

## **CHEMICAL HEALTH POLICY**

### **Goals and Philosophy**

Findlay City Schools believes that a chemical health policy is part of a comprehensive education on substance abuse for students (e.g. health curriculum, counseling services, red ribbon week, etc.) and is complemented by the extra-curricular activities rules and eligibility policy 9.22. This policy also reemphasizes the Board of Education's support of student programs that assist students and parents in dealing with many of today's unique challenges. The following philosophical belief statements put in context the responsibility the Board of Education believes is important.

1. We believe drug testing is designed to create a safe, drug-free environment for students, assist them in getting help when needed, and support positive student choices.
2. We believe there is no such thing as responsible use of controlled substance/mood altering chemicals, alcohol, or tobacco/nicotine by any high school student. Adolescent use is not only against the law, it jeopardizes the students' health, and it inhibits attainment of individual potential. Therefore, any use of controlled substances/mood altering drugs, alcohol or tobacco/nicotine by student athletes, participants in extra-curricular activities that compete or perform, as well as those students with a parking permit, will not be tolerated.
3. We believe that participation in athletics and/or extra-curricular activities, and parking on campus, is a privilege and not a right. By the acceptance of these privileges, our students are in a highly visible setting of leadership. Therefore these students will be held to a higher accountability of conduct and behavior than the student who chooses to neither participate nor to represent Findlay City Schools.
4. We believe violations in the Chemical Health policy in a school or community setting reflects poorly on the individual, family, team, organization, and school. Therefore, violations of this nature will carry penalties in regard to competitions, contests, performances, and/or parking privileges.
5. We believe it is essential to our school to create a drug –free environment. Therefore we will sample test as many students as possible that are eligible for drug testing. This includes athletes, extra-curricular participants, and parking pass permit holders.
6. We believe drug testing will be a deterrent and a justification for those who might otherwise succumb to peer pressure.

### **STATEMENT OF NEED AND PURPOSE**

Recognizing that observed and suspected use of alcohol and illicit drugs by school students is a serious concern, a program of deterrence will be instituted as a pro-active approach to a drug free school. Likewise, students using drugs pose a threat to their own safety, as well as to that of other students. The purpose of this program is fourfold:

1. to provide for the safety of all students;
2. to undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal drugs;
3. to encourage students who use drugs to participate in drug treatment programs; and
4. prevent the impact drug and alcohol use has on the learning centers of the brain allowing students to achieve their full academic potential while a student within Findlay City Schools.

### **SUPPORTING DATA**

1. Random drug testing of a public school is legal as determined by the United States Supreme Court in the cases *Veronia School District 47J v. Acton*, 515 U.S. 646 (1995) and *Board of Education of Independent School Dist. No. 92 of Pottawatomie County v. Earls*, 356 U.S. 822 (2002).
2. Results of the 2010-11 Student Survey indicate:
  - a. Forty-two percent of Findlay High School students either strongly agreed or agreed that alcohol is an issue at FHS
  - b. Forty-eight percent of Findlay High School students either strongly agreed or agreed that drugs are an issue at FHS
3. The Findlay High School administration has reviewed notifications, drug discipline data, and pictures of students partaking in alcoholic activities, which have been presented to us by local law enforcement, parents, the public, and through print media and social networking sites. Therefore we believe that there is sufficient data to conclude that the use of banned or illegal substance abuse is a concern at Findlay High School.

### **OVERVIEW OF DRUG TESTING**

The procedure for drug testing of students in all extra-curricular activities, as well as Findlay City School parking permit holders, for grades 7-12 is accomplished in conjunction with an independent drug testing Vendor selected by the Board of Education. The Vendor is provided by the Designated Official a list of eligible students and in turn randomly selects up to 50% of these students for drug testing at regular intervals. The Vendor will send qualified collectors to the school who will oversee the collection of all specimens as outlined in this document. The Vendor will provide Medical Review Officer (MRO) services for interpretation and verification of results. Results are reported to the Principal or Designated Official by the MRO.

