Montgomery County Schools

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TO: Board of Education

FROM: Kevin Lancaster

DATE: August 5, 2013

SUBJ: Random Drug Testing – policy 4326

Attached you will find policy 4326- Random Drug Testing. Although this policy was approved at the June 2013 board meeting there are slight changes that were suggested by the company hired to administer the test.

A draft is included along with the clean copy for final approval. Please review; I will be available to answer any questions you may have.

This is an action item and will require a vote.

RANDOM DRUG TESTING PROGRAM

Policy Code: **4326**

It is the responsibility of Montgomery County Schools to safeguard the overall well-being and development of student athletes at East Montgomery High School and West Montgomery High School. We, therefore maintain that the misuse of drugs and the unlawful possession and use of alcohol or steroids threatens the well-being and development of not only those who participate in sports, but the entire school community.

Montgomery County Schools is committed to the prevention of drug abuse and the rehabilitation of identified abusers.

We realize that the problem of illegal drugs and alcohol use presents a continuing challenge to the school and a danger to the entire student body.
It is the intent of Montgomery County Schools to detect and prevent substance abuse by students involved in athletics. Participation in athletics is a privilege and it is the belief of Montgomery County Schools that student athletes have a responsibility to be drug and alcohol free. Montgomery County Schools is being proactive to ensure the safety of all students participating in athletics.

The primary emphasis of this program is deterrence and remediation rather than punishment of students who test positive for marijuana, cocaine, steroids, amphetamines/methamphetamines, PCP (a hallucinogen), opiates, barbiturates, benzodiazopenes, alcohol, steroids and other non-prescribed medications and will be followed according to board policy. This policy is ***NOT*** intended to be disciplinary or punitive in nature. No student will be expelled or suspended from school as a result of any verified positive test conducted by the school under the Random Drug Testing Program. The program is aimed at the identification and remediation of athletes involved with drugs. This program will be therapeutic in nature allowing for the opportunity to refer identified users of drugs to an appropriate substance abuse program as recommended by Montgomery County Schools.

This policy will comply with all required federal confidentiality regulations.

This policy and regulations will apply to all student athletes, including cheerleaders, at East Montgomery High School and West Montgomery High School.

This Montgomery County Board of Education policy will be made available to all coaching staff, athletes, and parents/guardians annually. The policy will be published in the East Montgomery and West Montgomery High School athletic handbook and also in the Student Code of Conduct. This information will also be included with the “consent for participation in athletics” form.

Testing Coordinator

- The Principal and athletic director or designee(s) will coordinate and supervise the Random Drug Testing Program.

Eligibility and Random Testing

- All athletes who participate for any East Montgomery or West Montgomery High School athletic sports team will be subject to the random drug testing.
- Students become subject to the random testing once they complete the Montgomery County Participation form with the consent to test included.
- Each student and each student's custodial parent/guardian who would like to participate in athletic activities must give consent in writing to participate in random drug testing and for the release of the test results to the proper school officials; the student and the student's custodial parent/guardian; and the school principal or his or her designee.
- The Montgomery County Participation form must be submitted to the appropriate coach or athletic director on or before the first day of practice. The athlete may not participate in practice or any athletic event until the completed form is submitted.
- Students are subject to random drug testing from the date the Montgomery County Participation form is signed and returned through the end of the current season.

  The student will be removed from the random drug screening pool if the student withdraws from all athletics.

Testing Procedure

- A confidential testing schedule will be created for East Montgomery High School and West Montgomery High School prior to the initiation of the program to ensure that the testing of eligible pupils is conducted in a manner that is random. The test will utilize a urine sample as the specimen to be tested.
- Testing will only occur on student-athlete contact days during the academic year. Students will only be tested on a regular school day. Testing will not occur on a weekend, holiday or other non-student school day and will usually occur at a practice.
- Selection of eligible athletes for testing will be conducted on a random basis as described below:
    - The athletes, selected for testing, will be identified ONLY by their student ID number.
    - All athletic rosters will be entered on **POWER SCHOOL** to determine ID number.
    - The school designee will notify the individuals selected for testing on the day of the test and will escort each one to the testing site.
    - All teams will have at least one member tested.

