

# HUBBARD EXEMPTED VILLAGE SCHOOL DISTRICT

## Frequently Asked Questions: Student Drug Testing Policy

### 1. Who is subject to the drug testing policy?

- The drug testing policy is mandatory for high school students participating in athletics and/or students who wish to obtain a parking permit.

### 2. Will students be tested prior to the athletic season or before being issued a parking permit?

- Eligible students *may* be tested prior to participation in athletic activities or prior to issuance of a parking permit; however, *initial* participation in District athletics and driving and parking at school are not conditioned upon successful completion of a drug test.

### 3. What if the student and/or the student's parent(s) do not consent to participation in the drug testing program?

- Students and/or parent(s) are well within their rights to refuse consent to participate in the District's drug testing program. Refusal to consent, however, will result in the student being ineligible to participate in District athletics and the student will not be permitted to drive and park at school.

### 4. Who is responsible for drug testing students?

- Testing will be done by On Demand Drug Testing and Work Solutions ("On Demand"). On Demand will designate its own Certified Drug Collectors that will work with school officials to administer the District's drug testing program.

### 5. How often will eligible students be tested?

- At the beginning of each school year or athletic season, eligible students may be subject to testing for illegal or banned substances. Following initial testing, up to 100% of eligible students will be randomly tested on a monthly basis, anytime during the athletic season that the student participates or while the student is driving to and parking at school.

### 6. How is random selection determined?

- The Principal or designated school official will prepare a list of eligible students, and forward that list to On Demand for the random selection of students for testing. Once provided a list of eligible students, On Demand must select the required number of students in a random and confidential manner. On Demand utilizes a

computer-based system designated specifically for the purpose of randomly selecting individuals for drug testing. Eligible students selected are notified by the Principal or designated school official and directed to report to the collection site and provide a urine sample for testing.

Random testing will be unannounced. Each participant has an equal chance of being selected for testing each time selections are made. On Demand will coordinate with the Principal and/or school designated official to select the day and time for testing. The District will make every effort to conduct testing during students' nonacademic time.

**7. Where will the testing take place?**

- Students will be called down to the high school gymnasium and will be directed to use the appropriate locker room (i.e., girls or boys locker room). On Demand will be there to administer the testing. On Demand will provide selected students with the specimen container in which to provide the urine sample and will collect and label the container once the sample has been provided. The entire process lasts approximately 3-5 minutes. (The Administrative Guidelines provide additional information regarding the collection process and chain of custody).

**8. What if a student is unable to provide a sample for testing?**

- If a student is unable to provide a sample, the monitor maintains control of the specimen container until given to the student for the next attempt. The student being tested must not leave the sight of a designated school official until he or she is able to produce a specimen or until excused by On Demand or the designated school official. If the student leaves the testing area, the student will be treated as if he or she produced a sample with a positive result and the student will be unable to participate in athletics or utilize his/her parking permit until the student is able to submit a test with a negative result. Students will be given two hours to produce a sample and will be provided with water if dehydration is a factor in not being able to produce a urine sample.

**9. What if a student refuses to submit to testing?**

- Any student who refuses to submit to drug testing will be treated as if the student tested positive and will not be allowed to practice or participate in athletics or park at the District until such time the student submits to testing and results are reviewed.

**10. How long does it take to get results once the urine sample has been given?**

- On Demand will perform all drug screens using a "Instant Urine Drug Test." Instant Urine Drug Test includes a specimen container inclusive of a color coded system that provides an instant reading of the urine. If the container reflects a color indicative of a positive, On Demand will send the sample for further lab testing and

confirmation. On Demand will provide the Principal with confirmation of a positive or negative result within 24-72 hours from the day the sample was given. Within 24 hours of notification from On Demand, if the test is confirmed positive, the Principal will contact the student's parent(s) within 24 hours.

**11. Are the results of the test confidential?**

- Yes. Documentation and reporting of results are accomplished using identification number codes. On Demand establishes a master list of student names and unique code numbers. The list is maintained in a secure and locked location. The Superintendent, High School Principal, Athletic Director and the school designated official are the only school personnel with access to the list. The code numbers are used to select the pool to be tested for random testing. On Demand will make the random selections.

On Demand will work with the Principal and/or school designated official to coordinate the scheduling of students for the collection of urine samples.

The collection site master list is used by the Principal and/or school designated official to identify the test student's parent(s) when positive, confirmed results or when inconclusive results are reported.

**12. What is the process if the test results are inconclusive?**

- When the Principal or designated school official receives notice from On Demand of a result that is inconclusive, the Principal or designated school official will contact the parent/guardian of the student within 24 hours. A re-test is required within twenty-four (24) hours of notification. The student will then be contacted to schedule the re-test.

**13. What if the testing agency or the school suspects that a student(s) has adulterated or tampered with the specimen?**

- Any and all adulterations of the specimen(s) will be detected and considered the same as a test refusal or first time infraction. Adulterations are treated as first time offenses. They are not called positive, but have the same consequences. A retest will be required within twenty-four (24) hours.

