

STUDENT SUBSTANCE ABUSE and DRUG TESTING REGULATION

I. Purpose and Intent

In keeping with the mission of Mecklenburg County Public Schools, the Student Substance Abuse and Drug Testing Regulation is to protect student health, safety, welfare, and to strengthen partnerships among faculty, administrators, coaches, parents, and students in order to reduce drug related barriers and hazards to academic, athletic and personal development success. A part of the intent of this policy is also to ensure that student athletes and other extracurricular activity participants set an appropriate example for fellow students for whom they are a role model. Mecklenburg County Public Schools realizes students who use alcohol or other drugs put themselves and their fellow students at risk.

This policy is based on the following facts:

- Student participation in extracurricular activities is voluntary. Students who choose to participate do so with the understanding that their participation is a privilege based on their adherence to high moral, ethical, and academic standards.
- Medical studies have established that drug use affects motor skills, learning, memory retention, reasoning ability, and coordination.
- Except in extreme cases, drug use is difficult for laymen, or even physicians, to detect by casual observation.
- No safe level of drug use has been established. Any measurable amount of a mind-altering drug or alcohol in a person's body can cause some degree of impairment, even if that impairment is not readily apparent to the layman.
- The use of alcohol is illegal for anyone under the age of 21.
- All drug use without a prescription is illegal.

II. Definitions

The terms used in this policy shall have the meanings assigned to them in this section. All other terms used herein shall have their common or ordinary meanings unless defined elsewhere in policy applicable to all students and all school properties, functions, and events.

- a. Student Participant - Any sixth through twelfth grade enrolled in Mecklenburg County Public Schools student participating in any middle school sports, in any Virginia High School League event or other sport as an established athlete or eligible participant at the junior varsity or varsity level, or a member of any extracurricular school club or organization. An established athlete or participant is one who is on a Virginia High School League (VHSL) Master Eligibility List (MEL) which encompasses all students participating in VHSL endorsed athletics and activities. The student athlete retains established status until the

next MEL for any VHSL sanctioned activity is submitted to the VHSL. For extracurricular school clubs or organizations, official rosters will be provided by the club/organization sponsors.

- b. Extracurricular – Any sport, club, organization, or activity that is not linked to an academic grade but that is under the purview of Mecklenburg County Public Schools.
- c. Prohibited Substance - Prohibited substances are controlled substances, imitation controlled substances, performance enhancing drugs, illegal drugs, alcohol, tobacco, nicotine, and any illegal drugs. Some substances are prohibited substances even though they may not be illegal or controlled in some circumstances such as nicotine and tobacco. Nicotine and tobacco are prohibited substances. Tobacco is a prohibited substance even if the user is otherwise legally permitted to use tobacco. Certain performance enhancing drugs, as defined herein, also are prohibited substances.
- d. Controlled Substances - Controlled substances are substances the use of which is regulated or controlled by law. These include but are not limited to prescription medications including but not limited to Loratab, Xanax, and Oxycontin. Prescription drugs used without a valid prescription or in excess of prescribed dosages are considered prohibited substances for purposes of this policy.
- e. Illegal Drugs - Illegal drugs are any substance the possession of which or the use of which is a criminal offense in the Commonwealth of Virginia. Illegal drugs include but are not limited to cocaine, heroin, marijuana, methamphetamines, and includes synthetic drugs. Alcohol is deemed an illegal drug for purposes of this policy. Some common names for some illegal drugs include "coke", "crack", "meth", "crystal meth", and "pot".
- f. Performance Enhancing Drugs - Performance enhancing drugs are substances, including anabolic steroids, the use of which by student athletes is prohibited by the VHSL.
- g. Positive Test Result - A test result showing the presence of a prohibited substance.
- h. Tested Substances - Tested substances are prohibited substances the use of which random drug tests described herein are designed to indicate. The substances commonly tested for, but not limited to, are: alcohol, nicotine, tobacco, performance enhancing drugs, controlled substances, imitation controlled substances, and other illegal drugs.
- i. Reasonable Suspicion - Reasonable suspicion pursuant to this policy shall mean a specific, objective reason to suspect a student participant has used a prohibited substance, including but not limited to the student participant self-reporting use of a prohibited substance, a parent or legal guardian of a student participant reporting the student participant has used a prohibited substance, and the student participant's refusal to provide a test sample when the student participant has been randomly selected for testing pursuant to this policy.
- j. Random Selection - Random selection is the method for selecting student participants to be tested for prohibited substances without reasonable suspicion. All student participants are subject to being randomly selected for testing. For purposes of this policy random selection will include ten percent (10%) of the total eligible student participant population chosen at random by a third party administrator per each random testing event. The eligible population

