

Book	Policy Manual
Section	Fall 2022
Title	Copy of CAREER TECHNICAL EDUCATION AND WORK PLACE SIMULATION DRUG FREE POLICY
Code	po5530.02
Status	
Adopted	April 16, 2014
Last Revised	July 11, 2017

#### 5530.02 - CAREER TECHNICAL EDUCATION AND WORK PLACE SIMULATION DRUG FREE POLICY

This policy governs only performance-enhancing and illegal drug use and abuse by students as part of any simulated workplace program conducted at the career technical center or comprehensive high schools within the County. The goal is not to levy discipline but rather to aid in the discovery and prevention of possible drug-related problems and to maintain a safe work environment for those operating equipment, as well as caring for patients and clients who may be ill or debilitated.

Although the Board, administration, and staff desire that every student in the County refrain from using or possessing illegal drugs, County officials realize that their power to restrict the possession or use of illegal and performance-enhancing drugs is limited. Therefore, this policy governs only performance-enhancing and illegal drug use by students participating in any overall simulated workplace program conducted at the career technical center or comprehensive high schools within the County. The sanctions imposed for violations of this policy shall be limited to modifying, restricting, and/or ending a student's privilege to participate in any overall simulated workplace program conducted at the career technical center or comprehensive high schools within the County. No suspensions from school or academic sanctions will be imposed for violations of this policy. This policy supplements and complements all other policies, rules, and regulations of the county regarding possession or use of illegal drugs.

A student using drugs is a danger for him/herself as well as other students. For the secondary student the key component of this program is to open the lines of communication between students and parents about the serious matter of drug usage and abuse. Most if not all employers conduct workplace drug tests as well as random drug screens on their employees. The Simulated Workplace Drug Free Policy will attempt to provide a real work place simulation including unannounced random drug testing as well as testing based on reasonable suspicion as described herein. Real workplace drug testing policies will of course vary from this public school policy.

Students participating in a Career Technology Education Simulated Workplace program (CTESWP) will be included in the random student drug testing selection process. The sanctions imposed on students who violate this policy, may include, but are not limited to, modifying, restricting or ending the student's opportunity and eligibility for continued participation in the CTESWP program.

This policy supplements and complements all other policies, rules and regulations of Cabell County Schools regarding possession or use of illegal drugs.

#### STATEMENT OF PURPOSE AND INTENT

The purposes of this policy are three-fold:

- A. To educate students on the serious physical, mental and emotional harm caused by illegal drug use.
- B. To ensure that students adhere to a simulated work place program that bars the intake of illegal and performance-enhancing drugs.
- C. To prevent injury, illness, and harm to students in the simulated work place that may arise as a result of using illegal and performance-enhancing drugs.

Illegal and performance-enhancing drug use of any kind is not compatible with the physical, mental, and emotional demands placed upon participants in the CTESWP and upon the positive image these students project to other students and to the community on behalf of Cabell County Schools. For the safety, health and well-being of students who are in the CTESWP, Cabell County Schools has adopted this policy for use by all participants in the CTESWP program.

The administration may adopt regulations to implement this policy.

#### A. Definitions

**"CTESWP Student"** means a student of any Cabell County career technical center or comprehensive high school participating in the CTESWP program.

"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.

"Random Selection Basis" means a mechanism for selecting activity students for drug testing that:

1. results in an equal probability that any CTESWP student from a group of CTESWP students subject to the selection mechanism will be selected, and

2. does not give the County discretion to waive the selection of any CTESWP student selected under the mechanism.

"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 Substance 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.

"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 in over-the-counter transactions.

"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 laboratory administering the drug use test.

"Reasonable suspicion" means a suspicion of illegal or performance-enhancing drug use based on specific observations made by coaches/administrators/sponsors of the appearance, speech, or behavior of an activity student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by an activity student supplied to school officials by other students, staff members, or patrons.

"Participating Student" means all CTESWP students included in the random testing pool.

## B. IMPLEMENTATION GUIDELINES

**Consent Forms.** Participating students shall be provided with a copy of the "Simulated Workplace Drug Testing Consent Form" which shall be read, signed and dated by the student, parent or custodial guardian.

As a condition of participating in CTESWP programs all secondary students and post-secondary students must agree to be drug tested at acceptance into the program as well as randomly tested. This consent requires the Participating Student to provide a urine sample as follows:

1. When the Participating Student is selected by the random selection basis to provide a urine 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 CTESWP unless the student has returned the properly signed "Simulated Workplace Drug Testing Consent Form."

- C. **Orientation Session.** Prior to the commencement of drug testing each year a mandatory orientation session shall be held with each newly enrolled Participating CTESWP Student to educate them of the sample collection process, privacy arrangements, drug testing procedures and other areas which may help to reassure the student and help avoid embarrassment or uncomfortable feelings about the drug testing process.
- D. **Distribution of this Policy.** Each Participating Student shall receive a copy of the Simulated Workplace Drug Free Policy. The CTE director, school principal, CTE Coach, or program 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.
- E. **Random Sample.** Drug use testing for Participating Students shall be done monthly on a random selection basis from a list of all Participating Students. The CTESWP director or principal will determine a monthly number of student names to be drawn at random to provide a urine sample for drug use testing for illegal drugs or performance-enhancing drugs.
- F. **Reasonable Suspicion Sample.** In addition to the drug tests required above, any Participating Student may be required at any time to submit to a test for illegal or performance-enhancing drugs, or the metabolites thereof when a director or principal has reasonable suspicion of illegal or performance-enhancing drug use by that particular student.
- G. **Drug Testing Service.** Any drug use test will be administered by or at the direction of a drug testing service chosen by the Cabell County Schools. 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 laboratory control and scientific testing. The drug testing service shall provide all collection containers used for the drug testing process.
- H. **Privacy.** All aspects of the drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible.
- I. **Obtaining Samples.** 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 private facility behind a closed stall/door. **Samples will be obtained using cheek swabs for all students except those who are participating in clinical hours in a medical facility. The drug testing service shall provide a trained employee to collect the samples subject to drug testing. This individual will also monitor the collection of samples. The monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall to listen for the normal sounds of urination in order to guard against tampered specimens and to insure an accurate chain of custody. The monitor shall verify the normal warmth and appearance of the specimen.**

