

DRUG AND ALCOHOL TESTING POLICY FOR ELIGIBLE STUDENTS

DRUG TESTING POLICY *TORONTO JR./SR. HIGH SCHOOL*

The Toronto City School District (“District”) Board of Education’s (“Board”) Drug Testing Policy was formed because of a concern that alcohol and illicit drugs may be used by Toronto Jr./Sr. High School students. The Board desires to implement a policy which will attempt to provide this District with a safe and healthful student program. This policy reflects the Board and the community’s strong commitment to establish a truly drug and alcohol free school program. Because of the pervasive nature of drug use in our local schools, Toronto Jr./Sr. High Schools have selected student athletes and students who participate in competitive extracurricular activities, from grades 7-12, to be subject to drug and alcohol testing, as set forth below.

PURPOSE OF THIS POLICY SHALL BE:

1. To provide a healthy and safe environment to all students participating in the athletic and competitive extracurricular program.
2. To discourage all students from using drugs and alcohol. Students will assume all responsibility for regulating their personal lives in ways that will result in their becoming healthful members of a team and worthy representatives of the school and community.
3. To provide students with the opportunity to become leaders in the student body for a drug free school.
4. To provide solutions for the student who does use drugs and alcohol.
5. To provide the school with positive guidelines and disciplinary policies for violations of the Drug Testing Policy.
6. To encourage those students who participate in athletic and competitive extracurricular programs to remain drug free and alcohol free.

The program does not affect the current policies, practices, or rights of the District regarding student drug and/or alcohol possession or use, where reasonable suspicion is established by means other than drug testing through this policy. The drug testing policy is non-punitive.

Students involved in athletics and competitive extracurricular activities need to be exemplary in the eyes of the community and other students. The drug testing policy is designed to create a safe, drug free environment for students and assist them in getting help when needed. Although students risk the loss of continued participation in athletic and competitive extracurricular activities as well as the loss of parking privileges, no student shall be suspended or expelled from school as a result of any certified "positive" test conducted by his/her school under this program.

No student will be penalized academically for testing positive for banned substances. The results of drug tests will not be documented in any student's academic record.

Any student in grades seven (7) through twelve (12) and his/her parent(s) or legal guardian(s) must first sign an Informed Consent Agreement:

- A. participate in athletics
- B. participate in competitive extracurricular activities other than athletics

DEFINITIONS

1. STUDENT ATHLETE

Any person participating in the Toronto Jr./Sr. High School athletic program and/or contests under the control and jurisdiction of the Toronto City School District and/or the Ohio High School Athletic Association (OHSAA). This policy also includes cheerleaders and members of the Wrestling Spirit Club.

2. EXTRACURRICULAR

Any competitive District organized and sponsored activity that does not involve a grade.

3. ATHLETIC SEASON

In-season start dates will begin as published by the OHSAA or sanctioning organization and continue until the completion of the awards program for that sport. There are three athletic seasons: Fall, Winter, Spring. Once registered, the student will participate in the drug testing program for the relevant season or year at Toronto Jr./Sr. High School and must re-sign the Informed Consent Agreement each year.

4. RANDOM SELECTION

A system of selecting eligible students for drug and alcohol testing in which each eligible student shall have a fair and equitable chance of being selected each time selections are required.

5. ILLEGAL/ILLICIT DRUGS

Any substance included in U.S.C. 802 (6), which an individual may not sell, offer to sell, possess, give, exchange, use, distribute, or purchase under State or Federal Law. This definition also includes 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. This includes marijuana, regardless of whether prescribed. The definition also includes and steroids.

6. 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. 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 prescription and non-prescription drugs, provided the substance is a) authorized by a

medical prescription from a licensed physician and kept in the original container, which shall state the student's name and directions for use or b) an over-the-counter medicine.

7. **REASONABLE SUSPICION:**

Any time a school official believes it is necessary to test a student based on specific contemporaneous articulable observations of student conduct, behavior, appearance or body odors.

8. **ELIGIBLE STUDENT**

Student subject to the drug and alcohol testing program set forth in this policy by reason of his/her participation in competitive extracurricular activities and/or athletics.

TYPES OF TESTING

1. RANDOM TESTING

Random testing shall be conducted throughout the duration of the activity or season. Each team and the membership of any activity may have up to 20% of its eligible students tested per random selection. A student may be tested more than once per season or activity. In the event of a positive result, the specimen will be sent to a laboratory for confirmation of results and a certified Medical Review Officer will determine the results.

a. **Random selection of student athletes:**

The Athletic Director, under the Principal's supervision, will use a system to ensure that students are selected in a random fashion. This system may include computer generated random numbers or names or by pulling numbers from a pool of numbers equal to the number of eligible student athletes.

b. **Scheduling of random testing:**

Random testing will be unannounced. The date and time will be selected by the Athletic Director and confirmed with the building administrator. Random testing may be conducted weekly.

