

## **DRUG AND ALCOHOL TESTING POLICY FOR ELIGIBLE STUDENTS**

### **Statement of Purpose**

The East Cleveland City School District Board of Education believes that extracurricular activities, including athletics, are an important aspect of a student's overall educational experience. However, student participation in extracurricular activities is a privilege and not a right.

The Board is aware of the pressures that the youth of today face, especially in the area of drugs, alcohol, and tobacco. It also realizes that due to the nature of athletic activities, the use of drugs, alcohol, and/or tobacco can lead to added risks including injury to themselves and others.

Recognizing that observed and suspected use of alcohol and illegal drugs, including nicotine, by District students is a serious concern, the Board has adopted a mandatory drug testing policy for eligible students as defined in this policy, at Shaw High School. The purpose of this program is to: (1) provide for the health and safety of eligible students; (2) undermine the effects of peer pressure by providing a legitimate reason for eligible students to refuse to use alcohol, tobacco, and illegal drugs; and (3) encourage eligible students who use alcohol, tobacco, and/or illegal drugs to participate in a treatment program. This testing program is academically non-punitive. It is designed to create a safe and healthy environment for eligible students and assist them in getting help when needed.

The following terms, conditions, expectations, and consequences are in effect for eligible students and will be enforced for three hundred sixty-five (365) days of the year, and may carry over to the next season of participation.

### **Procedures**

- **Consent**

Each eligible student shall be provided a copy of this policy, the Student Consent to Perform Testing for Drugs & Alcohol, the Parent/Guardian Consent to Perform Testing for Drugs and Alcohol, and, if participating in athletic activities, the Athletic Code of Conduct Informed Consent Agreement. These documents shall be distributed by the activity supervisor or the Athletic Director or his/her designee no later than two (2) weeks prior to the beginning of the athletic season or the first meeting of the non-athletic extracurricular activity. The season for cheerleaders shall be the same as the season for the sport for which they are cheering. Each eligible student and his/her parent(s)/guardian(s) must read, sign, and date these documents as a condition of eligibility to participate in the extracurricular activity. An eligible student may not participate in any practices, meetings, or competitions until all such documents are signed and submitted. The activity supervisor or Athletic Director or his/her designee shall maintain these documents for the duration of the eligible student's enrollment in the District.

- **Testing Frequency**

At least ten percent (10%) of the eligible students shall be randomly chosen and tested in accordance with this policy. Testing shall occur as often as directed by the Superintendent.

- **Confidentiality / Selection Guidelines**

Because the selection and reporting process for eligible students is confidential, the selection, collection, chain-of-custody documentation, and reporting of results must be done using identification number codes. The Superintendent will establish a master list of the eligible students' names and unique code numbers, which no other person may access. This list of code numbers will be used to select the pool to be tested.

Random selection of eligible students shall be conducted by the Superintendent based on the master list of identification numbers. The eligible students selected will be notified by the Superintendent or his/her designee and will be asked to report to the designated collection site and provide a urine sample for testing within one (1) hour of notification.

The Superintendent must be present at the collecting site for the purpose of coordinating the identification of the eligible student and assignment of the code number master list. From that point on, the code number represents the specimen identification on which testing and reporting will be based. The collection site master list may also be used to record prescription or over-the-counter medications the athlete has used in the prior five (5) days.

The collection site master list will be used by the Superintendent to identify the eligible student when positive results are reported by identification number by the testing agency. Prescription or over-the-counter medications listed previously at the collection may help to explain a positive result.

Test results are to be kept in confidential files separate from an eligible student's other records and released to school personnel only on a "need to know" basis.

- **Collection Site**

Collection sites will be chosen based on adequate bathroom facilities and the ability to limit access to all persons except authorized monitors and eligible students during collection times. Facilities for female students should have private stalls with closures.

Adequate clerical space to process designated forms must be available at, or closely adjacent to, the collection area.