per random testing event shall be the population of student participant's whose activity or sport occur or take place during the fall, winter, or spring..

- k. Prohibited Substance Use Test or Prohibited Substance Test - A prohibited substance use test or prohibited substance test is a collection of a saliva specimen from a student participant chosen by random selection which is administered by a third party as hereinafter provided.
- l. Substance Abuse Violation - A Substance Abuse Violation is the use of a Prohibited Substance by a Student Participant regardless of where the use occurred. Whether a Substance Abuse Violation has occurred is determined by the Principal of the school the Student Participant attends. A Substance Abuse Violation may be proven solely by a Positive Test Result. A Substance Abuse Violation may also be proven solely by the Student Participant's admission to use of a Prohibited Substance.

III. Requirements

The Student Substance Abuse and Drug Testing Regulation requires the Mecklenburg County Schools Student Participant Pledge and Consent (JFC-R4), which is the requirement of a signed acknowledgement and agreement by the Student and their parent/guardian that the student is governed by and will comply with this policy.

To participate in any VHSL activity, athletics, or extracurricular club or organization the student must:

1. Along with his/her parent(s) attend seasonal meetings to receive information about the pledge program and the associated process for random drug testing.
2. Read this policy, and document by their signature their pledge (JFC-R4) acknowledging they understand the Student Substance Abuse and Drug Testing Regulation and agree that they will comply with the terms of this policy. The parent/guardian of the student participant also must read this policy and sign to acknowledge they understand this policy, and pledge and agree that they will consent to the enforcement of this policy. Refusal by the student or the parent/guardian(s) of the student to execute such pledge will preclude the student's participation in VHSL activities and athletics or the extracurricular organization or club at the school until the pledge is executed and presented.
3. Refrain from the use of any prohibited substance. Any student who is an adult, having reached the age of eighteen, still must refrain from the use of any prohibited substance which may be legal for that student to use: this includes tobacco and nicotine. Any student who uses a prohibited substance violates this policy and is subject to the consequences prescribed by this policy.
4. Execute the pledge and agree to be subject to testing for prohibited substances either by random selection or upon reasonable suspicion. Any student, regardless of age, who has a positive test result for a prohibited substance may be deemed to have committed a substance abuse violation and be subject to the consequences below set forth.

This policy applies to the student wherever or whenever any use of a prohibited substance occurs. A student's violation of this policy may occur off of school

grounds and outside of, or not during, any school related activity. This policy will apply to the behavior of the student with respect to the use of prohibited substances without respect to the time or location that the use may occur.

IV. Interaction with other policies.

In the event that a substance abuse violation occurs on school property, in a school vehicle, at any school-sponsored event, going to or from school, or while participating in school sanctioned activities, then the student shall be subject to the substance use policies applicable to all students, (JFC, JFCF, and JFC-R) in addition to this policy. However, the procedures prescribed by the substance abuse policies applicable to all students shall be followed in such circumstances.

If substance abuse violation occurs other than as provided above, then procedures set forth in this policy shall be followed and only the consequences set forth in this policy shall be enforced.

