

# **Brecksville-Broadview Heights City School District Policy and Procedure for Random Drug Testing**

## **OVERVIEW**

The procedure for initial and random drug testing of students in athletics and extracurricular activities is accomplished in conjunction with an independent drug testing collection site selected by the Board of Education. Following the initial testing, the collection site is provided by the Designated Official a list of eligible students and in turn randomly selects students for drug testing at regular intervals. The collection site will send qualified collectors to the school who will oversee the collection of all specimens as outlined in this document. The collection site will provide a Medical Review Officer (MRO) services for interpretation and verification of results. Results are reported to the Designated Official by the collection site official. Specimens are collected as split specimens to be used if subsequent testing is warranted.

## **A STATEMENT OF NEED AND PURPOSE**

Recognizing that observed and suspected use of alcohol and illicit drugs by Brecksville-Broadview Heights City 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 illegal 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 Brecksville-Broadview Heights City School District.

The program is designed build on the current tobacco/alcohol/to create a safe, drug free, environment for students and assist them in getting help when needed.

## **SUPPORTING DATA**

Random urine drug testing of a public school 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**.

Primary emphasis in administering this program will be directed toward deterrence and remediation rather than punishment of pupils who test positive for alcohol, non-prescribed medications, illegal drugs or their metabolites. Consequences for a pupil who tests positive for illegal drugs or their metabolites will be followed according to Board regulation. This policy is NOT intended to be disciplinary or punitive in nature as indicated by existing court decisions as it relates to loss of instructional time. No pupil shall be expelled or suspended from school as a sole result of any verified positive test conducted by the school under the Random Drug Testing Program.

This policy and its implementing regulations will supplement the existing comprehensive program of tobacco/alcohol/drug procedure for extracurricular activities and interscholastic athletics (5530.01).

## DEFINITIONS

**Collection site** - The medical office or company selected by the Board of Education to carry out the policy and procedure.

**Designated Official** - The staff member designated by the school or district to oversee the drug testing program of the school or district.

**Certified Laboratory**- All drug testing shall be conducted by an independent, DHHS certified laboratory, utilizing recognized techniques and procedures. Specimens collected will not be used to conduct any other test or analysis.

**Medical Review Officer (MRO)** - 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.

**Re-test** – A second opinion analysis of a urine specimen originally deemed positive by the MRO for drugs/metabolites. This test is requested by the parent/guardian and performed at a laboratory meeting the same standards as the lab conducting the first analysis. Re-tests must be done on a split specimen.

**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.

**Banned Substance** - A substance defined by school policy as being banned from use by students.

**Student Participant** - A qualified student participating on a sanctioned athletic team as defined by the Ohio High School Athletic Association or an extracurricular activity as defined by the Board.

**Gas Chromatography/Mass Spectrometry (GC/MS)** - A state-of-the-art test used to confirm the presence and amount of an identified drug/metabolite in a urine specimen.

**Drug Metabolite** – The specific substance produces when the body breaks down a given drug as it passes through the body and is excreted in the urine.

**Cut-Off Level** - The concentration of a drug or drug metabolite in the urine at which a specimen is considered positive.

**Chain Of Custody** - The protocol followed when submitting specimens for drug testing. It assures that there is not opportunity for contamination or switching of samples. Elements include signed and witnessed forms, sealed and initial container, and couriers requiring a receipt.

**Custody and Control Form (CCF)** - 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.

**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.

## **PROCEDURES FOR STUDENTS**

### **1. INFORMED CONSENT**

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 **Brecksville-Broadview Heights City School District Code of Conduct and Expectations Informed Consent Agreement** (*Appendix A*). No student may participate in athletics and extracurricular activities until this form is properly executed and on file with the school.

### **2. LIST OF ELIGIBLE STUDENTS**

The designated official will prepare a list of eligible students. This list will be forwarded to the collection site for the random selection of students who will submit urine specimens for testing.

### **3. RANDOM SELECTION OF STUDENTS FOR TESTING**

The collection site 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.

### **4. SCHEDULING OF URINE DRUG TESTING**

Random drug testing is unannounced. The day and date are selected by the designated official and confirmed with the collection site. Random testing may be done repeatedly, but not during holidays and spring break.