- Five percent (5%) of ***in season*** teams' members will be tested during the season.
- Alternate pupil selection will be made in the event of pupil absence. A student who is absent on the day of a test will be excused. However, a student who was present during first period class and later leaves campus without a valid excuse or cuts class after it becomes known that students are being tested will be considered as refusing to be tested.
- The names and/or any other personally identifying information of the participant will remain confidential.
- The day of testing will be varied so that testing does not become predictable.
- A school designee will notify each student personally that he/she has been selected for testing immediately prior to testing. The student shall be escorted immediately to the collection site. The student will not be allowed to go to his or her locker for any reason. The student will not be allowed to leave the presence of a school employee or testing coordinator until he or she has been tested**. If the student refuses to cooperate with school employees or the testing coordinator, the refusal will be reported as a positive test result.**
- The principal, athletic director or designee and the testing coordinator will select the location to use for collecting samples.
- Students will be randomly selected by the test provider.

- The custodial parent(s) or legal guardian(s) may request, in writing, that the testing coordinator add their son or daughter to the next available selection list. The addition of a student at the request of the custodial parent(s) or legal guardian(s) will not affect the number of athletes that must be tested.

- Refusal to test will be handled the same as a verified positive result.

Reasonable Suspicion Testing

- Any athlete who, while on school property and/or participating in an athletic event, behaves in a manner that may cause reasonable suspicion that the athlete may be using a controlled substance will be required, by an officer of the school system, to submit to a controlled substance test.

- **Furthermore, if an athlete on other than school property exhibits behavior that causes a reasonable suspicion that the athlete may be using a controlled substance (actions include, but are not limited to, arrest or citation for drug related activity) that athlete may be required by a school official to submit to a controlled substance test.**

Collection of Samples

- All aspects of the program, including the collection of the specimen, will be conducted so as to safeguard all personal and privacy rights of the participant to the maximum extent possible. The participant's test results are treated as a confidential health record pursuant to all state and federal regulations. Any information obtained by the program which would identify the participant as a drug user may be disclosed only for the purposes and conditions permitted by federal regulations. 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 the participant. Montgomery County Schools will not share the individual test results with law enforcement authorities. Montgomery County School students will be tested for marijuana, cocaine, steroids, amphetamines/methamphetamines, PCP (a hallucinogen), opiates, barbiturates, benzodiazopenes alcohol, steroids and other non-prescribed medications
- Each student will be monitored in a non-intrusive manner to detect any attempt to provide a false specimen. Students will be given the opportunity to notify the testing coordinator, in writing, if they are taking any prescription or non-prescription drugs at the time of the test.
- **Any attempt by a student to tamper with the specimen collection process will be reported as a positive test result.**
- The test procedure will utilize a urine sample as the specimen to be tested.
- The testing coordinator will implement procedures to insure that each student's sample is appropriately labeled and secured to prevent the sample from being lost, misplaced or contaminated.
- A strict Chain of Custody will be followed for each specimen collected to ensure accuracy and confidentiality.
- The testing coordinator shall:
    - Provide each student with a sanitized kit containing a specimen collection device. The device will remain in the student's possession until it returned to the collection staff. The student will sign a form certifying that the collection device contains his or her sample and that the specimen has been sealed. If a student is unable to urinate, they will be given a large glass of water and up to one hour to provide a urine sample.
    - **Label the specimen collection device with only with the student's initials.**
    - After the specimen has been sealed, the specimen will be transported to the testing laboratory by the testing coordinator or designee.

Notification of Testing Results

- **When a student's test is confirmed positive, the Medical Review Officer from the test provider will first contact the student's custodial parent(s) or legal guardian(s) and then the designated school official. The school official will contact the student's custodial parent(s) or legal guardian(s) to schedule a meeting.** Positive results will be confirmed at a federally certified

laboratory by a process that detects minute levels of prohibited substances in urine**.**

- The student and custodial parent(s)/legal guardian(s) will be given an opportunity to present information to a medical review officer, such as the documented use of a prescription medication or an over the counter drug which may render the positive test result invalid or negative. Failure or refusal of the student and/or the student's custodial parent(s)/legal guardian(s) to cooperate with the school will constitute a refusal to test and therefore a positive result. The school will inform the student and the student's custodial parent(s)/legal guardian(s) of the opportunity for an additional confirming test at the student's expense from the remaining sample of the original specimen. If the school determines that a "positive" test result was the result of the lawful use of a prescription or non prescription drug, the test results will be considered negative.
- Montgomery County Schools will use the standard cut off scores generally used by NIDA and/or SAMHSA for determining a positive test result. The testing coordinator must use a laboratory that is appropriately licensed by the NIDA or SAMHSA.
- Students' test results will be kept in confidential files separate and apart from his or her other educational records. Test results will only be disclosed to personnel who have a need to be informed regarding the result of the test in order to implement or oversee implementation of the program or the consequences for violating the policy. Information resulting from drug testing under the Random Drug Testing program will not be given to any law enforcement authorities.
- The student will not be allowed to participate in any athletic event until they provide a negative urine based drug test. The student will be responsible for the cost of the test.

