

Student Parking Permit Holder Drug and Alcohol Testing Procedures and Informed Consent

Student parking permits are a privilege and not a right. Because the Board of Education is concerned about the safety of students that are driving to and from school and parking on District property, it has instituted a drug and alcohol testing program that applies to all student parking pass holders. Students seeking parking privileges on District property must, in addition to submitting any other required paperwork, submit signed Informed Consent forms indicating that they have received a copy of this policy, consent to testing under the policy, and agree to the consequences set forth herein.

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.

Definitions

1. RANDOM SELECTION: A system of selecting parking permit holders for drug and alcohol testing in which each parking permit holder shall have a fair and equitable chance of being selected each time selections are required.
2. ILLEGAL/ILLICIT DRUGS: Any controlled substance or other drug as referenced and included within the scope of Title 21, United States Code Sections 802 and 812, the possession, use, distribution or purchase of which is prohibited by federal and/or state 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. Anabolic steroids are included in the prohibition regarding controlled substances.
3. 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.
4. IN-SEASON: Parking permit holders are considered to be “in-season” for testing for whatever portion of the school year they hold a parking permit.

Drug and Alcohol Testing Process

Random Testing

Random testing shall be done throughout the school year. A parking permit holder may be tested more than once per school year. 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 participants:

The District will use a system to ensure that permit holders are selected in a random fashion from the pool of students who are subject to random testing. 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 students.

b. Scheduling of random testing:

Random testing will be unannounced. The date will be selected by the District or designee.

Drugs For Which Permit Holders May Be Tested:

LSD, Alcohol, Marijuana/Cannabinoids, Amphetamines, Methadone, Anabolic Steroids, Methaqualone, Barbiturates, Benzodiazepines, Opiates, Cocaine, Propoxyphene (Darvon), or any other illicit/illegal drug as defined above. 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 use provided for in the prescription or by the manufacturer. The sample may also be tested for adulterants such as glutaraldehyde, nitrate, chromate chlorine bleach, pH, specific gravity and/or creatinine.

Collection Process (Urine Screens)

Students must bring a picture ID to the testing site or be identified by a Principal, Athletic Director or other District designee. 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. ID, required forms, and payment (if applicable) must be presented prior to giving the sample.

The testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the participant. The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen must be collected in a restroom or other facility behind a closed stall or other divider.

A monitor of the same sex as the participant shall be provided to accompany the participant to a restroom or other private facility. The monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall/divider to listen for normal sounds of urination in order to guard against tampered specimens. Students are required to follow the directives of the testing site employees or the test may be invalidated. Students are not permitted to flush the toilet or urinal after urinating.

Any participant unable to produce an adequate specimen of urine during the collection period, after consuming up to 36 ounces of water and waiting up to 60 minutes, may not be allowed to participate in any scheduled extracurricular activities until the required testing is complete.

At the time of collection, any participant who is taking, or has recently taken, medication that may affect the results of the test, must identify any prescription or over-the-counter drugs by listing the name of the drug on a piece of paper and placing that information in a sealed envelope which will be then be provided to the monitor. The envelope will be opened only in the event of a positive test result. In the event of a positive test for a prescription drug, the parent and student will be afforded 24 hours to provide either a current copy of the prescription, or the label from a current prescription container identifying that the said prescription drug has indeed been prescribed for the participant and in what dosage.

Adulterated tests and diluted samples are treated as first-time offenses. They are not “positive” drug tests, but have the same consequences. A retest will be required within 24 hours. Samples may be tested for adulteration/tampering. Upon notice from the testing laboratory of inconclusive, adulterated or suspect results or results that reveal that testing acceptable criteria have not been met, the participant will be required to provide a second urine sample for testing. The participant may not participate in any athletic/extracurricular event or drive to school until the retest is scheduled and completed. Failure to submit to the additional test constitutes a policy violation.

The following actions of the participant constitute policy violations and will be treated as a positive test result:

- Failure to report to the collection site after notification unless excused by the Athletic Director or Principal.
- Refusal to submit a urine sample during the initial testing.
- Refusal to follow the directives of employees at the testing site with regard to the testing procedures.
- Tampering with the sample for testing or attempting to subvert the collection/identification process.
- Confirmed positive test results for alcohol or an illicit/illegal drug.
- Aiding and/or abetting another participant in violating this policy.
- Refusal to submit to a re-test when required following an inconclusive, adulterated, or suspect result.

Results Of A Positive Test

Any positive urine drug test results will be made known to the Athletic Director. The Athletic Director or vendor company representative will in turn notify the parents/guardians and student.

POSITIVE DRUG TEST CONSEQUENCES

The drug testing and education 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 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.

If A Positive Test Occurs:

1st Violation

For the first positive result, the participant will be given the option of:

A) The student will make and participate in an appointment, at the parent's/guardian's expense, with a certified chemical dependency counselor (or at an agency certified by the Ohio Department of Health or the Ohio Department of Alcohol and Drug Addiction Services) for chemical dependency assessment and then follow the recommendations of the counselor. The parent/guardian/custodian is responsible for all expenses and for providing the Athletic Department with documentation that the student completed all recommendations of the counselor. The student will be required, at parent/guardian/custodian expense, to submit to weekly or random testing. The student will have to travel to the vendor's location for 3 weekly

consecutive tests. This will be done at the parents'/guardians' expense. Documentation is required to show negative test results. Any positive result will reset the necessary 3 consecutive weekly negative tests. The parent/guardian/custodian and student will meet with the Principal or designee to determine when the student can qualify for reinstatement of parking privileges; reinstatement can occur only after completion of the counseling appointment and successful completion of follow-up test requirements.

OR

B) Denial of parking privileges for the remainder of the school year.

2nd Violation

The student is denied parking privileges for one calendar year from the date of notification of the violation.

3rd Violation

The student is permanently denied parking privileges in the Anthony Wayne Local Schools.

Violations are accumulative throughout the student's school career. Note that because parking permits are a privilege and not a right and because drug test results do not result in suspension or expulsion from school, students do not have appeal rights under this testing program.

Self-Referrals

A parking permit holder may give a self-referral (self-reporting), which may be done **only once**. Self-referrals must be done in person to the Athletic Director or building administrator. Self-referrals can only happen prior to being randomly selected. Counseling and additional testing are required (3 total) and no other immediate consequences will be issued. The student will also be subject to future random selection.

In addition, students will be permitted to self-report prior to testing if they have been selected. The student's self-report will be considered by the Principal in determining when the student's parking privileges may be reinstated. These students who test positive in the future will be given a full calendar year ban.