The Mid Ohio Valley Technical Institute Administrative Council, in an effort to protect the health and safety of its Simulated Workplace students from illegal and/or performance-enhancing drug use and abuse, thereby setting an example for all other students, proposes to adopt the following policy for drug testing of Career and Technical Education (CTE) students who are participating in the Simulated Workplace initiative. This policy is in accordance with West Virginia State Board Policy 2520.13 and WV § 126CSR42.

Statement of Purpose and Intent

Although the Administrative Council, administration, and staff desire that every student at the MOVTI refrain from using or possessing illegal drugs, school 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 CTE programs, Simulated Workplace, and those who are volunteer participants or whose parent or guardian elects to include the student in the random student drug testing selection process. The sanctions imposed for violations of this policy, could include, but are not limited to, limiting the opportunity of any student determined to be in violation of this policy to a student's privilege of participation in a CTE program implementing the Simulated Workplace. This policy supplements and complements all other policies, rules, and regulations of the MOVTI regarding possession or use of illegal drugs. Participation in the Simulated Workplace is a privilege. Students participating in the Simulated Workplace have a responsibility for the safe operation of equipment and machinery in the CTE setting.

The purposes 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 the privilege of full participation as an incentive to stop using such substances;

C. to ensure that students adhere to a 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 participation in CTE programs 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, and/or those who voluntarily choose to participate, the Council has adopted this policy for use by all participants in the Simulated Workplace, and/or those who voluntarily choose to participate in the drug testing beginning with the 2016 – 2017 school year and thereafter.

The administration shall adopt necessary regulations to implement this policy.

Definitions

A. "Simulated Workplace student” means a student from any of the MOVTI’s participating high schools, approved parochial or home-school students, or grade 14 adult students who are enrolled in a program participating in the Simulated Workplace initiative at the MOVTI. Simulated Workplace students are students who are attending the MOVTI for the purpose of completing a CTE program or for second year students who are already designated as a CTE completer.
MID OHIO VALLEY TECHNICAL INSTITUTE

STUDENT RANDOM DRUG TESTING POLICY FOR STUDENTS INVOLVED IN THE SIMULATED WORKPLACE, VOLUNTEER PARTICIPANTS, AND CLINICAL PARTICIPANTS

B. "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 sample or a person's saliva sample (also referred to as "specimen" or "mouth swab").

C. "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. "Volunteer participant" means any student, less than eighteen (18) years of age beginning during the 2016-2017 school year who individually with his / her parent / guardian permission or whose parent or guardian elects to include the student in the random selection for drug testing. The opt-in participant will include any student who are not automatically part of the random sample. A student may become a volunteer participant at any time during the school year. Students 18 years of age and over not included in Definitions A are considered emancipated and can opt-in at their discretion with the understanding he or she could be treated as an adult if their violation(s) of the policy merit such consideration. For any student choosing to be an “Volunteer Participant” all costs related to the drug testing will be at the expense of the student/parent/legal guardian, no costs will be attributed to the Mid Ohio Valley Technical Institute.

F. "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.

G. "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.

H. "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.

I. "Random selection basis" means a mechanism for selecting participating students for drug testing that:

1. Results in an equal probability that any participating student from the total pool of activity students including (those in the Simulated Workplace), and volunteer participants subject to the selection mechanism will be selected; and

2. Does not give the MOVTI discretion to waive the selection of any participating student selected under the random selection mechanism.
MID OHIO VALLEY TECHNICAL INSTITUTE

STUDENT RANDOM DRUG TESTING POLICY FOR STUDENTS INVOLVED IN THE SIMULATED WORKPLACE, VOLUNTEER PARTICIPANTS, AND CLINICAL PARTICIPANTS

J. "Reasonable articulable suspicion" means a suspicion of illegal or performance-enhancing drug use based on specific observations made by administrators / instructors / clinical or work-base supervisors of the appearance, speech, or behavior of a simulated workplace student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by a simulated workplace student supplied to school officials.

K. “Split specimen” means, in drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee request that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

L. “Split specimen collection” means a collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (bottle a) and the split specimen (bottle b).

M. “Saliva test” means, in drug testing, the utilization of a saliva sample for detection of illegal drugs and their metabolites. An absorbent collection device is placed in the mouth and the saliva collected is screened for drugs use.

N. “Mouth swab”, in drug testing, is the utilization of a swab which is placed in the person’s mouth for less than five minutes collects the saliva for testing. Once saturated, the testing device produces a pass or fail result.

Implementation Guidelines

A. Consent Forms

At the beginning of each school year each simulated workplace participant and volunteer participant 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 instructor within the first ten (10) days of school before such student shall be eligible to participate in the Simulated Workplace. The volunteer participant and parent or custodial guardian shall also consent to read and sign a consent form. This consent requires the simulated workplace student, and volunteer participant to provide a urine (split sample) or saliva sample as follows:

1. When the simulated workplace student, or volunteer participant 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 articulable suspicion to test for illegal or performance-enhancing drugs.

