

**TITLE: GILMER COUNTY BOARD OF EDUCATION DRUG TESTING FOR PROGRAMS
PARTICIPATING IN SIMULATED WORK PLACE**

PURPOSE

Gilmer County Board of Education and its employees are committed to cooperate with parents/guardians in an effort to help students avoid illegal drug use. Accountability is a powerful tool to help some students avoid using drugs and that early detection and intervention can save lives. Therefore, in order for students to participate in the Simulated Work Place the attached consent form must be completed and signed by the student and parents/guardian. (See attachment 1)

This policy governs illegal drug use by students participating in Simulated Workplace at Gilmer County Schools and the Calhoun-Gilmer Career Center (CGCC). Illegal drugs are such drugs as alcohol, marijuana narcotics, steroids, substances commonly referred to as synthetic or designer drugs, over-the counter and prescription drugs without authorization and/or being used for an abusive purpose, and any other substance included in the Uniform Controlled Substance Act as described in West Virginia Code §60A-1-101.

The sanctions imposed for violations of this policy, could include, but are not limited to, limiting the opportunity to participate in the Simulated Workplace. This policy supplements and complements all other policies, rules and regulations of the county regarding possession or use of illegal drugs. Participating in the Simulated Workplace is a privilege. Upon successful academic progress, appropriate behavior and the ability to pass a drug test, students can attain high level employment. Students have a responsibility for the safe operation of equipment and machinery in the CTE setting. The policy will be effective beginning in the 2015-2016 school year.

RESPONSIBILITY

The building principal/designee or site supervisor shall follow guidelines and procedures set forth in this policy as they deal with persons found using or possessing illegal drugs or use of illegal drugs in the Simulated Workplaces.

AUTHORITY

Source: CGCC Administrative Council Minutes

ADOPTED: 8/25/15

PROCEDURES

Obtaining Samples

The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen shall be collected in a facility behind closed doors. The

drug testing service provides a trained employee to collect the samples from students 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 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 at testing time will be unable to participate in all aspects of class until an appropriate sample is provided at the parent's expense.

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.

Positive Test

In the event of positive test result, the parent/guardian may challenge the positive test result. The procedure will consist of a second test of the same specimen and would be conducted at the parent/guardian's expense.

List of Medications Taken

In the event of a positive test result, the Medical Review Office (MRO) of the drug testing service shall contact the parent/guardian of the student who will 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 the medication 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.

Confidentiality

1. The drug testing service shall notify the Gilmer County Schools' Superintendent/Director of CGCC of any positive test.
2. In order to keep the positive test results confidential, the Superintendent/Director of CGCC, shall provide written notification to only the student, instructor, and parent/custodial guardian. The principal/director shall schedule a conference with the student and parent/guardian and explain the student's opportunity to submit additional information to the principal/director/designee or to the lab. Record of 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, 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

A participating student who has been determined by the Gilmer County Schools' Superintendent/Director of CGCC to be in violation of this policy shall have the right to appeal the decision to the Superintendent or 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 Simulated Workplace until the review is completed. The Superintendent or designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's or designee decision shall be provided and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be at the sole judgment and discretion of the Superintendent or designee, the decision is final and non-appealable.

Advisory Council

In order to monitor effectiveness, the Gilmer County Schools' Superintendent/Director of CGCC shall appoint an advisory council to review the local data and make recommendations to the Administrative Council.

Refusal to Submit to Drug Use Test

A participating student who refuses to submit to a drug test authorized under this policy shall not be eligible to participate in simulated workplace classes and competitions for the remainder of the school year.

Self-Referral

A student who of his/her own volition informs (self-refers) the principal or instructor of usage before being notified to submit to a drug test, will be allowed to remain active under this policy. Such student shall, however, be considered to have committed his/her first offense under the policy, and shall be required to re-test as would a student who has tested positive.

Important Note on Consequences

Notwithstanding, any student who violates the Alcohol and Controlled Substance Abuse or 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 medication or illegal drugs on school grounds, is subject to disciplinary action as outlined in those policies, up to and including expulsion.

