

# Orange County Random Alcohol and Drug Testing Regulations for Students Involved with Competitive Extra-curricular Activities

## Testing Coordinator

- The Assistant Superintendent for Student and Administrative Services will coordinate and supervise the testing program.

## Eligibility for Testing

- Orange County Public Schools students in grades 6-12 who choose to participate in athletics, VHSL-sanctioned, and/or competitive extra-curricular activities not required by the Board of Education for graduation will be required to participate in the random testing program for alcohol, illegal drugs, or unauthorized drugs in order to participate in their chosen activity.
- Students become eligible upon submission of a consent form. Students must submit a consent form immediately following the Student Pledge Program parent/guardian(s) meeting for their season or before their next practice following the Pledge Program meeting.
- Students remain eligible for random alcohol and drug testing from the date the consent form is turned in through the end of their sport or extra-curricular activity season. In the event that a student eligible for random alcohol and drug testing ceases to participate or withdraws from an athletic team or extra-curricular activity, he/she will no longer be subject to random drug, and alcohol testing associated with this program.

## For what Substances will Students be Tested?

- In administering the program, the division will test for the presence of certain substances that may include, but are not limited to, the following substances or their metabolites: alcohol, marijuana (THC), synthetic cannabinoids, opiates, cocaine, methamphetamines, anabolic steroids and phencyclidine (aka PCP), MDMA (aka Ecstasy), and/or any other substance defined as a “controlled substance” by either Virginia or Federal law.

## Selection of Students for Random Testing

- A confidential testing schedule will be created by the Assistant Superintendent for Student and Administrative Services to ensure that testing of eligible students is conducted in a manner that is random.
- Testing will only occur on student contact days during each sport or extracurricular activities’ designated season.
- Selection of eligible students for testing will be conducted in a purely and entirely random basis by a third party vendor selected by Orange County Public Schools to administer the Random Alcohol and Drug Testing Program.
  - A separate group of students will be selected by sport or activity and designated as alternates to be used in the event of student absence.
  - The Assistant Superintendent for Student and Administrative Services/designee will notify the individual(s) selected for testing and a designee will escort them to the designated location for testing.
  - The testing site will be at the participant’s respective school in an area that has a secured bathroom/nurse’s office/administrative office which will maximize privacy of the participant or in the office of an approved collection agency contracted by the school division to collect and test oral fluid and/or urinesamples.
  - The names and/or any other personally identifiable information of the participants will remain confidential.
  - Participants are encouraged to protect their own confidentiality.

## Suspicion Based Testing

- In the event that a coach or sponsor observes that a member of a team or extracurricular activity is demonstrating symptoms that cause reasonable suspicion that the member is under the influence of alcohol or drugs, during school or a school-sponsored activity, the coach or sponsor shall follow School Board Regulation JFCF-R1.
- In the event that a coach or sponsor receives reports that a member of a team or extracurricular activity has been using alcohol or drugs outside of school or school-sponsored activities, then the Pledge Program Committee will meet with the player to further investigate the suspected use. If the committee believes there is reasonable suspicion of the use of alcohol or drugs, the Director of Student Activities will contact the student's parent/guardian(s) to inform them that the student will be required to submit to an alcohol and drug screen which will be administered according to the procedures outlined below.

## Test Administration

- All aspects of the program, including the taking of specimens, will be conducted so as to safeguard the personal and/or privacy rights of the participant to the maximum extent possible. The program treats a participant's test result as a confidential health record pursuant to both federal and state regulations 42 CFR § 2.1 and § 2.2; VA Code § 32.1-127.1:03. As such, any information obtained by the program which would identify the participant as a drug or alcohol user may be disclosed only for those purposes and under those conditions permitted by federal regulations in accordance with 42 CFR Part 2. No testing record of any participant will be used to initiate or substantiate any criminal charges against a participant or to conduct any investigation of him or her, and the division will not share participants' individual test results with law enforcement authorities unless legally required by court order or subpoena.
- The Assistant Superintendent for Student and Administrative Services/designee will coordinate the collection of specimens from the selected students in accordance with federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards and forward the specimens to a licensed laboratory for testing. The Assistant Superintendent for Student and Administrative Services/designee may conduct an initial on-site test on the specimen before sending the specimen to the laboratory.
- The participant shall complete a specimen control form.
- The participant shall submit an oral fluid or urine specimen according to the Orange County Public Schools School Division's Random Testing for Alcohol, Illegal Drugs, or Unauthorized Drugs Consent to Test Form.
- All students selected for testing must remain at the testing site under the direct supervision of the Assistant Superintendent for Student and Administrative Services/designee until he/she can produce an adequate specimen for testing.
- Any attempt by a participant to tamper with the specimen collection process or refusal by the participant to provide a sample, will be treated as a resignation from all extracurricular activities for a period 365 days except in cases where a positive sample would constitute a 4th violation. In such cases, the student will be banned from any further participation for the remainder of his/her enrollment in the Orange County Public Schools School Division. However, in cases where a positive result would constitute a 1st, 2nd, or 3rd violation, a student and his/her parent/guardian(s) may choose to participate in a program of intervention consistent with the consequences for a 1st, 2nd, or 3rd violation under the supervision of the Assistant Superintendent for Student and Administrative Services in order to be reinstated.
- All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of participants. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors.
- Specimens that test positive for the presence of alcohol, illegal drugs, or unauthorized drugs or their metabolites will be kept by the testing facility for at least one hundred eighty (180) days pending an appeal of the test result.

