

HERMITAGE R-IV SCHOOL DISTRICT STUDENT EXTRACURRICULAR/CO-CURRICULAR ACTIVITIES AND PARKING PERMIT RANDOM DRUG TESTING

The Hermitage R-IV Board of Education recognizes that drug use is one of the most serious problems confronting schools and communities. In an effort to protect the health, safety, and well-being of students from illegal drug use and abuse or injuries resulting from the use of drugs, the Hermitage R-IV school district adopted the following policy for drug testing of students participating in extracurricular or co-curricular activities or attending any school related field trip or activity recognizing these activities are privileges. Additionally, students receiving a parking permit to park on school property are subject to random drug testing.

My child and I understand that in order to participate in extracurricular activities, co-curricular activities, and school-related field trips and/or receive a parking permit to park on school grounds, my child must submit to random drug screening. If my child does not complete this consent form and return it to the high school office, he/she will be ineligible to participate in extracurricular activities, co-curricular activities, and/or receive a parking permit to park on school property. Furthermore, any refusal by my child to be tested when selected will be treated as a positive test and subject my child to the consequences set forth in this policy.

Statement of Purpose and Intent

It is the desire of the Hermitage R-IV Board of Education, administration and staff that every student in the district refrains from using, possessing or distributing illegal drugs. The sanctions of this policy relate solely to limiting the opportunity of any student in grades 6-12 who violates this policy to participate in extracurricular activities, co-curricular activities, field trips and/or receive a parking permit to park on school property. This policy is intended to supplement and complement all other policies, rules, and regulations of the District regarding possession or use of illegal drugs.

Participation in school-sponsored extracurricular and co-curricular activities, field trips and receiving a parking permit to park on school property in the District are privileges, not rights. Therefore, students carry an added responsibility to themselves, their fellow students, their parents and/or guardians, and their school to set the highest possible example of conduct, which includes avoiding the use of illegal drugs.

This policy does not affect other policies and practices of the school district in dealing with drug or alcohol possession or use, including but not limited to the District's discipline policies and situations where reasonable suspicion is obtained by means other than testing discussed here.

I. Definitions

Activities or Activity—As used in this policy, this term means any school-sponsored activity which is a co-curricular activity or an extracurricular activity. These types of activities are defined as:

Co-curricular Activities—Activities that a student participates in outside of the classroom as a result of being enrolled in a school-offered class, including all meetings, practices, performances and competitions. This includes any class, club or field trip. Examples include FFA, FCA, FCCLA, FBLA, Choir and Art Club.

Extracurricular Activities—Activities that take place outside the regular course of study in school. Extracurricular activities include, but are not limited to activities that are sanctioned or governed by the Missouri State High School Activities Association (MSHSAA), including all meetings, practices, performances and competitions.

Parking on School Property—Students are required to obtain a parking permit before they are allowed to park their vehicles on school property. Students are permitted to park on school premises as a matter of privilege, not of right.

Adulterant/Adulteration—When used in this policy, this term means any attempt to alter the outcome of a drug test by conduct such as adding a substance to the sample, diluting the sample, switching the sample or otherwise engaging in conduct which the designated district administrator, sample collection agent, laboratory personnel or Medical Review Officer reasonably believes constitutes the alteration or attempt to alter the results of the participant's or any other participant's drug test.

Drug Test—When used in this policy, this term means a scientifically substantiated method to test for the presence of illegal drugs in a person's urine.

Illegal Drugs—When used in this policy, this term means any substance which may not be legally sold, possessed, used, distributed or purchased without a federal or state license or permit. illegal drugs include, but are not limited to all controlled substances, all drugs and all over-the-counter drugs that are being used by a participant in dosages, frequency or ways other than directed by the manufacturer of the product.

Parents—When used in this policy, this term means the parent, parents or legal guardians of a student and/or participant.

Participant—When used in this policy, this term means any student in grades 6-12 who is involved in an activity that is defined in this policy.

Positive—When used in this policy, this term means a gas chromatography/mass spectrometry test, or other scientifically validated toxicological method, which yields a finding of the presence of illegal drugs as determined by the testing company utilizing industry standards.

Reasonable Suspicion—When used in this policy, this term means a suspicion based on specific personal observations concerning the appearance, speech, or behavior of a participating student, and reasonable inferences drawn from those observations in the light of experience. Information provided by a reliable source, if based on personal knowledge, shall constitute reasonable suspicion.

