Selected students will be escorted from class or practice to the collection site. A specimen is collected following this process:

1. No purses, bags, or containers may be taken into the collection area with the student. All coats, vest, jackets, sweaters, etc. are to be removed before entering the collection area.

2. The collector adds a blue-ing agent (food coloring) to the water in the urinal or toilet.
3. The student is asked to rinse his/her hands and dry them or a hand sanitizer is used.
4. The drug test technician hands the student a cup with a number that correlates to the student's number on the random list.
5. The student is told to urinate directly into the provided container and should provide a sufficient amount of urine (at least 30 ml) in one (1) attempt. The student is also told he/she is to hand the container of urine to the collector.
6. The student enters a closed stall or urinal to collect the specimen, then hands the container directly to the collector.
7. Students processed by the lab technician who cannot produce a sample will be kept in a secured area to wait until they can test. If they leave this area they will not be allowed to test. They are not to have contact with anyone until after the sample is given.
8. 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 will be notified.
9. The student will sign the specimen verification sheet with his/her name and specimen number.
10. The Designated Official will be notified immediately of any student who refuses to give a urine sample or is suspected of adulteration.
11. The drug test technician will initially screen each specimen on-site. Negatives will be discarded.
12. Non-negatives will have a full chain of custody filled out and signed by the designated official and forwarded to a certified laboratory for confirmation.

This collection procedure is subject to change because of procedural requirements by the testing agency. The Board of Education reserves the right to change the collection procedure to coincide with the testing guidelines set forth by the testing agency.

5. CONFIDENTIALITY OF RESULTS

All 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 for the Random Testing Program.

6. VENDOR REQUIREMENTS

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

a. Random Selection of Student Participants

Once provided a list of eligible students, the Vendor must select the required number of students in a random and confidential manner. 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 students' 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 specimens as outlined in paragraph 4 (d).

c. Testing of Urine Specimens

The Vendor will have all non-negative specimens tested for alcohol, drugs and nicotine 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 Service (HHS).

The testing laboratory must be able to test for the following drug classes, substances or their metabolites in collected urine specimens. The Designated Official may request testing of substances, including, but not limited to, the following list:

Alcohol Amphetamines - Anabolic Steroids - Barbiturates - Benzodiazepines - Cocaine Metabolites - LSD - Marijuana - Metabolites - Methadone - MDMA (Ecstasy)- Nicotine - Opiates (painkillers, heroin) - Phencyclidine - Propoxyphene - K2/Spice - Other synthetic drugs (Bath Salts) - Synthetic Cannabinoids

Testing also shall include all prescribed and over-the-counter drugs being used in any way other than for medical purposes in accordance with the directions for use provided for in the prescription or by the manufacturer.

d. Medical Review Officer (MRO) Services

The Vendor will provide MRO services by a licensed physician who is certified by the Medical Review Office 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 test results and thus qualified for certification as a Medical Review Officer. Additionally, the MRO must demonstrate a willingness to abide by this policy, as to the evaluation of positive tests and reporting findings to the Designated Official in a timely and confidential manner. Reporting of Random Urine Test Results by Vendor.

The MRO will certify all urine screens that are positive and report, by telephone, positive findings in a confidential manner to the parent/guardian/custodian first. The MRO will also notify the vendor, once the positive result is confirmed, by phone and in writing, that a test returned positive.

e. Statistical Reporting and Confidentiality of Test Results

The Vendor, testing laboratory, or MRO may not release any statistics on the rate of positive tests to any person, organization, news publication, or media without expressed written consent of the Kenton City School District Board of Education.

However, 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. This report will not contain any student names, though the positive results would have been disclosed prior, as outlined in this policy.