There should also be sufficient room to hold waiting eligible students who must remain supervised at the collection site until collection is complete. Eligible students are not free to come and go after entering the collection site.

- **Collection**

Upon reporting to the collection site, the eligible student will remove outer garments (coats, jackets, sweatshirts, etc.); select a sealed, sterile specimen container; verify the assigned identification number by signing the collection site master list; list medications taken.

One eligible student will enter a secure bathroom facility accompanied by a monitor of the same sex, wash their hands, proceed to the urinal or toilet stall, and open the sealed specimen container.

Male students will remain fully clothed with their back to the monitor. The monitor will stand 6-10 feet behind the student and listen for normal sounds of urination.

Female students will be allowed to close the door to an enclosed bathroom stall. The monitor will stand and listen for normal sounds of urination.

If unable to provide a sample, the eligible student must take the empty unsealed specimen container to the processor pending a later attempt. The eligible student must remain in the holding area until able to produce a specimen.

If a partial but insufficient sample is collected, the original container is held by the processor who checks the temperature. The eligible student must remain in the holding area until able to produce an additional specimen in a second sample container. If the temperatures of both samples are in range, they may be combined in the presence of the eligible student.

Because temperature of a sample may be used as criteria for suspected tampering and dilution, it is imperative that specimens are surrendered to the central processing area within four minutes of collection. If delayed for any reason, the eligible student must verify the temperature on the indicator strip on the container with the monitor.

The labeled samples will be maintained under strict security by the collection processors so as to maintain proper chain-of-custody and safeguard the rights of the eligible student.

- **Testing**

The samples will be sealed and sent to a certified laboratory, which shall test, at the very least, for the presence of the following: Anabolic Steroids, Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine Metabolite, Ecstasy, LSD, Methadone, Methaqualone, Nicotine, Opiates, Phencyclidine, Propoxyphene.

Specimens must be initially screened using an Immunoassay and/or Chromatographic method, with all presumptive positives then confirmed by Gas Chromatography (GC), or Gas Chromatography/Mass Spectroscopy (GC/MS) methods.

No positive results will be reported until screening results are confirmed.

The laboratory director will certify all urine drug screens as negative or positive and report positive findings by telephone in a confidential manner to the Superintendent.

This will be followed by a confidential final written report to be mailed to the Superintendent.

The Superintendent will translate the identification code to establish the identity of the eligible student and, if applicable, with the laboratory director and/or a qualified medical review officer, interpret the results in light of medications listed on the collection master list.

- **Notification Chain for a Positive Result**

The following notification chain will be used when the Superintendent receives results of a positive test from the laboratory: The Superintendent will notify the eligible student and his/her parent(s)/guardian(s) within twenty-four (24) hours. The Superintendent will then notify the activity supervisor or Athletic Director and head coach of the program in which the eligible student participates.

- **Violation Criteria**

For the purposes of this policy, the following actions constitute a violation: (1) Failure to report to collection site after notification; (2) Refusal to submit sample for testing; (3) Tampering with the sample for testing or attempting to subvert the collection/identification process; (4) Adulteration of test sample; (5) Confirmed positive result for alcohol or illegal drugs; (6) Aiding and/or abetting another eligible student in violating this policy.

- **Due Process**

After notification of a positive test by the laboratory, the activity supervisor or Athletic Director and head coach will schedule a meeting with the eligible student and his/her parent(s)/guardian(s) within forty-eight (48) hours.

The eligible student and his/her parent(s)/guardian(s) may, at their own expense, elect to have a portion of the original sample re-tested by the District's laboratory or by a second independent certified laboratory of their choice. The District's laboratory will forward the sample in response to a written request with a check for the appropriate fee.