Any eligible student selected randomly for **urine** 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 at testing time will undergo a time limit of three (3) hours in order to produce a sample. At that time if the student is still unable to produce a sample, the student must make an appointment with a doctor to see if a medical reason exists to explain the inability to produce a urine sample.~~

The student will be unable to participate in the CTESWP program until a 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 CTE director or school principal 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) 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 will determine the status of the test result. The communication between the parent/guardian and the MRO regarding medications prescribed to the student will be strictly confidential and not shared with school personnel.

NOTE: School personnel may be aware of medications prescribed to student due to information provided on the school emergency cards and/or Administration of Medication Forms.

- J. **Positive Tests.** In the event of a positive test result, the parent/guardian may challenge the positive test result. If a challenge is made, the procedure will consist of a second test of the same specimen and will be conducted at the parent/guardian's expense.

#### CONFIDENTIALITY

- A. **Notification by Drug Testing Service.** The drug testing service shall notify the Superintendent or designee and CTESWP director or principal of any positive test.
- B. **Notification to Student, Parent/Guardian and Principal.** The CTESWP director or principal shall provide written notification of positive test results to: Student, Parent/Guardian and Principal.

The CTESWP director or principal shall schedule a conference with the student and parent or guardian and explain the student's opportunity to submit additional information to the director, principal or to the lab. Cabell County Schools will rely on the opinion of the drug testing service which performed the test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.

**Record of Test Results.** Test results will be kept in files separate from the student's other educational records, shall be disclosed only to those school personnel who have a need to know, and shall not be turned over to any law enforcement authorities unless the law enforcement authority presents a valid court subpoena, search warrant, or signed consent from the parent, guardian or student. Records of positive test results maintained at the school shall be destroyed upon the student's graduation from high school.

#### APPEAL

**Procedure for Appeal.** A Participating Student who has been determined by the CTE director or school principal to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her designee(s). Such 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 will remain eligible to participate in the CTESWP 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 will 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

- A. **Restrictions on CTESWP Students.** Any Participating Student who tests positive in a drug test under this policy shall be subject to the following restrictions:
  1. **First Offense:** The parent/guardian will be contacted immediately by the CTESWP director or principal and a private conference will be scheduled to present the test results to the parent/guardian. In order to continue participation in the activity the student and parent/guardian must, within five (5) days of the joint meeting, show written proof that the student has received substance abuse education/counseling from a qualified program or counseling entity. Additionally, the student will automatically be placed on the list for re-testing when the next scheduled drug testing for simulated workplace occurs at the school. (A minimum of 30 days must pass between drug tests.)
  2. **Second Offense:** Consequences for a second positive test shall be "firing" from the student's position at the CTESWP. The student will be given an alternate assignment by the CTE director or school principal.
    - a. These restrictions and requirements shall begin immediately, consecutive in nature, unless a review appeal is filed following receipt of a positive test.
    - b. Additionally, a student who has committed his/her second offense under the policy will not be eligible for any honors or awards given by the school and/or county in connection with the CTESWP program.
    - c. The CTESWP director or principal and/or counselor will provide information to the student and parent/guardian on qualified substance abuse education and counseling treatment programs and other resources available in the community. The

student will be encouraged to seek substance abuse education and counseling.

d. A positive test result will not be used to suspend or expel a student from school and will not be included in the student's disciplinary record.

3. Third Offense and Additional Offences: Consequences for a third offense or additional offenses beyond three positive tests shall be a continuation of consequences identified in the second offense.

**B. Violation of the Simulated Workplace Drug Free Policy:** A violation of this policy is **NOT** a violation of the Student Code of Conduct Policy. Any participating student who tests positive in a drug test under this policy shall, as a result thereof, be subject to the restrictions described under this section labeled **CONSEQUENCES** only.

When school district employees charged with the administration of this drug testing policy are made aware of drug use by a Participating Student, solely as a result of drug testing under this policy, that Participating Student shall **NOT** be disciplined under the **Student Code of Conduct Policy**.

#### REFUSAL TO SUBMIT TO DRUG USE TEST

A participating student who refuses to submit to a drug test authorized under this policy will immediately be given an alternate assignment as determined by the CTE director or school principal.

#### 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 who is under the influence of medications or illegal drugs on school grounds, is subject to disciplinary action as provided in the Student Code of Conduct Policy.

#### ADVISORY COUNCIL

In order to monitor policy effectiveness, the Superintendent shall appoint an advisory council to review the local data and make recommendations to the Board of Education regarding policy effectiveness. This advisory council shall include but not be limited to the CTE director or school principal and school counselor from the comprehensive high school or career technology center, a school nurse and a community agency representative involved professionally with drug use prevention and treatment programs.

#### POSTSCRIPT

The Cabell County Board of Education and all of its employees are committed to cooperating with parents/guardians in an effort to help students avoid illegal drug use. The School District believes accountability is a powerful tool to help some students avoid using drugs and that early detection and intervention can save lives.

© Neola 2016