V. Procedures

Consent and Eligibility for Testing

Participation in extracurricular organizations and athletics in Mecklenburg County Public Schools is a privilege. For the safety of the student participant and others, all student athletes and those involved in extracurricular clubs or organizations must consent to a) random drug testing b) drug testing due to reasonable suspicion and c) voluntary student or parent disclosure of student drug use. Parents/Guardians must likewise provide their consent for their student participant to be subject to the Mecklenburg County Student Substance Abuse and Drug Testing Regulation

Mecklenburg County students in grades six through twelve who choose to participate in extracurricular activities not required by the Board of Education for graduation will be required to participate in the random testing program in order to participate in their chosen activity.

Students become eligible for testing upon submission of a consent form. Students must submit a consent form immediately following the Student Pledge Program Parent Meeting for their season or before their next practice or meeting following the Pledge Program Meeting.

Students remain eligible for random drug and alcohol testing from the date the consent form is turned in through the end of their sport or extracurricular activity season. In the event that a student eligible for random drug and alcohol, testing ceases to participate or withdraws from an athletic team or extra-curricular activity, he or she will no longer be subject to random drug, and alcohol testing associated with this program.

Suspicion Based Testing

In the event that a coach, sponsor, or other school staff has reasonable suspicion to believe that a member of a team or extracurricular activity has been using drugs or alcohol, he/she will provide the name of the player to the Pledge Program Committee.

In the event a parent/guardian suspects their child of drug use, they may likewise provide that information to a member of the Pledge Program Committee. Upon receiving such referral, The Pledge Program Committee will meet with the player to further investigate the suspected use. If the committee believes there is reasonable suspicion of the use of alcohol or drugs, the administration will contact the student's parents to inform them that the student will be required to submit to a drug screen which will be administered according to the procedures outlined below.

For what Substances will Students be Tested?

In administering the program, the division will test for the presence of certain substances that include, but are not limited to, the following substances or their metabolites: alcohol, marijuana (THC), synthetic cannabinoids, opiates, cocaine, methamphetamines, nicotine, anabolic steroids and phencyclidine (a/k/a PCP), MDMA (a/k/a Ecstasy), and/or any other substance defined as a "controlled substance" by either Virginia or Federal law.

Pledge Program Committee and Testing Protocol

The administration of each school will create a Pledge Program Committee comprised of the building principal, the athletic director, and at least one other MCPS employee. The Pledge Program Committee, in coordination with an independent and qualified Third Party Administrator (TPA) will ensure the protocols are followed. The TPA will be contracted to conduct all testing and will be responsible for the random selection with replacement and testing process.

Selection of Students and Random Testing

A confidential testing schedule will be created by the TPA to ensure that seasonal testing of eligible students is conducted in a manner that is random. Testing will be performed at a minimum of two testing sessions on a sample population and test minimally 10% of the total population of student-participants per sport/group, per school, per season (e.g. Fall, Winter, Spring). For students who are in extracurricular clubs or organizations, testing will likewise be performed at a minimum of two testing sessions on a sample population and test minimally 10% of the total population of the students in that club/organization.

A copy of the Middle School Team Roster List and the Virginia High School League (VHSL) Master Eligibility List, identifying athletes for every sport, per sports season, will be used to determine who will be eligible for testing. For the purpose of confidentiality, student-athletes will be identified by a unique number as designated by the school. Selection of eligible students for testing will be conducted using random selection with replacement basis by the TPA selected by

Mecklenburg County Public Schools to administer the random drug and alcohol testing program. A separate group of students will be selected by sport or activity and designated as alternates to be used in the event of student absence. A copy of the membership rosters of all MCPS authorized extracurricular clubs/organizations will be used to determine who will be eligible for testing and handled likewise.

Pledge Program Committee members will notify the individual(s) selected for testing and escort them to the designated location for testing. Drug testing will be performed by collecting a saliva sample.

Testing will take place at each school.

The participant shall complete a specimen control form for the saliva sample. All students selected for testing must remain at the testing site under the direct supervision of the administration or a designee until the testing is complete. Any attempt by a participant to tamper with the specimen collection process or refusal by the participant to provide a sample, will be treated as a resignation from all extracurricular activities for a period of 365 days except in cases where a positive sample would constitute a 3rd violation. In such cases, the student will be banned from any further participation for the remainder of his/her enrollment in the Mecklenburg County School Division.