No student shall be allowed to participate in the Simulated Workplace or Volunteer participant program unless the student has returned the properly signed "Student Drug Testing Consent Form." Any student or parent / guardian who refuse to sign a “Student Drug Testing Consent Form” will disqualify the student from participating in the program associated with the Simulated Workplace. Due to the fact that 100% of MOVTI programs are participating in the Simulated Workplace initiative during the 2016 – 2017 school year (and thereafter), refusal to sign a “Student Drug Testing Consent Form” will require the student to reschedule in courses at his or her home high school.
MID OHIO VALLEY TECHNICAL INSTITUTE

STUDENT RANDOM DRUG TESTING POLICY FOR STUDENTS INVOLVED IN THE SIMULATED WORKPLACE, VOLUNTEER PARTICIPANTS, AND CLINICAL PARTICIPANTS

B. Orientation Session

Prior to the commencement of drug testing each year, an orientation session shall be held with each Simulated Workplace student and Volunteer participant to educate them of the sample / saliva 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. MOVTI administration and instructors involved with the Simulated Workplace will review policies and procedures annually with the selected drug testing company.

C. Distribution of this Policy

Each Simulated Workplace student, volunteer participant, and parent/guardian shall receive a copy of the Student Drug Testing Policy. The director, assistant director, or instructor shall be responsible for explaining the policy to all prospective students, and may include or work with an outside agency to include 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 monthly or ever-other-month on a random selection basis from a list of all participating students in the Simulated Workplace student pool. Annually, a minimum of forty percent (40%) from the total simulated workplace student population pool will be drawn at random to provide urine test (split sample) or saliva test for drug use for illegal drugs or performance-enhancing drugs. The MOVTI Director or his designee will work with the drug testing service to establish a random drug testing schedule. Based upon availability, random testing may be limited to testing only in the a.m. or p.m. during a given month; however, every effort will be made to alternate between testing times. Testing shall be done no more than nine times per school year on a random basis and as long as funding is available.

E. Reasonable Suspicion Sample

In addition to the drug tests required above, any Simulated Workplace student or volunteer participant may be required at any time to submit to a test for illegal or performance-enhancing drugs, or the metabolites thereof when an administrator or instructor has reasonable articulable suspicion of illegal or performance-enhancing drug use by that particular student. Any student who is involved in an accident that requires a report to be filed with the WV Board of Risk & Insurance Management (BRIM) will be required to submit to a drug screen.

F. Drug Testing Service

Any drug use test shall be administered by or at the direction of a drug testing service chosen by the Council. 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.

G. Privacy

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

STUDENT RANDOM DRUG TESTING POLICY FOR STUDENTS INVOLVED IN THE SIMULATED WORKPLACE, VOLUNTEER PARTICIPANTS, AND CLINICAL PARTICIPANTS

H. Obtaining Samples

The test specimen or mouth swab shall be obtained in a manner designed to minimize intrusiveness of the procedure. The drug testing service shall provide a certified/trained employee to collect the samples subject to drug testing or train a member of the MOVTI faculty to collect the samples. This individual will also monitor the collection of samples or swabs.

Students not able to provide an adequate urine specimen (split sample) or swab at testing time will be unable to return to full participation in their CTE program until a proper specimen or swab is provided. It is at the discretion of the Director as to whether an eligible student selected randomly for drug testing who is not in school on the day of testing will be tested during the next school day he or she is in attendance, when a drug testing service is being utilized.

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 or swab, the monitor may stop the procedure and inform the director 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, MOVTI administration or certified/trained employee of the employed testing service of the drug testing service shall contact the parent/guardian of the student. The parent / guardian shall be provided with an opportunity to provide documentation of medications legally prescribed for the student. Based on the documentation provided by the parent, the certified/trained employee of the employed testing service will determine the status of the test result. The communication between the parent/guardian and the certified/trained employee of the employed testing service regarding medications prescribed to the student will be strictly confidential.

NOTE: School personnel may be aware of medication prescribed to students due to information provided on school emergency cards or the administration of medication process.

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 / swab and will be conducted at the parent/guardian's expense. All records shall be confidential within the scope of the Simulated Workplace project and as related to volunteer participants. 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 and of those related to volunteer participants shall require proper written authorization for the release of such records by the provider of urine sample. This exclusion to related records shall not pertain to law enforcement in the discharge of their legal duties.

J. Specific Programs

Students participating in health programs with a clinical component may be required to have a drug screen prior to placement and participation in the clinical setting. Due to credentialing regulations, clinical site requirements, and access to drugs at clinical sites; health students with a positive drug screen will not be permitted to participate in the clinical component of their program.
MID OHIO VALLEY TECHNICAL INSTITUTE

STUDENT RANDOM DRUG TESTING POLICY FOR STUDENTS INVOLVED IN THE SIMULATED WORKPLACE, VOLUNTEER PARTICIPANTS, AND CLINICAL PARTICIPANTS

Students enrolled in other MOVTI programs will be ineligible for workplace practicum, work-base experiences, or job-shadowing opportunities following a positive drug screen.