### **DEFINITIONS**

1. **Adulterant/Adulteration** – Any attempt to alter the outcome of a drug test by adding a substance to the sample, attempting to switch the sample, or otherwise interfere with the detection of illicit or banned substances in the specimen, or purposefully over hydrating oneself in an attempt to dilute the specimen to decrease possible detection of illicit or banned substances.
2. **Banned/ Illicit Substance** Any drug listed in schedule I through V of the “Controlled Substances Act,” 21 U.S.C. § 801 et al., which an individual may not possess, use or have used, or be under the influence\*, transmit, sell, give, exchange, distribute, or purchase, or offer to transmit, sell, give, exchange, distribute, or purchase under State or Federal Law. This definition at a minimum includes, marijuana, cocaine, opiates (morphine, heroin, codeine), amphetamines, phencyclidine (pcp), barbiturates, LSD, MDMA (Ecstasy), propoxyphene, anabolic steroids, methadone, benzodiazepines, and any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Drugs include any drugs being used illegally, such as a prescription drug that was not legally obtained or is not being used for its intended purpose or in its prescribed quantity or over-the-counter drugs being used in any way other than for medical purposes in accordance with the directions. Drugs also include alcohol and nicotine, including but not limited to e-cigarettes, e-liquids and vaping devices.
3. **Consequences** – All consequences used in the enforcement of this policy are stated and included in the Findlay City School District Extra-Curricular Rules and Eligibility policy 9.22 and Policy 9.11 for Dealing with Drug, Alcohol and Anabolic Steroid Use.

4. **Designated Official** – The individual hired by the school or district to oversee the drug-testing program of the school or district. Examples of designated officials may include the Principal, Activities Director, the Athletic Director, and/or Parking Permit Supervisor.
5. **Medical Review Officer (MRO)** – A licensed physician trained and certified in the process and interpretation of drug testing results.
6. **Opt-in Participant** – Any student in grade 9-12 who is not an athlete, activity student or parking permit holder whose parent or guardian elects to include the student in the random selection for testing. There shall be an annual fee associated with this option.
7. **Qualified Collector** – A person or persons trained in the proper collections procedure and employed by the Vendor to collect specimens for drug testing.
8. **Quantitative Levels** – The measurement levels of a specific chemical in the urine reported usually in nanograms per milliliter (ng/ml).
9. **SAMHSA** – The Substance Abuse and Mental Health Services Administration; a governmental agency that certifies toxicology laboratories that perform drug testing following strict guidelines and constant quality assurance programs.
10. **Student Participant/Eligible Student** – An eligible student is defined as a student who attends Findlay City Schools and who participates in an athletic related extra-curricular activity, non-athletic extra-curricular activity, a parking permit holder, or Opt-In participant.
11. **Vendor** – The medical office or company selected by the Board of Education to carry out the policy and procedure.

#### **TYPES OF TESTING**

1. **Random Testing**

A system will be used to ensure that up to 50% of students eligible for drug testing are selected in a random fashion for testing by the MRO. 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.

2. **Test Upon Suspicion**

A Designated Official may choose to include an eligible student-in the group of randomly chosen students for testing when there are reasonable grounds for suspecting that the student is or has used drugs.

#### **TESTING PROCEDURES AND OPT-IN**

1. **Informed Consent for Testing**

At the beginning of each year/season/activity or when a student moves into the district, students and parent/guardian/custodian will complete and sign **The Findlay City Schools Code of Conduct and Expectations Informed Consent Agreement**. No student may participate in athletic related extra-curricular activities, non-athletic extra-curricular activities, or purchase a parking permit, until this form is properly executed and on file with the school.

2. **Urine Drug Testing Frequency**

During each season, activity or school year when a student moves into the School District, all students wishing to participate in athletics, extra-curricular activities and/or purchase a parking

permit will be subject to drug testing for illicit or banned substances. Eligible students may be randomly tested anytime during the school year, or tested upon suspicion. Any student who refuses to submit to drug testing may not be permitted to participate in the Findlay City School District athletic related extra-curricular activities, non-athletic extra-curricular activities, or purchase a parking permit for their career.