7. PROCEDURES IN THE EVENT OF A POSITIVE RESULT

a. Whenever a student's test result indicates the presence of alcohol, drugs and/or nicotine or adulteration, the following will occur (**note**: with a positive test result for nicotine, if a student is eighteen (18) years old or older the positive result will be excluded as a student can legally purchase and use nicotine at age eighteen (18). Outside of this policy, the Kenton City School District Code of Conduct and other policies, including the Extra-Curricular Code of Conduct apply if tobacco/nicotine products are found or used on campus or at a school-related activity, regardless of a student's age.):

1. The parent/guardian/custodian is initially notified of the result by the MRO.
2. The Designated Official is notified once the positive result is confirmed and will notify the parent/guardian/custodian and student of implementation of this policy and of any positive results.
3. If a violation occurs at or near the end of an athletic season or activity, or if the student is not "in-season" at the time of the violation, then the penalty will be appropriately adjusted and/or applied to the next "in-season" sport or activity in which he/she is a regular participant. Students (except freshmen), suspended under this rule, may not avoid the consequences of a denial of participation by trying out for a new sport or activity (i.e., one in which he/she is not a regular participant). In such cases, the suspension applies to the next sport or activity in which the student is a regular participant.
4. The student will be subjected to the appropriate action based on his/her circumstances.
5. 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 the expense of the parent/guardian/custodian or student. Such a request must be made to the Designated Official, in writing, within five (5) calendar days from first notification of positive test results. If the contested test is reported as negative by the second laboratory, the first result will be nullified and the cost will be incurred by the District.
6. The MRO may use quantitative results to determine if positive results on repeat testing indicate recent use of alcohol, drugs and/or nicotine or the natural decline of levels of the alcohol, drugs and/or nicotine 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. First Positive Result

A positive result from the MRO or ruling of adulteration will constitute a first positive. The student will:

1. The student will make an appointment with a certified chemical dependency counselor for a chemical dependency assessment and then follow the recommendations of the counselor. The parent is responsible for all expenses and providing the school with documentation that the student completed all recommendations of the counselor.
2. Student will be assigned a school mentor to meet with on a consistent basis.
3. The student will not be permitted to drive/park a car on school property during the normal school day for a period of 20 school days. Students without a parking permit will not be issued a permit during this time period.

4. The student will be included in the next three random drug tests. The student, parents, or guardian will be responsible for the costs associated with these tests.
5. The student will be suspended for the equivalent of 20% of the contests and/or performances of a competitive extra-curricular activity or athletic season.

c. Second Positive Result

A second positive result from the MRO or ruling of adulteration will result in a second offense. The students will:

1. The student will make an appointment with a certified chemical dependency counselor for a chemical dependency assessment and then follow the recommendations of the counselor. The parent is responsible for all expenses and providing the school with documentation that the student completed all recommendations of the counselor.
2. Student will be assigned a school mentor to meet with on a consistent basis.
3. The student will not be permitted to drive/park a car on school property during the normal school day for a period of 45 school days. Students without a parking permit will not be issued a permit during this time period.
4. The student will be included in the next three random drug tests. The student, parents, or guardian will be responsible for the costs associated with these tests.
5. The student will be suspended for the equivalent of 50% of the contests and/or performances of a competitive extra-curricular activity or athletic season.

d. Third Positive Result

A third positive result from a MRO or ruling of adulteration will result in the student being barred indefinitely from participating in athletics, competitive extra-curricular activities, or purchasing a parking permit for the remainder of his/her career. The student will be able to earn eligibility back by having no positive test results for one (1) year from the date of the third offense. As part of the process to earn eligibility back, the student will be subjected to random test(s) at the expense of the parent/guardian. If the student earns his/her eligibility back after one (1) year, and then has another positive test result, he/she will be barred indefinitely from participating in athletic, competitive extra-curricular activities, or purchasing a parking permit.

e. Self-Referral

A student may give a one-time self-referral, while in high school. A self-referral can only happen before the tardy bell on a day of a random drug test. A self-referral can be done any time prior to a mandatory test.

1. The student will make an appointment with a certified chemical dependency counselor for a chemical dependency assessment and then follow the recommendations of the counselor. The parent is responsible for all expenses and providing the school with documentation that the student completed all recommendations of the counselor
2. Student will be assigned a school mentor to meet with on a consistent basis.

3. The student will be included in the next three random drug tests. The student, parents, or guardian will be responsible for the costs associated with these tests.

8. NO ACADEMIC CONSEQUENCES

No student will be penalized academically for testing positive. The results of tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the Kenton City 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 parent/legal guardian/custodian will be notified before a response is made by the Kenton City School District Board of Education, to the extent permitted by such subpoena or legal process.