K. Governor’s Workforce Credential

Students interested in pursuing the Governor’s Workforce Credential must pass a minimum of two documented drug screenings. Students who are interested in pursuing must notify the Director during the first three months of school in order for a voluntary drug screening to be arranged during both the fall and spring semesters. Any student who has disqualified themselves by not meeting the other established criteria will not be administered the second or first and second voluntary drug screens, but will remain in the simulated workplace random pool.

Confidentiality

A. Notification by Drug Testing Service

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

B. Notification to student, director, and the student’s parent/guardian

In order to keep the positive test results confidential, the director or designee shall provide notification to:

The student, the parent or custodial guardian, the home county superintendent, the home school principal, the home school counselor, and the related MOVTI instructor(s)

The director 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 director or designee or to the lab. The MOVTI 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.

C. Record of Test Results

Test results shall be kept 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 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 director or his/her designee(s). Such a request for a review must be submitted to the director 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 director or his/her designee(s) shall then determine whether the original finding was justified. No further review of the director’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 director which shall be final and non-appealable.
Consequences

A. Restrictions on Simulated Workplace Students

Any Simulated Workplace student who tests positive in a drug test under this policy shall be subject to the following restrictions, which shall be cumulative throughout each programmatic level:

1. First Offense

After the parent/guardian has been notified of a positive result by the MOVTI Director or his designee, a meeting shall be set up with the student, parent/guardian, and director and / or assistant director concerning the positive drug screen. In order to continue participation in the regular CTE program, the student and parent/guardian must, within five (5) school days of the joint meeting, show written proof that the student has completed a diagnostic assessment through an accredited agency. Proof must be provided that the student has completed a diagnostic assessment from a qualified drug treatment program or counseling entity. The director / assistant director will communicate with the home high school principal and counselor concerning these events. Payment for diagnostic assessment shall be the responsibility of the parent / guardian.

Additionally, the student must voluntarily submit to a second drug test to be administered within thirty (30) days in accordance with the testing provisions of this policy. The parent/guardian shall be responsible for the cost of this drug screen.

If the parent/guardian and student agree to these provisions, the student may continue to participate in the regular CTE program. Should the parent/student not agree to these provisions, the consequences listed in this policy for the second offense for Simulated Workplace students shall be imposed.

2. Second Offense

Suspension from participation in any workplace performance (hands-on) task / clinical in their CTE program for fourteen (14) calendar days, and successful completion of an on-site substance abuse program or other off-site evidence-based program at an equal or more intense level. Proof must be provided that the student is receiving counseling from a qualified drug treatment program or counseling entity, prior to returning to regular status in the CTE program. The director / assistant director will communicate with the home high school principal and / or counselor concerning these events. Payment for treatment shall be the responsibility of the parent / guardian.

The student shall participate in lectures, simulations, computer based program, i.e. WorkKeys, WIN, Tooling U, Today’s Class, Health Center 21 and any other instructional activity that helps students accomplish content skill sets in the CTE program. The student shall be tested monthly for the remainder of the school year. The time and date will be unknown to the student and determined by the director or designee.

a. These restrictions and requirements shall begin immediately, 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 for Simulated Workplace students shall be imposed.
c. The director / assistant director has the discretion of lengthening suspension from regular participation in the CTE program if requirements are not met by the timelines established under the second offense.

3. Third Offense

Complete removal of the student from the CTE program. The student will be referred back to the participating home high school for placement.

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 screen under this policy shall, as a result thereof, be subject only to the restrictions described under this section labeled Consequences; notwithstanding any provision of the Student Code of Conduct Policy and West Virginia State Board Policy 5373. When MOVTI employees charged with the administration of this drug testing policy are made aware of drug use by a Simulated Workplace student or Volunteer participant, solely as a result of drug testing under this policy, that Simulated Workplace student or Volunteer participant shall NOT be disciplined under the Student Code of Conduct Policy or of their drug use so discovered.

Refusal to Submit to Drug Use Test

A participating student who refuses to submit to a drug screen authorized under this policy shall be subject to the same consequences as a positive test result. The student will not be eligible for regular participation in the CTE program.

The second refusal to submit to a drug screen authorized under this policy will result in the student being classified under the consequences as listed under the “Third Offense.”

Important Note on Consequences

Notwithstanding, any student who violates the Student Code of Conduct / Policy 5373 and West Virginia law by the illegal use or possession 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 5373, up to and including expulsion.

Postscript

The Council and all of its employees are committed to cooperating with parents/guardians in an effort to help students avoid illegal drug use. The Council believes accountability is a powerful tool to help students avoid using drugs and that early detection and intervention can save lives and future careers. At the MOVTI, where our VISION is “Permission to dream… prepared to achieve,” we truly believe the choices and habits leading to being a productive and contributing citizen begins as part of a student’s secondary education.

EFFECTIVE: July 27, 2017