Consequences

Any participating student who tests positive under this policy shall be subject to the following restrictions which shall be cumulative throughout enrollment at Gilmer County Schools and Calhoun-Gilmer Career Center (CGCC).

First Offense—After the parent/guardian has been notified of a positive result by the Medical Review Officer, a meeting shall then be set up with the student, parent/guardian, and principal concerning the positive drug test. In order to continue participation in the activity, the student and parent/guardian must within five (5) school days of the joint meeting, show written proof

that the student has been referred to a Counseling Center. Proof must be provided that the student is receiving counseling from a qualified drug treatment program or counseling entity. Additionally, the student must voluntarily submit to a second drug test to be administered within two (2) weeks in accordance with the testing provisions of this policy. The parent/guardian shall be responsible for the cost of this drug test. Students will also be required to provide five (5) hours of approved community service within the fourteen days. The student shall attend four (4) hours of substance abuse education. If the parent/guardian and student agree to these provisions, the student may continue to participate in this program. Should the parent/student not agree to these provisions, the second offense consequences shall be imposed.

Second Offense—A second offense will result in suspension from participation in Workplace Simulation classes for ten (10) school days, and require successful completion of four (4) hours of substance abuse education/counseling. The student shall be tested monthly for the remainder of the school year. The time and date will be unknown to the student and will be determined by the principal or designee. In addition the student must participate in 20 hours of approved community service. If the student is already participating in counseling due to consequence of his/her first offense, then four (4) hour of substance abuse education is sufficient. However, if second offense consequences are imposed due to disagreement/noncompliance of first offense consequences, then a minimum of six (6) hours of substance abuse education/counseling is appropriate. The substance abuse education/counseling may be completed with the Gilmer County Schools Substance Abuse Prevention Specialist/Counselor. The student may complete the educational counseling during the period of the student's ten-day suspension. If the education/counseling is to be completed using a qualified professional outside of Calhoun or Gilmer County Schools proof must be provided that the student is receiving counseling from a qualified drug treatment program or counseling entity.

- a. These restrictions and requirements shall begin immediately, and be consecutive in nature, unless a review appeal is filed following receipt of a positive test.
- b. Should the parent/student not agree to these provisions, the consequences listed in this policy for the third offense shall be imposed.
- c. Additionally, these students will not be eligible for participation in co-curricular activities.

Third Offense—A student will receive complete suspension from participation in simulated work place programs at Gilmer County Schools and CGCC for the remainder of the school year. Students will go to an alternative program until the semester ends at which time they will return to their home high school. This can severely harm a student's grade and interfere with graduation. If a student is dismissed due to the third offense, readmission will be considered by the instructor and director if strong evidence (ex. minimum of six monthly drug free tests) proves a student has discontinued the use controlled substances. See attached Drug Testing Authorization and Release of Results.

Legal Authority: West Virginia Code §60A-1-101

Board Adoption: February 20, 2017

GILMER COUNTY BOARD OF EDUCATION DRUG TESTING
FOR PROGRAMS PARTICIPATING IN SIMULATED WORK PLACE.
DRUG TESTING AUTHORIZATION and RELEASE OF RESULTS

GUARDIAN'S NAME: _____

GUARDIAN'S ADDRESS: _____

GUARDIAN'S HOME & CONTACT PHONE NUMBERS: _____

Date: _____

I hereby give my permission for my son/daughter,

_____ to be drug tested if he/she is suspected of having in possession or suspected of use of an illegal substance or is participating in the Simulated Work Place Program. (Illegal drugs are such drugs as alcohol marijuana narcotics, steroids, substances commonly referred to as synthetic or designer drugs, over-the-counter and prescription drugs without authorization and/or being used for an abusive purpose, and any other substance included in the Uniform Controlled Substance Act as described in West Virginia Code §60A-1-101.

Test results will be provided to Gilmer County Schools from the testing lab.

Parent's Signature: _____