2. **REASONABLE SUSPICION:**

If a school official believes a student is under the influence due to articulable observations of a student's conduct, behavior, appearance, or body odor, a student can be recommended for reasonable suspicion testing.

3. **DRUGS FOR WHICH ELIGIBLE STUDENTS MAY BE TESTED:**

Illegal/illicit drugs and alcohol.

4. **COLLECTION PROCESS:** Eligible students must supply urine samples, which will be screened for illegal/illicit drugs and alcohol. Other testing types may apply.

The student will be notified to report to the collection site. A specimen from the student will be collected as follows and all students must follow this process:

All students must have a picture ID or be identified by the Athletic Director or Principal. No exceptions will be allowed.

Drug testing area must be secured during the testing.

Only lab technicians, designated school administrator and students will be witness to the test.

Privacy must be kept for all students.

The Athletic Director is responsible for ensuring that all Informed Consent Agreements are completed and signed by both parent/guardian/custodian and student. No student is to enter the collection site until forms, money and proper ID are completed.

When students arrive and cannot give a sample, they will need to start drinking water, pop or juice. After 36 oz. the human body will need to urinate.

No bags, backpacks, purses, cups, containers or drinks will be allowed to enter the collection area. All coats, vests, jackets, sweaters, hats, scarves or baggy clothing must be removed before entering the collection site. Only pants and t-shirts or dresses may be worn in the collection area. Any infringement of the rules will result in the student taking the test over.

Students processed by the lab technician who cannot produce a sample will be kept in a secured area to wait until they can produce a sample. If they leave this area they will not be allowed to provide a sample. They are not to have contact with anyone until after the sample is given.

Students will be asked to hold out their hands and a sanitizer will be put on their hands or will wash hands with soap and water. The bathroom personnel will add a dye to the toilet.

Students will be asked to urinate directly into the collection cup given to them by the lab personnel. The lab technician will stand outside the stall and listen for normal sounds of urination.

Any and all adulterations of the specimen will be detected and considered the same as a test refusal or first time infraction. (The lab checks every sample for adulteration, such as additives a student would drink or add to urine to change the sample.)

Adulterations: Adulterations and diluted samples will be treated as first time offenses. A retest will be required within 24 hours.

Any suspicion of tampering with the sample will be brought to the tester's attention. The sample will be screened or sent to the lab for immediate confirmation of tampering.

The sample must be taken in one attempt and be at least 30 ml in quantity. The student must hand the cup to the lab technician.

Students are not to flush the toilets or urinals. In the event that a student flushes the toilet he or she will be required to give a new sample immediately or the sample will be invalid.

With student watching, the lab technician will recap the sample and hand it to the student who must then return it to the intake technician. In the event that the student does not hand the cup directly to the intake technician, the sample is invalid and a new sample must be taken. If the student leaves the collection area or has contact with anyone, the sample will be invalid and the student will have to give another sample.

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

When using rapid screens, all non-negative screens will be sent out with chain of custody documentation to a certified laboratory for confirmation. A Certified Medical Review Officer will verify a positive test.

5. RESULTS OF A POSITIVE TEST

Any positive urine drug test results will be made known to the building administrator, who in turn will notify the parents/guardians/custodians and student.

6. IF A POSITIVE TEST OCCURS:

Policy Violation Consequences Resulting from a Positive Drug/Alcohol Test

1. First Offense

A. Loss of any leadership position in competitive/extracurricular programs and athletic programs for the remainder of the academic school year. Loss of parking privileges in the District's parking lot for three (3) weeks.

B. The eligible student is denied participation for twenty-five percent (25%) of scheduled athletic contests/activities that remain in that activity/athletic season for the entire academic year (twenty-five percent of a 10 game schedule is three games). If 25% of the contests/activities are not left in the academic year, this policy extends to the next activity/sport in which the student participates. Athletic participation denotes competing in events against outside competition at all levels (Varsity, JV, and, freshman) including dressing for contests. This also includes extracurricular activities that a group may perform as part of their assigned duties and/or charter roles. The student/athlete may practice with the team and may sit with the team (out of uniform) for all contests for which they are suspended.