## Notification of Testing & Testing Results

- Students who choose to participate in division athletic programs, VHSL-sponsored activities, and/or competitive extra-curricular activities, not required by the Board for graduation, are required to complete and sign the Orange County Public Schools School Division's Random Testing for Alcohol, Illegal Drugs, or Unauthorized Drugs Consent to Test Form.
- When a participant tests positive for an alcohol, illegal drugs, or unauthorized drugs, the participant's parent/guardian(s) will be contacted directly by a Medical Review Officer (MRO) to conduct a consultation. The consultation will address the reasons for the positive test and a decision will be made by the MRO regarding the legitimacy, validity, or accuracy of a positive test. Parent/guardian(s) will have five (5) business days to provide documentation of a legal prescription that may have caused the positive test. The MRO will determine if that substance has been taken pursuant to a legal prescription.
- Results of student tests confirmed by the MRO will be provided to the Assistant Superintendent for Student and Administrative Services within twenty-four (24) hours of the MRO's consultation with the participant and his/her parent/guardian(s).
- The division respects the privacy of its students and shall maintain confidentiality regarding any alcohol and drug testing for this program. The results will only be released to designated division personnel. All records and subsequent actions shall be kept by the Assistant Superintendent for Student and Administrative Services in a file separate from the student's school records. The Assistant Superintendent for Student and Administrative Services will not release records of drug and alcohol tests or any resulting action to anyone other than designated school personnel and the student and/or his/her parent/guardian(s) without written authorization from the student and/or his/her parent/guardian(s) in accordance with 42 CFR Part 2. Student drug testing information will not be turned over to any law enforcement authorities except under circumstances in which the division is legally compelled to surrender or disclose such test results.
- The Assistant Superintendent for Student and Administrative Services will destroy all records for each student five (5) years after the end of the academic year.
- The testing company will maintain testing records according to their records retention policies.

## Appeal Procedure

- A student or his/her parent/guardian(s) may request a retest of his/her specimen at his/her own expense at a laboratory of their choice which follows federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards concerning drug testing protocols and procedures. A written request must be made within twenty-four (24) hours of receiving the results of the drug test from the Assistant Superintendent for Student and Administrative Services. The specimen previously submitted will be forwarded to the approved lab in cooperation with the division approved outside agency responsible for confirmatory testing.
- Results of the re-test will be provided to the Assistant Superintendent for Student and Administrative Services by the approved laboratory. During the appeal period students may not participate in athletics or VHSL-sanctioned, competitive, extra-curricular activities.
- The student will be ineligible to participate during the appeal.

## Consequences

Consequences will result from the following:

- a confirmed positive test for alcohol, illegal drugs, or unauthorized drugs;
- refusal to participate in testing when selected; and/or
- tampering with, diluting, or altering the specimen during the collection process.
- Students will be ineligible for participation in any athletic activity, VHSL-sanctioned activity, or competitive extra-curricular activities unless they complete the Orange County Public Schools' Random Testing for Alcohol, Illegal Drugs, or Unauthorized Drugs Consent to Test Form. Any attempt by a participant to tamper with, dilute or otherwise alter the specimen during the collection process or refusal by the participant to provide a sample, will be treated as a resignation from all extracurricular

activities for a period of 365 calendar days except in cases where a positive sample would constitute a 4th violation. In such cases, the student will be banned from any further participation for the remainder of his/her enrollment in the Orange County Public School Division. However, in cases where a positive result would constitute a 1st, 2nd, or 3rd violation, a student and his/her parent/guardian(s) may choose to participate in a program of intervention consistent with the consequences for a 1st, 2nd, or 3rd violation under the supervision of the Assistant Superintendent for Student and Administrative Services in order to be reinstated.