Consequences

- A refusal to provide a sample will be treated as a positive test result.
- Possible consequences will result from the following:
    - A confirmed positive drug test
    - Refusal to participate in testing when selected
    - Tampering with the specimen collection process

Consequences of a Confirmed Positive Test

- The designated school official will contact the student's parent(s) or guardian(s) to schedule a meeting.
- The student will not be allowed to participate in any athletics until they provide a negative urine based drug test. The student will be responsible for the cost of the test.
- It is required that the student attend an Early Intervention Program conducted by an agency approved by Montgomery County Schools as an appropriate substance abuse treatment center. The principal or designee may approve alternate forms of counseling programs.

- If the student has a second confirmed positive drug test during their high school career, the student will forfeit the privilege to participate in any athletic activities for at least one calendar year (365 days)
- If the student has a third positive test, it shall be assumed that the student has a serious drug problem. The student must present certification from an agency approved by the Department of Health that he/she is drug free before being considered for being allowed to participate in athletics.

Failure to complete all requirements will result in the student being ineligible to participate in athletics.

Appeal Procedure

- A student or his or her parent(s) or guardian(s) may request a retest, which must be urine based, of his or her original specimen at his or her expense at a laboratory approved by Montgomery County Schools and which follows Federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards concerning drug testing protocols and procedures. Requests must be made within twenty-four (24) hours of receiving the results of the positive drug test. The specimen previously submitted will be forwarded to the approved lab in cooperation with the schools' approved outside agency responsible for confirmatory testing.

All school employees and the testing coordinator, their agents and employees shall maintain the confidentiality of all personally identifiable student information and test results as a result of this policy.

Adopted: June 3, 2013
Updated:

AUTHORIZATION TO PARTICIPATE

1. **We, the undersigned student and custodial parent(s)/legal guardian(s), give our consent to submit to the Montgomery County Schools athletic drug testing policy and procedures.**

2. **We, the undersigned student and custodial parent(s)/legal guardian(s), have read, Montgomery County Board of Education policy 4326, Random Drug Testing Program and understand all of the requirements for athletic participation at East Montgomery High School or West Montgomery High School. We agree to comply with all the requirements.**

3. **We, the undersigned student and custodial parent/(s)legal guardian(s) understand that the student athlete will not be allowed to participate in *any* practice or game until this *Authorization to Participate* is returned.**

Student:_____
PRINTED NAME

Student:_____**Date**_____
SIGNATURE

Custodial Parent/Legal Guardian:_____
PRINTED NAME

Custodial Parent/Legal Guardian:_____**Date:**_____
SIGNATURE

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The primary emphasis of this program is deterrence and remediation rather than punishment of students who test positive for marijuana, cocaine, steroids, amphetamines/methamphetamines, PCP (a hallucinogen), opiates, barbiturates, benzodiazopenes, alcohol, steroids and other non-prescribed medications and will be followed according to board policy. This policy is ***NOT*** intended to be disciplinary or punitive in nature. No student will be expelled or suspended from school as a result of any verified positive test conducted by the school under the Random Drug Testing Program. The program is aimed at the identification and remediation of athletes involved with drugs. This program will be therapeutic in nature allowing for the opportunity to refer identified users of drugs to an appropriate substance abuse program as recommended by Montgomery County Schools.

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Failure to complete all requirements will result in the student being ineligible to participate in athletics.

Appeal Procedure

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Adopted: June 3, 2013
Updated:

AUTHORIZATION TO PARTICIPATE

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Student:_____
PRINTED NAME

Student:_____**Date**_____
SIGNATURE

Custodial Parent/Legal Guardian:_____
PRINTED NAME

Custodial Parent/Legal Guardian:_____**Date:**_____
SIGNATURE