### **5. TESTING YEAR**

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

### **6. SAMPLE COLLECTION**

Samples will be collected as outlined under collection site requirements. Any eligible student selected randomly for urine drug testing who is not in school on the day of testing will be tested at the next available testing time. Students not able to provide an adequate urine specimen at the testing time will be unable to participate until the proper specimen is provided. Arrangements may be made for special collections at a collection site with prior approval of the building principal or designated official. There may be an additional fee associated with the use of an off-site collection point.

### **7. DRUG TESTING FREQUENCY**

At the beginning of each year/season or when a student moves into the district, all students wishing to participate in athletics and extracurricular activities may be subject to urine testing for illicit or banned substances as specified in Paragraph 9.c. Testing will occur up to three times during the academic year.

### **8. REFUSAL TO TEST**

Any student who refuses to submit to urine drug testing will be considered a positive test.

## 9. COLLECTION SITE REQUIREMENTS

The Collection Site is responsible for the following services:

**a. Random Selection of Eligible Students**

Once provided a list of eligible students, the collection must select the required number of students in a random and confidential manner. The collection site 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. Certified Lab**

The collection site will have all specimens tested for the specified 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)**. All specimens must be initially tested using a highly accurate immuno-assay technique, with all presumptive positive results then confirmed by **GC/MS**.

**c. Drugs Tested**

The testing laboratory must, at a minimum, 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	Phencyclidine	Cocaine Metabolites
Amphetamines	Benzodiazepines	Methadone
Barbiturates	Marijuana Metabolites	Opiates & Synthetic Opiates
MDMA (Ecstasy)	Nicotine	K2?

**d. Confirmation of Positive Results**

All positive test results are evaluated by the MRO.

## 10. MEDICAL REVIEW OFFICER (MRO) RESPONSIBILITIES

A Medical Review Officer is a physician responsible for receiving laboratory results generated by a drug testing program, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive drug test with the medical history and any other relevant biomedical information. All drug test results found to be positive on the initial screening testing (EMIT) are confirmed positive by Gas Chromatography with Mass Spectrometry (GC/MS), by the lab.

- If the GC/MS is positive, it will be reported by the lab to the collection site as such.
- All students/parents will be given the opportunity to provide the prescription bottles of medicines the student is taking before a positive GC/MS result is assessed by the MRO.
- The collection site official will contact the parent/guardian to inform them of the positive result and to provide a legitimate medical explanation, such as a legal prescription, for the positive result. If prescription medicines are determined to be valid by the MRO, the results will be reported out as negative to the collection site.
- Finally, the MRO, based on the information given, will certify the drug test results as positive or negative. Positives will be reported to the ***designated official*** by the collection site.

## 11. COLLECTION PROCESS

*A photo ID is required, specimen collections are unobserved and consent is obtained.*

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

- a. All unnecessary outer garments, e.g. coats, sweatshirts, jackets, hats are removed. Pockets are emptied and handbags/backpacks are left outside of the bathroom.
- b. A bluing agent is added to the toilet bowl and all soap containers and receptacles are removed from the bathroom. All sources of running water are eliminated.
- c. Student is asked to wash and dry hands before and after specimen is collected.
- d. The drug testing custody and control form is completed by the Student and collector.
- e. The student is asked to provide a specimen of at least 45 ml for a split and 30 ml for a single specimen.
- f. The student provides the specimen in the privacy of an enclosed stall, handing the specimen container to the collector when finished.
- g. The collector verifies the temperature within four minutes of collection, ensures an adequate amount has been collected and looks for evidence of tampering (odor or color is unusual), which is noted in the remarks section of the CCF.
- h. With the student watching, the collector will pour the specimen into the two bottles placing the tamper-evident seals over each specimen. The student dates and initials both seals. The sealed bottles are placed inside the transport bag along with CCF form and is sent to the lab.
- i. The designated official will be notified immediately of any student who refuses to give a urine sample or is suspected of adulteration.

## 12. PROCEDURES IN THE EVENT OF A POSITIVE RESULT

- (1) If the parent/guardian/custodian or student wishes to contest the results, the collection site will arrange for the lab to send the split portion of the specimen to another certified laboratory. This is done at parent/guardian/custodian or student expense. Such a request must be made to the building principal/designee in writing within five working days from first notification of positive test results by the MRO to the parent.
- (2) The designated official will be notified by form letter from the collection site of the positive results. A written notification of the final outcome from the designated official will be sent to the parent/guardian/custodian by certified mail. All records of drug and alcohol testing will be kept separately, apart from the students high school file with access limited to designated school official. The information contained in these files will be used only to administer this policy properly for the duration of the student's school career or upon graduation.