- Upon confirmation of a positive test or a student's confession of alcohol, illegal drugs, or unauthorized drugs use as a result of an investigation based on suspicion of use, the student will be ineligible to participate in athletics or extracurricular activities until they adhere to the consequences outlined below.
- It should be noted that the consequences outlined below are cumulative across each participant's athletic and/or extracurricular "career" in the Orange County Public School Division. Each student's "career" begins in the 6th grade or upon initial participation in an athletic activity, VHSL-sanctioned activity, and/or competitive extracurricular activity and ends when they graduate or cease to participate in athletics or VHSL-sanctioned, extracurricular, competitive activities. For example, if a student has a positive test for an alcohol, illegal drugs, or unauthorized drugs in the 8th grade and, a second positive test for alcohol, illegal drugs, or unauthorized drugs in the 11th grade, they will be subject to the consequences outlined for a second offense.

## First Offense

### *Step 1:*

Upon confirmation of a positive screen for alcohol, illegal drugs, or unauthorized drugs or a student's confession of alcohol, illegal drugs, or unauthorized drugs use as a result of an investigation based on suspicion of use, the Assistant Superintendent for Student and Administrative Services will schedule a meeting with the student, his/her parent/guardian(s), and the principal on the first school day following the confirmation of alcohol, illegal drugs, or unauthorized drugs use to impose a suspension from athletic/extracurricular participation. The student shall be suspended from participating in contests for a period of time equivalent to 20 percent of the total number of VHSL contest limitations or activity contest for each sport or activity to be played during the regular season (any fraction of the calculation will be dropped). The penalty will be applied immediately and include the next contest(s) including playoffs, and/or to the next season in which the student athlete participates within 365 calendar days. During this time, the student shall continue to attend scheduled meetings, practices, and contests associated with his/her activity. The student shall participate in practices and may not dress out for contests. Written notification will be provided to parent/guardian(s) that will detail the conditions and the endpoint of the suspension. Additionally, in the event the season concludes while the student is suspended, the student will be allowed to participate in try-outs for the next activity season if the student has been retested by the current company who provides Orange County Public Schools with our student drug-testing or another drug-testing company approved by Orange County Public Schools administration that operates under SAMHSA (Substance Abuse and Mental Health Services Administration) certified laboratory guidelines, at the parent/guardian(s) expense, less extenuating circumstances; and the test results must be negative. After which time, the student will be ineligible until all conditions of reinstatement have been completed.

### *Step 2*

The Assistant Superintendent for Student and Administrative Services will conduct a screening interview with the student and parent/guardian(s) as soon as possible. Based on the interview, the Assistant Superintendent for Student and Administrative Services will design an intervention program suitable for the student.

### *Step 3*

After suspension and prior to resuming full participation with his/her team/activity, the student will be required to take an additional oral fluid test/urinalysis screen to prove that he/she no longer has any trace of illegal substances in his/her system. The parent/guardian(s) shall be responsible for the cost of the screening.

#### *Step 4*

The student and parent/guardian(s) must participate in the recommended intervention program at their expense. Progress reports will be provided to the Assistant Superintendent for Student and Administrative Services to document the student's successful participation.

#### *Step 5*

The student and his/her parent/guardian(s) must agree to regular testing for alcohol, illegal drugs, or unauthorized drugs for the student for the remainder of the activity season. The parent/guardian(s) shall be responsible for the cost of the screening(s).

#### *Step 6*

Upon satisfactorily attending all the prescribed intervention sessions, the student will be provided with a letter of reinstatement from the Assistant Superintendent for Student and Administrative Services indicating that he/she is a "student in good standing" and eligible to resume regular participation with his/her team.

