

Summers County Board of Education

Scope: This policy is enacted by the county board of education to demonstrate its commitment to safety of students in the operation of equipment and machinery in the CTE setting.

Authority:

Adopted: April 29, 2014.

Amended: October 11, 2022.

Reviewed: August 9, 2022.

**DRUG TESTING POLICY FOR STUDENTS INVOLVED IN THE SIMULATED
WORKPLACE**

Participation in the Simulated Workplace is a privilege. Students participating in the Simulated Workplace have responsibility for the safe operation of equipment and machinery in the CTE setting.

The purpose of this policy are five (5) fold:

- A. to educate students on the serious physical, mental, and emotional harm caused by illegal drug use;
- B. To alert students with possible substance abuse problems, and their parent/guardian, of the potential harms that drug use poses for their physical, mental, and emotional well-being and offer them privilege of competition as an incentive to stop using such substances;
- C. To ensure that students adhere to training program that bars the intake of illegal and performance-enhancing drugs;
- D. To prevent injury, illness, and harm to students that may arise as a result of using illegal and performing-enhancing drugs;
- E. To offer students competitions and school activities free of the effects of illegal and performance-enhancing drug use.

Illegal and performance-enhancing drug use of any kind is not compatible with the physical, mental, and emotional demands placed upon participants in the Simulated Workplace. The Board has adopted this policy for use by all participants in the Simulated Workplace.

The administration shall adopt necessary regulations to implement this policy.

Definitions

- A. “Activity student” as related to this policy means a student of Summers County Comprehensive High School who is participating in the Simulated Workplace.
- B. “Simulated Workplace student” means a student of Summers County Comprehensive High School who is a member of any CTE class program participating in the West Virginia Department of Education pilot program.

- C. “Drug use test” means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person’s urine or saliva sample (also referred to “specimen”).
- D. “Illegal drugs” means any substance which an individual may not sell, possess, use, distribute, or purchase under either Federal or West Virginia law. “Illegal drugs” includes, but is not limited to, all scheduled drugs as defined by the West Virginia Uniform Controlled Substances Act, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. “Illegal drugs” shall also include alcohol.
- E. “Participating student” means all students included in the random testing pool. The testing pool is to be maintained by programmatic level and consequences remain in effect for the programmatic level, meaning that consequences are carried over year to year for the time the students are in the high school grades or unless they are removed from the testing pool.
- F. “Performance-enhancing drugs” include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed, or other athletic ability. The term “performance-enhancing drugs” does not include dietary or nutritional supplements such as vitamins, minerals, and proteins which can be lawfully purchased over-the-counter.
- G. “Positive” when referring to a drug use test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal or a performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing service administering the drug use test.
- H. “Random selection basis” means a mechanism for selecting participating students for drug testing that does not give the School District discretion to waive the selection of any participating student selected under the random selection mechanism.
- I. “Reasonable suspicion” means a suspicion of illegal or performance-enhancing drug use based on specific observations made by administrators/sponsors of the appearance, speech, or behavior of a participating student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by a participating student supplied to school officials by other staff members.

Implementation Guidelines

A. Consent Forms

At the beginning of each school year each Simulated Workplace student shall be provided with a copy of the “Student Drug Testing Consent Form” which shall be read, signed, and dated by the student, parent, or custodial guardian and sponsor/instructor before such student shall be eligible to participate in the Simulated Workplace. Once the drug testing policy is fully implemented students participating in the Simulate Workplace must submit a fully completed “Student Drug Testing Consent Form” to the school by August of the school year to remain eligible to participate as an activity student. Simulated Workplace student to provide a urine (split sample) or saliva sample, the type of sample obtained is within the discretion of the Board, as follows:

1. When the (Simulated Workplace student) is selected by the random selection basis to provide a urine (split sample) or saliva sample; and

2. At any time when there is reasonable suspicion to test for illegal or performance-enhancing drugs.

No student shall be allowed to participate in the Simulated Workplace unless the student has returned the properly signed “Student Drug Testing Consent Form.”

B. Orientation Session

Prior to commencement of drug testing each year, an orientation session shall be held with each (Simulated Workplace student) to educate them of the sample collection process, privacy arrangements, drug testing procedures, and other information which may help to reassure the students and help avoid embarrassment or uncomfortable feelings about the drug testing process.

The orientation session will also be conducted at the beginning of the second semester for students who, at that time, want to become participating students. Their parents/guardians must also attend this orientation session.

C. Distribution of this Policy

Each (Simulated Workplace student), and parent/guardian shall receive a copy of the Student Drug Testing Policy. The principal, assistant principal, counselor or instructor shall be responsible for explaining the policy to all prospective students, and for preparing an educational presentation to acquaint the student with the harmful consequences of drug and alcohol use and abuse.

D. Random Sample

Drug use testing for participating students shall be done quarterly on a random selection basis from a list of all participating students in the Simulated Workplace. The District shall select a minimum of four percent (4%) of all participating student’s names to be drawn at random to provide urine (split sample) or saliva sample for drug use testing for illegal drugs or performance-enhancing drugs. Testing shall be done four times a year on a random basis. Testing for performance-enhancing drugs shall be done on a random basis.

E. Reasonable Suspicion Sample

In addition to the drug tests required above, any Simulated Workplace student may be required at any time to submit to a test for illegal or performance-enhancing drugs, or the metabolites thereof when an administrator, instructor or sponsor has reasonable suspicion of illegal or performance-enhancing drug use by that particular student.

Students can opt to be tested every month and at the end of that testing receive a “drug-free” certification for their resume/job applications.

F. Drug Testing Service

Any drug use test shall be administered by or at the direction of a drug testing service chosen by the Board. The drug testing service shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and proper drug testing service control and scientific testing. The drug testing service shall provide all collection containers used in the drug testing process.