Each eligible student who is in violation of this policy will be afforded due process. The eligible student will have the right of appeal of consequences to the building principal. This must be done in writing within seventy-two (72) hours of the meeting with the activity supervisor or Athletic Director and head coach. A final appeal may be made to the Superintendent or his/her designee in writing within seventy-two (72) hours of the principal's decision. The Superintendent's decision will be final. All consequences will be enforced during the appeal period.

- **Consequences of Violation**

A. First Violation

1. A letter shall be given to the eligible student informing him/her of the violation and of the consequences of further violations. A copy of this letter will be mailed to the eligible student's parent(s)/guardian(s).
2. The eligible student must participate in an assessment and follow-up program. This assessment must be conducted by a certified chemical dependency counselor, an agency certified by the Ohio Department of Alcohol and Drug Addiction Services, or a licensed physician trained in chemical dependency. The eligible student must set an appointment within four (4) days of notification of the violation. The eligible student must participate in the evaluation process to its completion and follow the counselor's recommendation. Verification of this evaluation must be received by the activity supervisor or Athletic Director from the counselor, and the eligible student must waive his/her rights of confidentiality so that a written report can be given to the activity supervisor or Athletic Director. Any cost for the assessment and follow-up program will be the responsibility of the eligible student. The activity supervisor or Athletic Director will monitor the progress of the assessment program and report any failure to comply.
3. A first positive drug and/or alcohol violation will result in additional testing either through an assessment program or through the District's drug testing laboratory. The cost of this testing will be the responsibility of the eligible student.

B. Second Violation

1. Denial of the privilege to participate in extracurricular activities or athletics for ten (10) days.
2. The eligible student must participate in an assessment and follow-up program. This assessment must be conducted by a certified chemical dependency counselor, an agency certified by the Ohio Department of Alcohol and Drug Addiction Services, or a licensed physician trained in chemical dependency. The eligible student must set an appointment within four (4) days of notification of the violation. The eligible student must participate in the evaluation process to its completion and follow the counselor's recommendation. Verification of this evaluation must be received by the activity supervisor or Athletic Director from the counselor, and the eligible student must waive his/her rights of confidentiality so that a written report can be given to the activity supervisor or Athletic Director. Any cost for the assessment and follow-up program will be the responsibility of the eligible student. The activity supervisor or Athletic Director will monitor the progress of the assessment program and report any failure to comply.

C. Third Violation

1. Denial of participation in the extracurricular activity or the athletic team the eligible student was participating in at the time of the testing for the season, or the duration of the extracurricular activity for the school year in question.
2. The eligible student must participate in an assessment and follow-up program. This assessment must be conducted by a certified chemical dependency counselor, an agency certified by the Ohio Department of Alcohol and Drug Addiction Services, or a licensed physician trained in chemical dependency. The eligible student must set an appointment within four (4) days of notification of the violation. The eligible student must participate in the evaluation process to its completion and follow the counselor's recommendation. Verification of this evaluation must be received by the activity supervisor or Athletic Director from the counselor, and the eligible student must waive his/her rights of confidentiality so that a written report can be given to the activity supervisor or Athletic Director. Any cost for the assessment and follow-up program will be the responsibility of the eligible student. The activity supervisor or Athletic Director will monitor the progress of the assessment program and report any failure to comply.

D. Fourth Violation

1. Denial of participation in extracurricular activities or athletics for twelve (12) months from the time of suspension.
2. The eligible student must participate in an assessment and follow-up program. This assessment must be conducted by a certified chemical dependency counselor, an agency certified by the Ohio Department of Alcohol and Drug Addiction Services, or a licensed physician trained in chemical dependency. The eligible student must set an appointment within four (4) days of notification of the violation. The eligible student must participate in the evaluation process to its completion and follow the counselor's recommendation. Verification of this evaluation must be received by the activity supervisor or Athletic Director from the counselor, and the eligible student must waive his/her rights of confidentiality so that a written report can be given to the activity supervisor or Athletic Director. Any cost for the assessment and follow-up program will be the responsibility of the eligible student. The activity supervisor or Athletic Director will monitor the progress of the assessment program and report any failure to comply.