### a. First Positive Result

A positive result from the MRO or an altered sample will constitute a first positive. The student participant will forfeit 20% of their athletics and/or extracurricular activity, participate in a drug assistance program, and submit to three follow-up drug tests at the parent/guardian expense. Failure to comply will result in indefinite suspension from their athletics and/or extracurricular activity.

**b. Second Positive Result**

A second positive result by MRO ruling or adulteration will result in the forfeiture of 40% of their activity, complete a program recommended by a certified substance abuse counselor, and continue or repeat the three follow-up drug tests at the parent/guardian expense. Failure to comply will result in indefinite suspension from their athletics and/or extracurricular activity.

**c. Third Positive Result**

A third positive result or ruling of adulteration, the student participant will be barred from participation in any athletic and/or extracurricular activity for one year. Prior to reinstatement the student must show significant progress toward rehabilitation from a certified substance abuse program.

**d. Self-Referral**

A student who refers themselves prior to receiving a positive result from the MRO will comply with the requirements set in section 12b of this policy, except there will be no forfeiture of the athletic and/or extracurricular activities. Self-referrals may be used as a first offense only, subsequent positives following a referral will continue to actions stated in 12c and 12d. A student may only self-refer one time while a student in the Brecksville-Broadview Heights City School District.

**e. Prescription Drug Error Positive**

A student that is determined to have used a prescription drug without a legal prescription in their name will be confirmed positive 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 extracurricular 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 a negative result banned substance(s) are gone. Upon completion of these requirements, this positive test will be removed. 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.

**13. 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 absent legal compulsion by valid and binding subpoena or other legal process, which the Brecksville-Broadview Heights 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 custodial parent, legal guardian, or custodian will be notified at least 72 hours before response is made by the Brecksville-Broadview Heights City School District Board of Education, to the extent permitted by such subpoena or legal process.

**14. 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 (Appendix B).

**Statistical Reporting of Drug Test Results**

The collection site, 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 Brecksville-Broadview Heights City School District Board of Education. However, the collection site 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.

DRAFT POLICY

## Appendix A

### Consent to Perform 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 Brecksville-Broadview Heights City School District Students** as approved by the Brecksville-Broadview Heights City School District Board of Education.

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 Brecksville-Broadview Heights City School District Board, their laboratory, doctors, employees, or agents, together with any clinic, hospital, or laboratory designated 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 Brecksville-Broadview Heights City School District 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 designated school official and 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 Brecksville-Broadview Heights City School District Board of Education and its employees from any legal responsibility or liability for the release of such information and records.

**READ CODE OF CONDUCT AND EXPECTATIONS ON REVERSE SIDE AND SIGN!**



**BRECKSVILLE-BROADVIEW HEIGHTS CITY SCHOOL DISTRICT  
INFORMED CONSENT AGREEMENT**

Student Name \_\_\_\_\_ Grade \_\_\_\_\_  
(Please Print)

**AS A STUDENT:**

- I understand and agree that participation in athletic or extracurricular activities on school grounds is a privilege that may be withdrawn for violations of the **Code of Conduct and Expectations**, hereinafter **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 and/or extracurricular activity, I will be subjected to initial and random urine drug testing, and if I refuse, it will be treated 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 within the Brecksville-Broadview Heights City School District.

\_\_\_\_\_  
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 athletic and/or extracurricular activities in the Brecksville-Broadview Heights City School District.
- 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 athletics, extracurricular activities and/or receiving a parking permit, may be subjected to initial and random urine drug testing, and if they refuse, will not be allowed to practice, participate, or park. I have read the consent on the reverse of this form and agree to its terms.

- I understand this is binding while my son/daughter/ward is a student within the Brecksville-Broadview Heights City School District.

\_\_\_\_\_  
Parent/Guardian/Custodian Signature Date \_\_\_\_\_

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

**Appendix B**

**BRECKSVILLE-BROADVIEW HEIGHTS CITY SCHOOL DISTRICT**

**Confidentiality Statement for Random Drug Testing Program**

I, \_\_\_\_\_, acknowledge that I will be privileged to hear and see sensitive information related to results of random urine drug testing performed on students of Brecksville-Broadview Heights City School District. I pledge to keep any information given to me in strict confidence, and will only release this information to others as dictated by Board policy or with properly obtained permission of the student and parent/guardian/custodian.

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Signature

Date

DRAFT POLICY