Anyone who suspects tampering with the sample shall notify the designated school official and/or On Demand. The sample will be screened or sent to the lab for immediate confirmation of tampering.

**14. Is there a way to account for students that are using prescribed or over-the-counter medication?**

- Yes. The collection site master list is used to record prescription and over-the-counter medications that the student has identified as used in the five (5) days prior to the collection.

**15. How long after testing before the student and parent(s) receive the results?**

- Parent(s) will receive the test result within 24-72 hours (see #10). After notification of a positive test result, within 24 hours the Principal will contact the parent/guardian by telephone and inform the parent/guardian of their right to a meeting with the Principal to explain the student's rights under the District's Student Drug Testing Policy. The notification shall also be sent via certified mail.

After notification of a positive test result, the student and his/her parent/guardian may, at their own expense, elect to have a portion of the original sample re-tested by an independent certified laboratory of their choice. The District will forward the sample in response to a written request.

If the parent/guardian fails to contact the Principal within forty-eight (48) hours (excluding weekends) following receipt of notification of a positive test result by telephone or certified mail to schedule a meeting to review the test results, the results are deemed conclusive for purposes of further action under the District's Policy and the parent/guardian and the student are deemed to have waived their right to challenge the test result.

**16. Is there an appeal process?**

- The Principal issues a decision regarding the student's test results within forty-eight (48) hours (excluding weekends) following receipt of an appeal. Notice of the decision is given by phone if possible and then by certified mail. Any penalties authorized under the District's policy are in effect during the pendency of an appeal.

**17. What are the consequences of positive results or other violation of the drug testing policy?**

- Student athletes
  - i. First violation – The student will be denied participation in ten percent (10%) of games, but must still attend and participate in practices. The student must also be present at games or meets, but not in uniform. Within seven (7) days of notification of the violation, the student must set an appointment with a chemical dependency counselor and must participate in an assessment and rehabilitation program. Once that student has provided proof of a scheduled appointment, the student may petition for

reinstatement of the privilege to participate. The parent/guardian and the student will meet with the Principal to determine reinstatement. Reinstatement may be conditioned upon the student providing the Principal with periodic status updates regarding the student's progress as it relates to the rehabilitation program and completion of the counselor's recommendation(s). Upon reinstatement, if the student continues to be involved in District athletics, the student will submit to random testing for a period of one calendar year from the date of reinstatement at the expense of the student's parent(s).

- ii. Second violation – The student will be denied participation in fifty (50%) of games, but must still attend and participate in practices. The student must also be present with team at games or meets, but not in uniform. The provisions related to the rehabilitation program and reinstatement governing the first offense apply to a second violation.
- iii. Third violation – The student will be denied participation in all athletic activities for a period of 365 days from the time of notification of the violation. The provisions related to the rehabilitation program and reinstatement governing the first and second offense apply to a third violation.

Student drivers

A student who tests positive for the first time will have his/her parking permit suspended for three (3) months of the school year and must participate in an assessment and rehabilitation program (same requirements that apply to student athletes). A second offense will result in the student being banned from parking in the high school parking lot for the remainder of the school year. The student must participate in an assessment and rehabilitation program (same requirements as stated above). A third offense will result in the student being banned from parking at the high school for the remainder of his/her high school career.

In order to be reissued a parking permit after the first offense the student will submit a sample at the next random testing.

**\*\*Violations are accumulative throughout the student athlete and student driver's secondary school career at the high school.**

**18. Is the student's parent(s) responsible for the cost of the rehabilitation program?**

- Yes.

### **19. What drugs are being tested?**

- THC, Cocaine, Amphetamines/Methamphetamines, Opiates, PCP, Ecstasy, 6 AM (Heroin), Barbiturates, Benzodiazepines, Methadone, Propoxyphene, Oxycodone, or any substance included in (21 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.

### **20. What is the procedure for positive test results?**

- The Medical Review Officer (MRO) reports by telephone any positive findings in confidential manner to the Principal or designated school official. In the event of a positive result, the specimen will be sent to a laboratory for confirmation of results, and a certified MRO will determine the results.

Any specimen testing positive for illicit or banned substances will be handled in the following manner:

- i. The MRO determines if any discrepancies have occurred in the chain of custody.
- ii. Depending on the substances found, if necessary, the MRO will contact the parent/guardian to determine if the student is on any prescribed medication from a physician.
- iii. If the student is on medication, the parent/guardian will be asked to provide a copy of the prescription label, within 24s hours after they spoke to the MRO, to document what medications the student is currently taking. Failure to provide such requested information will be considered a positive result.
- iv. The MRO will then determine if any of the prescribed medications resulted in the positive drug screen.
- v. Based on the information provided to the MRO, the MRO will certify the drug test results as positive or negative and report this to the Principal or designated school official who is responsible for reporting positive results by telephone.