E. Fifth Violation

Denial of participation in extracurricular activities or athletics for the remainder of the eligible student's high school career.

- F. Eligible students who in any way aid or abet another eligible student in violating this policy will be disciplined as if they were the primary offender.
- G. An adulterated test sample will be treated the same as a positive test result.
- H. Consequences for a second, third, fourth or fifth violation are not based on whether the banned substance detected is the same as that identified in the previous test(s).
- I. No eligible student will be penalized academically for violating this policy. Moreover, information regarding test results will not be disclosed to criminal or juvenile authorities absent legal compulsion by a valid and binding subpoena or other legal process, which the District will not solicit. In the event of service of any such subpoena or legal process, the eligible student and his/her parent(s)/guardian(s) will be notified at least forty-eight (48) hours before a response is made by the District, to the extent legally permitted.
- J. Failure to complete the assessment following any of the violations shall result in denial of participation in the covered activities until the completion of the assessment.

## **Definitions**

Adulteration – Any attempt to alter the outcome of a 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 purposely over-hydrating oneself in an attempt to dilute the urine to decrease possible detection of illicit or banned substances.

Alcohol - Intoxicating liquor, alcohol, wine, beer, mixed beverages, malt liquor, and malt beverages as defined in Ohio Revised Code §4301.01. The term "alcoholic beverages" also means any liquid or substance, such as "near beer," intended for use as a beverage, used as a beverage, or capable of being used as a beverage, which contains alcohol in any proportion or percentage. The term "alcoholic beverage" does not include a substance used for medical purposes in accordance with directions for use provided in a prescription or by the manufacturer and in accordance with school district policy and rules related to the use of prescriptions so long as the substance is authorized by a medical prescription from a licensed physician and kept in the original container, which container shall state the student's name and directions for use.

Assessment and Follow-up Program - A program operated by a certified chemical dependency counselor, an agency certified by the Ohio Department of Alcohol and Drug Addiction Services, or a licensed physician trained in chemical dependency.

Chain of Custody - The methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to the final disposition for all such materials or substances and providing for accountability at each stage of handling, testing, and storing specimens and reporting test results.

Confirmation Test, Confirmed Test, or Confirmed Drug Test - A second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

Eligible Student – A qualified student participating on a sanctioned athletic team of the District governed by the Ohio High School Athletic Association; a cheerleader; or a student who participates in any extracurricular activity (athletic or non-athletic), participation in which does not impact a student's grade or curricular standing.

Illegal Drugs or Drugs - Any substance, as included in schedules I through V of 21 USC 802(6), which an individual may not sell, offer to sell, exchange, give, possess, use, distribute, or purchase under State or Federal law. This definition also includes all prescription drugs obtained without authorization, and 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 in the prescription or by the manufacturer. This definition includes nicotine.

Medical Review Officer - A doctor, not necessarily a licensed medical review officer, who serves in that capacity on behalf of the District.

Positive - The presence of alcohol, nicotine, or illegal drugs.

Random Selection - A mechanism for selecting eligible students for drug/alcohol testing in which each eligible student shall have an equal chance of being selected for testing each time selections are made.

Specimen - Any urine sample provide by athletes for testing pursuant to this policy.

Student - Any student enrolled in Shaw High School.

Tobacco - All types of tobacco products, including smokeless.

Adopted: August 12, 2014

**EAST CLEVELAND CITY SCHOOL DISTRICT**  
**ATHLETIC CODE OF CONDUCT INFORMED CONSENT AGREEMENT**

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

**As a Student:**

- I understand and agree that participation in athletic activities is a privilege that may be withdrawn for violation of the Athletic Code of Conduct and/or the Drug and Alcohol Testing Policy for Eligible Students.
- I have read the Athletic Code of Conduct and the Drug and Alcohol Testing Policy for Eligible Students, and thoroughly understand the consequences that I will face if I do not honor my commitment to said Code and Policy.
- I understand and realize that there is risk of injury in participating in athletic activities.
- I understand that I must show proof of insurance coverage or purchase student accident insurance before participating in any athletic practices or contests.
- I understand that when I participate in any athletic program I will be subject to an initial and/or subsequent random drug testing, and that if I refuse I will not be allowed to practice or participate in any athletic activities.
- I understand this to be binding while I am a student at Shaw High School.