Screening Test—When used in this policy, this term means the initial urine test that will not be considered as a basis for the final positive result.

School Year—When used in this policy, this term means all days between the first day of classes in the fall and the last day of school in the spring (summer school is not included).

Testing Company—When used in this policy, this term means the professional laboratory chosen by the Board to test participants pursuant to this policy.

II. Procedures

A. Enrollment Procedure

Each participant in an activity shall receive a copy of the “Student Extracurricular/Co-Curricular Activities and Parking Permit Random Drug Testing” (“Drug Testing Policy”) and “Student Extracurricular/Co-Curricular Activities and Parking Permit Random Drug Testing Consent Form” (“Consent Form”). Prior to participation in any activity, including practices, and/or receiving a parking permit to park on school property, the participant and his/her parents must do the following:

1. Read and understand the Drug Testing Policy;
2. Sign and date the Consent Form; and,
3. Turn in the signed and dated Consent Form to the high school office no later than the last day of the second week of classes (beginning of fall semester) each school year.

A student who enrolls in the district after the fifth day of classes of the fall semester in any school year must turn in a properly signed and dated Consent Form, as described above, to the high school office by 3:00 pm of the tenth school day following the student’s enrollment, in order to be eligible to participate in any activity during that school year.

Any student who does not turn in the Consent Form in compliance with the rules set forth above, and who later decides to become a participant, will be required to submit to a drug test, at the participant/parents own expense, prior to participation in any activity, including practices. A student will only be allowed to exercise this option one time during the time the student is in grades 9 through 12.

Once a student and his/her parents sign the Consent Form, the student will remain in the Drug Testing program for the remainder of the school year.

B. Selection Procedure

All participants in the Drug Testing Program will be subject to being randomly selected to provide a urine sample. For purposes of the random testing, each participant will be assigned a number for identification purposes. The district will test at the frequency and volume deemed appropriate to ensure the effectiveness of the program. Each participant who is randomly selected will be requested to provide a urine sample in the manner described in this policy.

Participants and their parents should be aware that the names of all participants will be included in the pool each month during the school year. Therefore it is possible that a participant may be randomly selected to take a drug test more than one time during the school year.

C. Testing Procedure

1. The random selection process will primarily follow standard practices for federal random test selection. Student testing will most often identify a student by number rather than a name. Normally, the district will tally the number of participants in the random program(s) and provide that number(s) to Employee Screening Services (ESS). The district’s Designated School Official (DSO) would also assign a name to each number and create a Student Random ID list of which student is assigned what number. The DSO would keep that list on file in a confidential manner.

For illustrative purposes, if a district has 250 participants, ESS would enter the numbers 1 through 250 into a computer-generated random selection program. We would then generate a random list of numbers and provide that list to the DSO. The DSO would use the Student Random ID list to match names with the numbers on the random selection list.

2. On the day of random testing, the DSO would notify each student on the random selection list that he/she has been selected for a random drug test. The student will go to the collection site where the DSO will provide the student with the Student's Random ID number. Appropriate steps will be taken to respect the privacy of students while, at the same time, preventing the falsification of testing.

Upon entering the testing site, the student will be asked to provide the identification number given to him/her by the DSO. The student will then be asked to remove the contents of his/her pockets and remove outer garments. Next, the student will be asked to wash his/her hands. The collection technician will secure the bathroom, as applicable, by putting blue dye in the stool, taping off water supplies, removing trash cans, etc. The collection technician will then open a collection container in the presence of the student, remove the contents and hand the collection cup to the student. The collector will explain that the student is to provide a urine specimen in the collection cup and then place the cup on a pre-designated flat surface upon completion of the void. The student will also be reminded not to flush the toilet or to use the faucet until the collection is completed. The collection technician will step outside the bathroom and shut the door, allowing the student to provide a specimen in private.

Once the student has completed the void and opened the bathroom door, the collection technician will check the specimen for sufficient amount, appropriate temperature, no foreign color and no foreign odor. If the specimen does not show signs of tampering, the student will be allowed to wash his/her hands while the collection technician initiates a preliminary drug screen of the specimen. The collection technician will conduct all procedures in accordance with accepted industry practices.