- C. The denial of participation may be reduced to ten percent (10%) of the scheduled contests/activities if the eligible student commits to and participates in a substance abuse assessment and aftercare program. This assessment must be conducted by a certified chemical dependency counselor or at an agency certified by the Ohio Department of Alcohol and Drug Addition Services, or a licensed physician trained in chemical dependency. The eligible student must set an appointment within four 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 building principal from the program counselor. The eligible student and parent/guardian must submit a written waiver of his/her rights of confidentiality so that a written report can be provided to the District's Health Services Department any cost for the assessment and follow-up program is the sole responsibility of the eligible student or the parent/guardian. The principal/designee may reinstate the student/athlete upon evidence that the eligible student has begun an assessment and follow-up program. Or, the eligible student must attend five (5) 'Alcoholics Anonymous' or 'Narcotics Anonymous' meetings. The eligible student must have the meeting administrator sign the District issued form to ensure attendance.
- D. The School Nurse monitors the progress of the assessment program and reports any failure to comply with the principal. If the student/athlete fails to comply with the program or fails to complete the program, the full denial of participation of 25 percent of all contests/activities is imposed.
- E. If an eligible student has a positive test for tobacco or nicotine, the denial of privilege may be reduced to 10 percent of the scheduled contests/activities if he/she enrolls in and participates in a tobacco intervention/education program approved by the principal. The eligible student must provide notice of enrollment to the principal within four days of notice of the violation. The cost of the program is the responsibility of the eligible student or his/her parent/guardian. The principal/designee may reinstate the eligible student upon evidence of participation in a tobacco intervention/education program. The parent/guardian shall execute a written waiver of his/her rights of confidentiality so that periodic reports can be provided to the Health Service Department. The student provides written notice to the principal on completion from the program director. The Health Service Department monitors the progress of the tobacco program and reports any deficiency to the principal. If the eligible student fails to complete the program or comply with the program, the full denial of participation of 25 percent of all contests/activities is imposed.
- F. The denial of the privilege to compete or participate begins following the last contest/activity in which the eligible student has been eligible to compete prior to the violation of any part of this policy. For clarification purposes, any percent of any denial resulting in partial game/activity denial is rounded up to include an additional contest/activity. Any denial occurring at the end of the season/academic year is carried over to the eligible student's next

season/academic year. If an athletic season is canceled due to an epidemic or other public calamity, the student-athlete's denial of participation may be waived, provided the student commits to and participates in a substance abuse assessment and aftercare program or participates in a tobacco intervention/education program approved by his/her building principal.

- G. A first positive drug and/or alcohol violation shall result in additional testing through an assessment program or through the school drug testing vendor.

2. Second Offense

- A. The eligible student is denied participation for fifty percent (50%) of the scheduled activity/athletic contests for the entire academic year (fifty percent of a 10 game schedule is five games). If 50% of the season/activity does not remain, this suspension will extend to the next season/activity in which the student participates. Athletic participation denotes competing in events against outside competition at all levels (Varsity, JV, and freshman) including dressing for contests. This also includes extracurricular activities that a group may perform as part of their assigned duties and/or charter roles. The eligible student may practice with the team and may sit with the team (out of uniform) for all contests for which they are suspended.

The eligible student shall have his/her privileges of parking in the District's parking lots suspended for nine (9) weeks.

- B. The denial of participation may be reduced to twenty percent (20%) of the scheduled contests/activities if the eligible student commits to and participates in substance abuse assessment and aftercare program. This assessment must be conducted by a certified chemical dependency counselor or at an agency certified by the Ohio Department of Alcohol and Drug Addition Services, or a licensed physician trained in chemical dependency. The eligible student must set an appointment within four 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 building principal from the program counselor. The eligible student and parent/guardian must submit a written waiver of his/her rights of confidentiality so that a written report can be provided to the District's Health Services Department. Any cost for the assessment and follow-up program is the sole responsibility of the eligible student or his/her parent/guardian. Or, the eligible student must attend ten (10) 'Alcoholics Anonymous' or 'Narcotics Anonymous' meetings. The student must have the meeting administrator sign the District issued form to ensure attendance.
- C. The School Nurse monitors the progress of the assessment program and reports any failure to comply to the principal. If the eligible student fails to comply with

the program or fails to complete the program, the full denial of participation of 50 percent of all contests/activities is imposed.