All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of participants.

Specimens that test positive for the presence of illegal or synthetic drugs, alcohol, or their metabolites will be kept by the testing facility for at least one hundred eighty (180) days pending an appeal of the test result.

Students will remain under school supervision until an adequate sample can be provided. If a student has not provided a reliable sample by the end of the school day, then the student will be ineligible to participate in the remaining portion of that sports season absent extenuating circumstances.

The TPA will provide testing materials, testers and a Medical Review Officer (MRO).

In the event of a positive test result, the MRO will make direct contact with the parent/guardian to resolve any extenuating circumstances, medical or other, that may have contributed to an inability to provide a sample, or a positive test result. Mecklenburg County Public Schools will not be involved in resolving positive testing results.

After all testing and test results have been verified, the final report will be provided by the TPA to the Superintendent/Designee.

The names and/or any other personally identifiable information of the students selected for testing will remain confidential. The division respects the privacy of its

students and shall maintain confidentiality regarding any alcohol and drug testing for this program. The results will only be released to designated division personnel. Randomly selected student participants are encouraged to protect their own confidentiality.

Notification of Testing & Testing Results

The Superintendent/Designee will provide the results to each school's principal. The principal will share the results with the athletic director.

When a participant tests positive for an illegal drug or alcohol the participant's parent(s) or guardian(s) will be contacted directly by the athletic director or designee. Parents will have 5 business days to provide documentation of a legal prescription that may have caused the positive test.

Results of student tests confirmed by the lab will be provided to the athletic director or designee and discussed with school administration.

All records and subsequent actions shall be kept by the administration in a file separate from the student's school records. The administration will not release records of drug and alcohol tests or any resulting action to anyone other than designated school personnel and the student and/or his/her parent/guardian without written authorization from the student and/or his/her parent/guardian in accordance with 42C.F.R. – Part II.

Student drug testing information will not be turned over to any law enforcement authorities except under circumstances in which the division is legally compelled to surrender or disclose such test results.

The administration will destroy all records for each student when they have no remaining eligibility to participate in VHSL activities due to the fact that they have graduated, they are over the maximum age for participation, or they have completed four years of eligibility.

The testing company will maintain testing records according to their records retention policies.

Appeal Procedure

A student or his/her parent(s) or guardian(s) may request a retest of his/her specimen at their own expense at a laboratory of their choice which follows federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards concerning drug testing protocols and procedures. A written request must be made within twenty-four (24) hours of receiving the results of the drug test from the administration. The specimen previously submitted will be forwarded to the approved lab in cooperation with the division approved independent lab.

Results of the re-test will be provided to the administration by the approved laboratory. During the appeal period students may not participate in athletics or

VHSL-sanctioned, competitive, extra-curricular activities.
The student will be ineligible to participate during the appeal.

VI. Consequences

Consequences will result from the following:

- a confirmed positive test for alcohol or illegal or synthetic drugs;
- refusal to participate in testing when selected; and/or
- tampering with the specimen collection process

Students will be ineligible for participation in any athletic or VHSL-sanctioned competitive extra-curricular activities and/or any club/organization activity unless they and their parents complete the Mecklenburg County Schools pledge and random testing for illegal or synthetic drugs and alcohol consent to test form (JFC-R4).

Any attempt by a participant to tamper with the specimen collection process or refusal by the participant to provide a sample, will be treated as a resignation from all extracurricular activities for a period of 365 days except in cases where a positive sample would constitute a 3rd violation. In such cases, the student will be banned from any further participation for the remainder of his/her enrollment in the Mecklenburg County School Division.