G. Privacy

All aspects of the drug use testing program, including the taking of specimens, shall be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible.

H. Obtaining Samples

The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the urine specimen shall be collected in a facility behind a closed door. The drug testing service shall provide a certified/trained employee to collect the samples subject to drug testing. This individual will also monitor the collection of samples. If deemed necessary, the representative of the drug testing service may request that the school administrator provide personnel to assist with monitoring as samples are collected.

Any eligible student selected randomly for drug testing who is not in school on the day of testing will be tested at the next available testing time. Students not able to provide an adequate urine specimen (split sample) or saliva sample at testing time will be unable to participate until proper specimen is provided.

1. Tampering

If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure and inform the principal or designee who will then determine if a new sample should be obtained.

2. List of Medications Taken

In the event of a positive test result, the Medical Review Officer (MRO) or certified/trained employee of the employed testing service of the drug testing service shall contact the parent/guardian of the student and be provided with an opportunity to provide documentation of medications legally prescribed for the student. Based on the documentation provided by the parent, the MRO or certified/trained employee of the employed testing service will determine the status of the test result. The communication between the parent/guardian and the MRO or certified/trained employee of the employed testing service regarding medications

prescribed to the student will be strictly confidential and not shared with school personnel.

NOTE: School personnel may be aware of medication prescribed to students due to information provided on school emergency cards and WVSSAC Athletic Participation Forms.

I. Positive Tests

In the event of a positive test result, the parent/guardian may challenge the positive test result. The procedure would consist of a second test of the same specimen and would be conducted at the parent/guardian's expense. All records shall be confidential within the scope of the Simulated Workplace project. All records will be maintained in accordance with accepted professional standards. Release of any records to parties outside the scope of the Simulated Workplace project shall require proper written authorization for the release of such records by the provider of urine or saliva sample. This exclusion to related records shall not pertain to law enforcement in the discharge of their legal duties.

Confidentiality

A. Notification by Drug Testing Service

The drug testing service shall notify the Superintendent or designee of any positive test.

B. Notification to Student, Principal, Sponsor, and His/Her Parent/Guardian

In order to keep the positive test results confidential, the Superintendent or designee shall provide written notification only to: the student, the principal, instructor, and the parent or custodial guardian of the student.

The principal or designee shall schedule a conference with the student and parent or guardian and explain the student's opportunity to submit additional information to the principal or designee or to the lab. The District will rely on the opinion of the drug testing service which performed to test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug. If at any time the student refuses to be tested or leaves the testing site once testing has commenced, the result will be deemed positive and the proper procedure for positive drug tests will follow.

C. Record of Test Results

Test results shall be kept in the files separate from the student's other educational records, shall be disclosed only to those school personnel who have a need to know.

Appeal

Procedure for Appeal

A participating student who has been determined by the principal MRO or certified/trained employee of the employed testing service to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her designee(s). Such a request for a review must be submitted to the Superintendent in writing within five (5) working days of notice of the positive test. A student requesting a review shall remain eligible to participate in the Simulated Workplace until the review is completed. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision shall be provided and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable.

Consequences

The discipline policy of the school will be followed.

Refusal to Submit to Drug Use Test

Ineligibility to Participate

A participating student who refuses to submit to a drug test authorized under this policy shall not be eligible to participate in the Simulated Workplace.

Important Note on Consequences

Notwithstanding, any student who violates the Student Code of Conduct Policy and West Virginia law by the illegal use of medications or drugs of any kind while on school grounds, or is under the influence of medications or illegal drugs on school grounds, the student is subject to disciplinary action as outlined in the Student Code of Conduct Policy, up to and including expulsion.

(COUNTY BOARD LETTER HEAD)



STUDENT DRUG TESTING CONSENT FORM

As an enrolled student/parent of Simulated Workplace – Career and Technical Education, I understand that the use of drugs, alcohol and other controlled substances in the workplace creates a safety concern for all students and employees. In the interest of creating a safe learning environment, I hereby give my consent for Summers County Board of Education or its designee to conduct drug tests it considers necessary as outlined in the Summers County Board of Education Drug Testing Policy for Students Involved in the Simulated Workplace (Policy VII-A-4) and I understand that these tests are required for enrollment and participation in all Simulated Workplace settings.

I fully understand that as a Simulated Workplace student/parent, I/my child will be subject to the Drug Testing Policy for Students Involved in the Simulated Workplace (Policy VII-A-4). A copy of this policy has been made available for review, and I hereby acknowledge that I thoroughly understand its terms and provisions.

My signature hereon serves as student/parental consent:

- a) For me/my child to undergo drug testing and to submit a urine or saliva sample for that purpose;
b) For me/my child to be drug tested in accordance with the terms of the Summers County Board of Education Drug Testing Policy for Students Involved in the Simulated Workplace (Policy VII-A-4);
c) For Summers County Board of Education or its designee to submit my child’s urine sample or saliva sample for testing for drugs/alcohol prohibited by its policy; and
d) For the Summers County Board of Education or its designee to obtain the results of my child’s drug/alcohol test from a certified laboratory for use in accordance with the Drug Testing Policy for Students Involved in the Simulated Workplace (Policy VII-A-4).

I release _____ (NAME OF DRUG TESTING COMPANY), and Summers County Board of Education and its designees from any and all liabilities, claims and causes of action, known or unknown, contingent or fixed, that may result from these tests, provided all drug-testing policies and protocols are followed.

Employee (Minor) Name (Print)

Date

Employee (Minor) Signature

Parent / Guardian Name (Print)

Date

Parent / Guardian Signature

Non-Discrimination: The Summers County Board of Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Name and/or Title: Director of Student Services
Address: 418 Temple Street, Hinton, WV 25951
Telephone No: (304) 466-6000