- D. If an eligible student has a positive test for tobacco or nicotine, the denial of privilege may be reduced to 20 percent of the scheduled contests/activities if the eligible student enrolls in and participates in a tobacco intervention/education program approved by the principal. The eligible student must provide notice of enrollment to the principal within four days of notice of the violation. The cost of the program is the responsibility of the eligible student or his/her parent/guardian. The principal/designee may reinstate the eligible student upon evidence of participation in a tobacco intervention/education program. The parent/guardian shall execute a written waiver of the eligible students rights of confidentiality so that periodic reports can be provided to the Health Service Department. The eligible student provides written notice to the principal on completion from the program director. The Health Service Department monitors the progress of the tobacco program and reports any deficiency to the principal, if the eligible student fails to complete the program or comply with the program, the full denial of participation of 50 percent of all contests/activities is imposed.
 - E. The denial of the privilege to compete/participate begins following the last contest/activity in which the eligible student has been eligible to compete prior to the violation of any part of this policy. For clarification purposes, any percent of any denial resulting in partial game/activity denial is rounded up to include an additional contest/activity. Any denial occurring at the end of the season/academic year is carried over to the eligible student's next eligible season/academic year. If an athletic season is canceled due to an epidemic or other public calamity, the student-athlete's denial of participation may be waived, provided the student commits to and participates in a substance abuse assessment and aftercare program or participates in a tobacco intervention/education program approved by his/her building principal.
 - F. A second positive drug and/or alcohol violation shall result in additional testing through an assessment program or through the school drug testing vendor. The cost of this random testing is the responsibility of the eligible student and/or his/her parent(s)/guardian(s).
3. Third Offense
- A. A third offense committed by an eligible student under this policy shall result in the denial of the privilege to participate in extracurricular activities/athletics for one full calendar year from the date of the positive test. Additionally, the eligible student shall be prohibited from parking in the District's parking lots for eighteen (18) weeks.

4. Fourth Offense

- A. A fourth offense committed by an eligible student under this policy shall result in the denial of participation in competitive/extracurricular activities/athletics for the remainder of the eligible student's high school career. Additionally, the eligible student shall be prohibited from parking in the District's parking lots indefinitely.

An eligible student who in any way aid or abet another eligible student in violating this policy will be disciplined as if he/she was the principal offender.

Eligible student found possessing illegal/banned substances which are mentioned in this policy may receive additional sanctions up to and including loss of season awards, school day suspensions, expulsions, and/or law enforcement/court involvement.

7. SELF REFERRALS

An eligible student may give a once a year self-referral, which may be done only twice in 4 years. Self-referrals can only happen before a test is administered. Counseling and additional testing are required and no other disciplinary action is taken.

TORONTO JR./SR. HIGH SCHOOL INFORMED CONSENT AGREEMENT

STUDENT NAME _____

GRADE _____

AS A STUDENT:

I understand and agree that participation in athletic and extracurricular activities as well as parking a vehicle in the District’s parking lots, is a privilege that may be withdrawn for violations of the Toronto Jr./Sr. High School Drug Testing Policy.

I have read the Drug Testing Policy and thoroughly understand the consequences that I will face if I do not honor my commitment to the Drug Testing Policy.

I understand that I will be subject to initial and random drug & alcohol testing, and if I refuse, I will not be allowed to practice or participate in any covered program activities or park in the District’s parking lots. I have read this Informed Consent Agreement and agree to its terms.

I understand this Agreement is binding while I am a student in the Toronto City School District.

STUDENT SIGNATURE

DATE

AS A PARENT/GUARDIAN/CUSTODIAN:

I have read the Toronto Jr/Sr. High School Drug Testing Policy and understand the responsibilities of my son/daughter/ward as a participant in athletic or extracurricular activities or as a student who parks in the District parking lot.

I understand that my son/daughter/ward, when participating in any covered program, will be subject to urine drug and alcohol testing, and if he/she refuses, will not be allowed to practice or participate in any covered activities. I have read the Informed Consent Agreement and agree to its terms.

I understand this agreement is binding while my son/daughter/ward is a participant in athletics and/or competitive extracurricular activities in the Toronto City School District.

PARENT/GUARDIAN/CUSTODIAN SIGNATURE

DATE

PARENT GUARDIAN/CUSTODIAN PRINTED NAME

WORK PHONE

INFORMED CONSENT AGREEMENT

We hereby consent to allow the student named on the reverse side to undergo drug testing for the presence of illegal/illicit drugs, alcohol, or banned substances in accordance with the Toronto City School District's Drug Testing Policy.

We understand that any sample taken for drug testing will be tested only by a Board approved company.

We give our consent to the company selected to release all results of these tests to designated School District employees or agents. We understand that these results will also be available to us upon request.

I, the student, hereby authorize the release of the results of such testing to my parent/guardian/custodian.

We hereby release the Toronto City Schools Board of Education, its employees or agents from any legal responsibility or liability for the release of such information and records.

This will be deemed a consent pursuant to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g as amended, and Ohio Revised Code Section 3319.321, for the release of the test results as authorized by the Informed Consent Agreement or as required by law.