### **Second Offense**

#### *Step 1*

Upon confirmation of a second positive test for alcohol, illegal drugs, or unauthorized drugs or the student's admission of continued use of alcohol, illegal drugs, or unauthorized drugs, the Assistant Superintendent for Student and Administrative Services will schedule a meeting with the student, his/her parent/guardian(s), and the principal on the first school day following the confirmation of alcohol, illegal drugs, or unauthorized drugs. The student shall be suspended from play for a period of time equivalent to 50 percent of the total number of VHSL contest limitations or activity contest for each sport or activity to be played during the regular season (any fraction of the calculation will be dropped). The penalty will be applied immediately and include the next contest(s) including playoffs, and/or to the next sport season in which the student participates within 365 calendar days. During this time, the student shall continue to attend scheduled meetings, practices, and contests associated with his/her activity. The student shall not participate in practices and may not dress out for contests. Written notification will be provided to the parent/guardian(s) that will detail the conditions and the endpoint of the suspension. Additionally, in the event the season concludes while the student is suspended, the student will be allowed to participate in try-outs for the next activity season if the student athlete has been retested by the company who provides Orange County Public Schools with student drug-testing or another drug-testing company approved by Orange County Public Schools administration that operates under SAMHSA (Substance Abuse and Mental Health Services Administration) certified laboratory guidelines, at the parent/guardian(s) expense, less extenuating circumstances; and the test results must be negative. After which time, the student will be ineligible until all conditions of reinstatement have been completed.

#### *Step 2*

The Assistant Superintendent for Student and Administrative Services will conduct a screening interview with the student and parent/guardian(s) as soon as possible. Based on the interview, the Assistant Superintendent for Student and Administrative Services will design an intervention program suitable for the student.

#### *Step 3*

After suspension and prior to resuming full participation with his/her team/activity, the student will be required to take an additional oral fluid test/urinalysis screen to prove that he/she no longer has any trace of illegal substances in his/her system. The parent/guardian(s) shall be responsible for the cost of the screening.

#### *Step 4*

The student and parent/guardian(s) must participate in the recommended intervention program at their expense. Progress reports will be provided to the Assistant Superintendent for Student and Administrative Services to document the student's successful participation.

#### *Step 5*

The student and his/her parent/guardian(s) must agree to regular testing for alcohol, illegal drugs, or

unauthorized drugs for the student for the remainder of the activity season. The parent/guardian(s) shall be responsible for the cost of the screening(s).

#### *Step 6*

Upon satisfactorily attending all the prescribed intervention sessions, the student will be provided with a letter of reinstatement from the Assistant Superintendent for Student and Administrative Services indicating that he/she is a “student in good standing” and eligible to resume regular participation with his/her team.

### Third Offense

#### *Step 1*

Upon confirmation of a third positive test for alcohol, illegal drugs, or unauthorized drugs or the student’s admission of continued use of alcohol, illegal drugs, or unauthorized drugs, the Assistant Superintendent for Student and Administrative Services will schedule a meeting with the student, his/her parent/guardian(s), and the principal on the first school day following the confirmation of alcohol, illegal drugs, or unauthorized drugs use to impose a 365 day suspension. Written notification will be provided to the parent/guardian(s) that will detail the conditions and the endpoint of the suspension which will be a minimum of 365 calendar days after its imposition.

#### *Step 2*

The Assistant Superintendent for Student and Administrative Services will conduct a screening interview with the student and parent/guardian(s) within two weeks of the beginning of the suspension. Based on the interview, the Assistant Superintendent for Student and Administrative Services will design an intervention program suitable for the student.

#### *Step 3*

The student and parent/guardian(s) must participate in, and complete, the recommended intervention program at their expense. Progress reports will be provided to the Assistant Superintendent for Student and Administrative Services and the school in order to document the student’s and parent/guardian(s)’s successful participation.

#### *Step 4*

The student and his/her parent/guardian(s) must agree to regular testing for alcohol, illegal drugs, or unauthorized drugs for the student during the 365 day suspension. The parent/guardian(s) shall be responsible for the cost of the screening(s).

#### *Step 5*

Following the suspension, and prior to resuming full participation with his/her team/activity, the student will be required to take an additional screen for alcohol, illegal drugs, or unauthorized drugs to prove that he/she no longer has any trace of illegal substances in his/her system. The parent/guardian(s) shall be responsible for the cost of the screening.

#### *Step 6*

Upon satisfactorily attending all the prescribed intervention sessions, the student will be provided with a letter of reinstatement from the Assistant Superintendent for Student and Administrative Services indicating that he/she is a “student in good standing” and eligible to participate in athletics and extracurricular activities.