Upon confirmation of a positive test or a student's confession of illegal drug and alcohol use as a result of an investigation based on suspicion of use, the student will be ineligible to participate in athletics or extracurricular activities until they adhere to the consequences outlined below. It should be noted that the consequences outlined below are cumulative across each participant's athletic and/or extracurricular "career" in the Mecklenburg County School Division. Each student's "career" begins in the 6th grade or upon initial participation in an athletic and/or VHSL-sanctioned, extracurricular, competitive activity, or other extracurricular club/organization, and ends when they graduate or cease to participate in athletics or VHSL-sanctioned, extracurricular, competitive activities, or other extracurricular clubs/organizations. For example, if a student has a positive test for an illegal drug or alcohol in the 8th grade and, a second positive test for an illegal drug or alcohol in the 11th grade, they will be subject to the consequences outlined for a second offense.

Consequences –

A. First Offense

Step 1 Upon confirmation of a positive screen for illegal or synthetic drugs, alcohol, or the student's admission of continued use of illegal or synthetic drugs or alcohol, the administration will schedule a meeting with the student, his/her parents, and the principal on the first school day following the confirmation of illegal drug use to impose a suspension from athletic/extracurricular participation. A minimum 20 day suspension will begin at that time. During this time, the student may continue to attend scheduled meetings, practices, and contests associated with his/her

activity. However, they may not participate in any manner. Written notification will be provided to parents that will detail the conditions and the endpoint of the suspension which will be a minimum of twenty calendar days after its imposition.

Step 2 The administration will conduct a screening interview with the student and parents within the 20 day suspension. Based on the interview, the administration will design an intervention program suitable for the student.

Step 3 After the 20 day suspension and prior to resuming full participation in the privileged activity, the student will be required to take an additional screen to prove that he/she no longer has any trace of illegal substances in his/her system. Any positive results at the time of the follow up tests will be considered the student's second positive drug test result.

Step 4 The student and parents must participate in the recommended intervention program at their expense. Progress reports will be provided to the administration to document the student's successful participation.

Step 5 The student and his/her parents must agree to regular testing for illegal and synthetic drugs and alcohol for the student for the remainder of the his/her activity season.

Step 6 Upon satisfactorily attending all the prescribed intervention sessions, the student will be provided with a letter of reinstatement from the Administration indicating that he/she is a "student in good standing" and eligible to resume regular participation with his/her privileged activity.

Note: Once a student has been reinstated, it will be up to the head coach/sponsor to determine when the student is ready to resume full participation based on his/her assessment of readiness through careful observation and assessment in practice.

B. Second Offense

Step 1 Upon confirmation of a second positive test or second refusal for illegal or synthetic drugs, alcohol, or the student's admission of continued use of illegal or synthetic drugs or alcohol, the administration will schedule a meeting with the student, his/her parents, and the principal on the first school day following the confirmation of illegal drug or alcohol use to impose a twelve week (84 day) suspension. Written notification will be provided to the parents that will detail the conditions and the endpoint of the suspension which will be a minimum of eighty-four calendar days after its imposition.

Step 2 The administration will conduct a screening interview with the student and parents within two weeks of the beginning of the suspension. Based on the interview, the administration will design an intervention program suitable for the student.

Step 3 The student and parents must participate in, and complete, the

recommended intervention program at their expense. Progress reports will be provided to the Administration and the school in order to document the student's and parent's successful participation.

Step 4 The student and his/her parents must agree to regular testing for illegal and synthetic drugs and alcohol for the student during the 84 day suspension and for the remainder of his/her activity season.

Step 5 Following the 84 day suspension, and prior to resuming full participation with his/her privileged activity, the student will be required to take an additional screen for illegal and synthetic drugs and alcohol to prove that he/she no longer has any trace of illegal substances in his/her system.

Step 6 Upon satisfactorily attending all the prescribed intervention sessions, the student will be provided with a letter of reinstatement from the Administration indicating that he/she is a "student in good standing" and eligible to participate in privileged activities.

C. Third Offense

Upon confirmation of a third positive test or third refusal for illegal or synthetic drugs, alcohol, or the student's admission of continued use of illegal or synthetic drugs or alcohol, the administration will schedule a meeting with the student, his/her parents, and the principal on the first school day following the confirmation of illegal drug or alcohol use to suspend the student from any further athletic and/or extracurricular participation while enrolled in the Mecklenburg County School Division.

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