**3. Sample Collection**

Samples will be collected as outlined under Vendor Requirements. Any eligible student selected randomly for drug testing who is not in school on the day of testing will be tested on the next available testing time. Students not able to provide an adequate specimen at the testing time will be unable to participate in their specified extra-curricular until the proper specimen is provided. If a student is unable to provide a valid sample within a reasonable time frame, alternative methods of testing may be performed. A student refusal to test, implicitly or explicitly, will be construed as a violation of this policy, and therefore may not be permitted to participate in the Findlay City School District athletic related extra-curricular activities, non-athletic extra-curricular activities, or purchase a parking permit for their career.

**4. Parent Opt-In**

A parent may request to have their child included in the drug testing pool of students by choosing to become an Opt-In Participant (see definition). When choosing the Opt-In option, the parents will be responsible for the cost of testing. The parent or legal guardian and student will be required to sign the testing consent form and notify the Principal of this request. There are two Opt-In options from which parents may choose:

- A. A parent may request that their child be included in the pool for a random drug test. Up to 50% of the eligible students in the pool may be randomly tested anytime during the school year.
- B. A parent may request that their child be included as one of the students tested during the next random drug testing cycle. In this case, the Opt-In student will be included in the next group of students tested, in addition to the randomly chosen students.

**CONFIDENTIALITY OF RESULTS**

All drug test results are considered confidential information and will be handled accordingly.

**PROCEDURES IN THE EVENT OF A POSITIVE RESULT**

Refer to Board Policy 9.22: Extra-Curricular Activities/and Parking Permit Rules and Eligibility for a complete description.

**NON-PUNITIVE NATURE OF POLICY**

No student will be penalized academically for testing positive for illegal drugs or banned substances. The results of drug tests pursuant to this policy will not be documented in any student's academic records. However, a student may still be disciplined consistent with Policy 9.11 for Dealing with Drug, Alcohol and Anabolic Steroid Use and the Extra-Curricular Activities Rules and Eligibility policy 9.22. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities, unless required by law. In the event of service of a subpoena or legal process, the student and the student's custodial parent, legal guardian, or custodian will be notified before response is made by the Findlay City School Board of Education, to the extent permitted by such subpoena or legal process.

### CONSEQUENCES

Refer to Board Policy 9.22: Extra-Curricular Activities/and Parking Permit Rules and Eligibility for a complete description.

These consequences apply to all athletics, extra-curricular activities, as well as parking privileges, to run concurrently.

#### **\*\* Prescription Drug Error Positive**

A student that is determined to have used a prescription drug without a legal prescription in their name will be given a positive test result by the MRO. If in meeting with the Parent/Guardian it is determined that this is the result of a parent/guardian error and not an intended abuse of the substance, the following will occur: The parent will submit, in writing to the designated official, an explanation of the error and recognition of the law in regards to prescription drugs. Upon receipt of this document and recognition as a reasonable explanation by the Designated Official, the suspension from driving and activities will be lifted and no assessment or intervention will be required. The student will undergo a follow-up drug screen at the parent's expense to ensure the banned substance(s) are in decay. Upon completion of these requirements, this positive test will be removed from the student's drug testing record. This rule may only be applied one time in a student's enrollment within the school district. Further errors ruled positive by the MRO would result in the actions listed above.

#### **\*\* Prohibition of Over-the-Counter Sports Enhancing Supplements.**

There exist several over-the-counter products known as sports enhancing supplements. The purpose of those supplements is to assist an athlete, enhance his/her overall physical development and some are designed to enhance a specific athletic event.

This District wants to be clear in conveying our belief that the use of any supplement(s) or product(s) designed to enhance performance is not endorsed or condoned. It is our hope that parents will support our view that the use of such supplements should be prohibited.

As a means of conveying our belief on the topic, our coaches, trainers and health teachers shall, through our curriculum, class meetings, and annual team orientations, address this issue with our students. The message we want to convey to our students is that preparation for athletic performance and a healthy lifestyle is best served through a proper and well-balanced nutritional diet and appropriate physical activity designed by our coaches, trainers, and weight room supervisors.

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