3. If the initial screening test indicates a non-negative result, or if the collection technician is conducting an internal self-audit of a testing device, the specimen collected will be poured into the specimen vials that came in the collection cup. The collection technician will initiate a Custody and Control Form, that, when completed, will be sent (along with the specimen) to a HHS-certified laboratory for a second screening test. If the second screening test is also non-negative, the laboratory will conduct a more in depth test by means of a gas chromatography/mass spectrometry (GC/MS) analysis. In some cases, the second screening test may be eliminated and the specimen sent directly for GC/MS.

If the GC/MS test is non-negative, the results will be forwarded to the DSO. The DSO will contact the student's parent/legal guardian and ask for a meeting. At the meeting, the DSO will inform the parent/legal guardian of the non-negative result and ask for permission to forward the results to a Medical Review Officer (MRO). If permission is granted, the DSO will obtain the parent/legal guardian's name, ID # and contact phone # and forward that information to Employee Screening Services, who will then forward the information to the MRO. If permission is not granted, or the parent/legal guardian will not meet with the DSO, the lab results will be accepted as the final results.

When the MRO receives the above information, he will contact the parent/legal guardian, verify identification and then discuss medications the student is taking. If any of the medications being taken by the student could explain the non-negative result, the MRO will verify with the pharmacy filling the prescription or the prescribing physician (in some cases, both) that there is a legitimate prescription in the student's name. Once all pertinent information has been obtained, the MRO will make a final

determination of the test results. Those results will be forwarded to ESS, who will then forward them to the DSO.

If the district requires a split-specimen collection for a confirmation test, then the parent/legal guardian may contest the MRO's decision and request, within 72 hours of the MRO's decision, to have the split specimen sent to the same or a different laboratory for a second-opinion analysis. The cost of the split specimen test will be at the parent/legal guardian's expense and payment may be required prior to the test being conducted.

4. If a student does not provide a urine specimen in 3 hours (or the time limit designated by the district's policy), we recommend one of two procedures:

- a. Follow DOT protocol by giving the student up to 5 days to have what is called a "shy bladder examination" to determine if there is a valid medical reason for not voiding in the 3 hour time frame. If the student does not have the exam (done at the family's expense, not the school's), or if there is not a valid medical reason, then the test would be deemed positive. The MRO usually makes that call. OR,
- b. Use a lab-based oral-fluid test.

D. Activity Suspensions

A participant who receives a positive drug test result will be subject to the following suspensions:

First Offense—A participant shall be suspended from participation or attendance in all extracurricular, co-curricular activities and parking on the Hermitage R-IV property for thirty (30) calendar days from the date of the positive drug test. This suspension will be reduced to fifteen (15) calendar days if the participant shows proof that he/she received drug counseling and agrees to a second drug test which will be at the participant's own expense. During this time, it is recommended that the parents obtain a substance abuse evaluation and educational counseling for the participant. If the participant is enrolled in a class that involves co-curricular activities, he or she will continue to attend the class, but cannot participate in any activities outside of the regularly scheduled class time or take part in any class, club, or field trips.

Second Offense—A participant shall be suspended from participation or attendance in all extracurricular, co-curricular activities and parking on the Hermitage R-IV property for ninety (90) calendar days. To regain eligibility, the participant must complete four (4) hours of substance-abuse counseling, and submit to monthly drug tests for three (3) consecutive months. This will be done at the cost of the participant.

Third Offense—A participant shall be suspended from participation in all extracurricular, co-curricular activities and parking on the Hermitage R-IV property for one-hundred eighty (180) calendar days. To regain eligibility, the participant must complete eight (8) hours of substance-abuse counseling and submit to monthly drug tests for three (3) consecutive months prior to regaining eligibility. This will be done at the cost of the participant.

E. Re-entry Drug Test after Service of Suspension

A participant who has tested positive for illegal drugs, and has served the required activity Suspension period, will be required to undergo one or more additional drug tests at the expense of the participant/parents to determine whether the participant is no longer using illegal drugs before the participant will be allowed to rejoin or participant in any activity.

If a participant receives a positive drug test result on a re-entry drug test, it will subject the participant to an additional activity suspension.