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

**As a Parent/Guardian:**

- I have read the Athletic Code of Conduct and the Drug and Alcohol Testing Policy for Eligible Students, and understand the responsibilities of my son/daughter/ward as a participant in athletic activities of Shaw High School.
- I pledge to promote healthy lifestyles for all student athletes of Shaw High School.
- I understand and realize that there is an assumed risk of injury involved for my son/daughter/ward as a participant in athletic activities.
- I understand that my son/daughter/ward must provide proof of health insurance coverage to be eligible to participate in any athletic practices or contests.
- I understand that my son/daughter/ward, when participating in any athletic program, will be subject to an initial and/or subsequent random drug testing, and that if they refuse they will not be allowed to practice or participate in any athletic activities.
- I understand this to be binding while my son/daughter/ward is a student at Shaw High School.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

**PARENT/GUARDIAN CONSENT TO PERFORM  
TESTING FOR DRUGS AND ALCOHOL**

I hereby consent to have my son/daughter/ward undergo testing for the presence of drugs, alcohol, and nicotine in accordance with the East Cleveland City School District Drug and Alcohol Testing Policy for Eligible Students.

I understand that any urine samples taken for such testing will be sent only to a certified medical laboratory for actual testing.

I hereby give my consent to the medical laboratory selected by the East Cleveland City School District Board of Education, its doctors, employees, or agents, together with any clinic, hospital, or laboratory designated by the selected medical laboratory, to perform urinalysis testing on my son/daughter/ward for the detection of drugs, alcohol, and nicotine.

I further give my permission to the medical laboratory selected by the East Cleveland City School District Board of Education, its doctors, employees, or agents to release all results of these tests to the designated District employees or their designees. I understand that these results will also be made available to me.

I hereby release, waive, and discharge the East Cleveland City School District Board of Education, its individual members, employees, agents, and anyone acting on its behalf, from any and all liability claims or causes of action arising from or related to the urinalysis testing and/or the release of related information.

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|                           |      |                           |      |
|---------------------------|------|---------------------------|------|
| Parent/Guardian Signature | Date | Parent/Guardian Signature | Date |
|---------------------------|------|---------------------------|------|

**ELIGIBLE STUDENT CONSENT TO PERFORM TESTING  
FOR DRUGS AND ALCOHOL**

I hereby consent to have my urine collected and tested for the presence of drugs, alcohol, and nicotine in accordance with the East Cleveland City School District Drug and Alcohol Testing Policy for Eligible Students.

I understand that any urine samples taken for such testing will be sent only to a certified medical laboratory for actual testing.

I hereby give my consent to the medical laboratory selected by the East Cleveland City School District Board of Education, its doctors, employees, or agents, together with any clinic, hospital, or laboratory designated by the selected medical laboratory, to perform urinalysis testing of me for the detection of drugs, alcohol, and nicotine.

I further give my permission to the medical laboratory selected by the East Cleveland City School District Board of Education, its doctors, employees, or agents to release all results of these tests to the designated District employees and their designees. I authorize the release of the results of such testing to my parent(s)/guardian(s).

I hereby release, waive, and discharge the East Cleveland City School District Board of Education, its individual members, employees, agents, and anyone acting on its behalf, from any and all liability claims or causes of action arising from or related to the urinalysis testing and/or the release of related information.

\_\_\_\_\_  
Student Athlete Signature

\_\_\_\_\_  
Date