### Fourth Offense

Upon confirmation of a fourth positive test for alcohol, illegal drugs, or unauthorized drugs or the student’s admission of continued alcohol, illegal drugs, or unauthorized drugs use, the Assistant Superintendent for Student and Administrative Services will schedule a meeting with the student, his/her parent/guardian(s), and the Principal on the first school day following the confirmation of alcohol, illegal drugs, or unauthorized drugs use to suspend the student from any further athletic and/or extracurricular participation while enrolled in the Orange County Public School Division.

## Collection Process

Selected students are escorted from class or practice to the collection site. A specimen of oral fluid/urine is collected following this process:

### Oral Fluid Testing Procedures

- Student is asked to rinse his/her hands and dry them. If no water is easily accessible, an alcohol free wipe may be used instead.
- The testing custody and control form is completed by the student and collector.
- The student is told to check expiration date on back of kits for validity.
- The student assists the collector in opening the kits.
- The collector instructs the student to position the swab in their mouth and rub back and forth several times on inside of cheek one at a time.
- The student places the swabs in his/her own mouth for 5 minutes.
- The collector and the student fill in designated sections of the laboratory chain of custody form.
- After 4 minutes the samples and chain of custody form are labeled by the student and packaged for overnight delivery to the SAMHSA certified lab.
- The top lab copies of the testing custody and control form are folded with the top portion visible to the outside and placed in the Requisition Pouch. The transport bag and pouch are sealed as indicated. The student is given the donor copy of the form.
- The collector distributes the remaining copies of the form as required, being responsible for getting the appropriate copy of the form to the MRO in a timely manner.

### Urine Testing Procedures

- No purses, bags or containers may be taken into the collection area with the student. All extra coats, vests, jackets, sweaters, etc., are to be removed before entering the collection area.
- Student is asked to rinse his/her hands and dry them. If no water is easily accessible, an alcohol free wipe may be used instead.
- The testing custody and control form is completed by the student and collector.
- The student is told to urinate directly into the provided container and should provide a sufficient amount of urine (at least 45ml) in one attempt. The student is also told they are to hand the container of urine to the collector.
- The student enters a closed stall or single use bathroom to collect the specimen, and then hands the container to the collector when they exit the stall or bathroom.
- 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 Assistant Superintendent for Student and Administrative Services will be notified.
- With the student watching, the collector will pour the specimen into the two bottles and recap the specimen bottles tightly.
- The collector takes the properly signed and student initialed bottle seals and places them over the caps and sides of the bottles. The sealed bottles are placed inside the transport bag.
- The top lab copies of the testing custody and control form are folded with the top portion visible to the outside and placed in the requisition pouch. The transport bag and pouch are sealed as indicated. The student is given the donor copy of the form.
- The student may wash his/her hands and be released from the testing site.
- The collector distributes the remaining copies of the form as required, being responsible for getting the appropriate copy of the form to the MRO in a timely manner.
- The Assistant Superintendent for Student and Administrative Services will be notified immediately of any student who refuses to give a urine sample or is suspected of tampering with the sample.

## Medical Review Officer (MRO) Responsibilities

The MRO will review all results of oral fluid/urine testing. Any urine specimen testing positive for alcohol, illegal drugs, unauthorized drugs, banned substances, or adulteration will be handled in the following manner:

- The MRO determines if any discrepancies have occurred in the Chain of Custody.
- Depending on the substances found in the urine, if necessary, the MRO will contact the parent/guardian(s) to determine if the student is on any prescribed medication from a physician.
- If the student is on medication, the parent/guardian(s) will be asked to provide documentation from the prescribing physician, within five working days, to document what medication(s) the student is currently taking. Failure to provide such requested information will be considered a positive result.
- The MRO will determine if the prescribed medications resulted in the positive test result. For example, a positive test result for codeine may be ruled negative by the MRO when he receives a letter from the treating physician that the student has been prescribed Tylenol© with codeine as a pain medication following tooth extraction. Or, if the student has a positive screen for codeine and has no documented physician order for the medication (maybe a parent/guardian(s) gave the student one of his/her pills), this would likely be ruled a positive test by the MRO.
- Finally, the MRO, based on the information given, will certify the test results as positive or negative and report this to the Assistant Superintendent for Student and Administrative Services, initially reporting positive results by phone.
- Screens positive for alcohol or illicit drugs (marijuana, heroin, cocaine) would automatically be considered positive by the MRO.
- The MRO may use quantitative results to determine if positive results on repeat tests indicate recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substance 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.