F. Refusal to Submit to Drug-Use Test

Any participant who refuses to submit to a Drug Test pursuant to the procedures set forth in this policy, in the opinion of the Testing Company or the District, will be considered to have received a Positive Drug Test result on the Drug Test and will receive the appropriate Activity Suspension set forth above.

G. Appeal Procedure

A participant or his/her parents may appeal any activity suspension under this policy. The filing of an appeal does not suspend imposition of the activity suspension. Within three (3) working days of receipt of a positive drug test result, the principal will contact the Athletic Director, coach/sponsor and/or other individuals responsible for supervising the activity, who will then, within three (3) working days, contact the parents to schedule a conference. The conference will be held within ten (10) working days of initial contact with the participant's parents. If either the participant or his/her parents refuse to participate or respond to the request for a conference, in the district's opinion, the participant will be deemed to have waived any rights to further appeal the positive drug test result.

If the conference is held, the principal will solicit any explanation from the participant and/or his/her parents for the positive drug test result. If the participant asserts that the positive drug test result was caused by some factor other than the use of an illegal drug, the participant and/or his/her parents will be given ten (10) working days from the date of the conference to present evidence to the principal.

If the participant and/or his/her parents fails or refuses to present any evidence within this then (10) day period, the participant will be deemed to have waived any right to further appeal the positive drug test result.

The district will rely on the opinion of the Medical Review Officer (MRO) to determine whether the positive drug test result was produced by a factor other than the consumption of an illegal drug. The principal will make a decision, and notify the participant and his/her parents within three (3) working days of presentation of the participant's evidence.

The decision of the principal may be appealed in writing to the district's superintendent within three (3) working days. The superintendent will schedule a conference within five (5) working days after the request for an appeal is received. Failure to appeal to the superintendent waives any further right to appeal the positive drug test result. The superintendent will make a written decision and notify the participant and his/her parents, within three (3) working days following the conference. The decision of the superintendent shall be final.

H. Confidentiality

Test results shall be kept in confidential files separate from the participant's other educational records. These files will be released to school personnel only on a "need-to-know" basis.

**HERMITAGE R-IV SCHOOL DISTRICT
STUDENT EXTRACURRICULAR/CO-CURRICULAR ACTIVITIES
AND PARKING PERMIT RANDOM DRUG TESTING**

Consent and Release Form

STUDENTS:

I have received and read the Hermitage R-IV School District’s Extracurricular and Co-Curricular Activities Student Drug Test Policy (“Drug Testing Program”) and understand it. I agree to participate in the Drug Testing Program. I agree to take the required drug tests at a time and place specified by the District. **I understand that the drug testing company will conduct an adulterated test to determine if the urine specimen was diluted or adulterated. If the monitor determines the urine sample was diluted or adulterated, it will be considered a positive drug test.** I understand that if I refuse to cooperate with the persons who are conducting the drug tests, that I will receive an activity and parking lot suspension that will prohibit me from participating in any District extracurricular or co-curricular activity and parking on school grounds.

Student Full Name (please print): _____

Student Signature: _____ Date: _____

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Consent and Release Form

PARENTS:

I have received and read the Hermitage School District’s Extracurricular and Co-Curricular Activities Student Drug Test Policy (“Drug Testing Program”) and understand it. I agree to allow my child to participate in the Drug Testing Program as it is set out in the District’s Policy. I agree that my child will take the required drug tests at a time and place specified by the District. **I understand that the drug testing company will conduct an adulterated test to determine if the urine specimen was diluted or adulterated. If the monitor determines the urine sample was diluted or adulterated, it will be considered a positive drug test.** I understand that if my child refuses to cooperate with the efforts to carry out the required screening and/or Drug Testing procedures, that he/she will receive an activity suspension that will prohibit him/her from participating in any District extracurricular or co-curricular activity.

I hereby release the Hermitage R-IV School District, its Board, Administration, employees, agents and representatives, including the Testing Company used by the District, from any and all claims that my child or I may now, or in the future, have arising from the Drug Testing Program or its application to my child.

Parent/Guardian Full Name (please print): _____

Parent Signature: _____ Date: _____

I DO NOT want my child participating in the District Drug Testing Program. I understand that by not choosing to participate, my child will not be allowed to participate in any extracurricular or co-curricular activities as well as lose parking privileges on Hermitage R-IV School District property.

Parent/Guardian Full Name (please print): _____

Parent Signature: _____ Date: _____