

EXHIBIT A

UNIFIED SCHOOL DISTRICT 353 INFORMED CONSENT AGREEMENT

AS A STUDENT

I understand and agree that participation in athletic or extracurricular activities or driving is a privilege that may be withdrawn for violations of the Policy for Random Urine Drug Testing of USD 353 Students.

I have read the Policy for Random Urine Drug Testing of USD 353 Students and understand the consequences that I will face if I am selected for random drug test and have a positive test result.

I understand and realize that there is risk of injury in participating in athletic activities.

I understand that when I participate in any extracurricular activity as defined in Board Policy, I may be subject to initial drug testing and will be subject to random urine drug testing, and if I refuse, I will not be allowed to practice, or participate in any athletic program or extracurricular activity or drive.

I understand this is binding while a student in USD 353.

AS A PARENT/GUARDIAN/CUSTODIAN:

I have read the Policy for Random Urine Drug Testing of USD 353 Students and understand the responsibilities of my son/daughter/ward as a participant in extracurricular activities of USD 353.

I understand and realize that there is an assumed risk of injury involved for my son/daughter/ward as a participant in athletic activities.

I understand that my son/daughter/ward, when driving and/or parking on school property or enrolled in a summer driver's education class, may be subject to initial and random urine drug testing, and if they refuse, will not be allowed to drive on school property and/or park in any parking space on USD 353 property.

I understand that my son/daughter/ward, when participating in extracurricular activities as defined in Board Policy, may be subject to initial and random urine drug testing, and if they refuse, will not be allowed to practice or participate in any extracurricular activities.

I understand this is binding while my son/daughter/ward is a student in USD 353.

Policy for Urine Drug Testing of Wellington Unified School District Students

OVERVIEW

The USD 353 Board of Education, in an effort to protect the health and safety of its students involved in extracurricular activities from illegal drug and alcohol use and abuse or injuries resulting from the use of illegal drugs and or alcohol adopts this policy for drug testing of students participating in extracurricular activities. The procedure for random and possible initial drug testing of high school students participating in extracurricular activities as defined in this policy is accomplished in conjunction with an independent drug-testing Vendor selected by the USD 353 Board of Education. To facilitate random testing, the Designated Official will provide the Vendor with a list of eligible students and in turn the Vendor will randomly select up to 20 percent of the eligible high school students for random drug testing at each testing period. The number of students selected for each test will be determined by the Designated Official. In the event the USD 353 Board of Education requires initial drug testing, each student electing to participate in extracurricular activity may be required to submit to a urine drug test at the beginning of each school year or if a student is new to the district, within 14 days of enrollment in USD 353. The Vendor will send qualified collectors to the school to oversee the collection of all specimens as outlined in this policy and procedure. The Vendor will provide Medical Review Officer (MRO) services for interpretation and verification of results. Results are reported to the Building Principal or Designated Official by the MRO.

1. A STATEMENT OF NEED AND PURPOSE

Recognizing that observed and suspected use of tobacco, alcohol and illicit drugs grades 9 through 12 is a serious concern; a program of deterrence will be instituted as a pro-active approach to promote a drug free school. Likewise, students using illegal drugs pose a threat to their own safety, as well as to the safety of other students. According to a recent USD 353 “Communities That Care” survey, just over 38.1 percent of the participants reported favorable attitudes toward drugs and reported peer drug use. In addition, just under 30 percent of students in the same survey reported believing parental attitudes are favorable to drug use. 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. to promote achievement of Students full academic potential by preventing the impact drug and alcohol use has on the learning centers of the brain.

The random drug testing program is academically non-punitive. This policy is designed to create a safe, drug free environment for students and assist them in getting help when needed.

However, to the extent a violation of this policy would also constitute

a violation of the District's policy for Illegal and Controlled Substances (JCDAB), the sanctions of Policy JCDAB will also apply.

Participation in school sponsored extracurricular activities and parking on school property at USD 353 are privileges. Accordingly, students in extracurricular activities carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible examples of conduct, which includes avoiding the use of possession of illegal drugs and alcohol.

2. SUPPORTING DATA

Random urine drug testing in a public school is legal as determined by the United State Supreme Court in the case of **Vernonia School District 47J (Oregon) v. Wayne and Judy Acton and Pottawatomie v. Earls**.

3. DEFINITIONS

Vendor –The medical office or company selected by the Board of Education to carry out the policy and procedure.

Designated Official – The individual hired by the school or district to oversee the drug testing program of the school or district.

Extracurricular Activities –School-sponsored activities including:

- a. Competitive and non-competition extracurricular activities such as any high school sanctioned or sponsored extracurricular activities involving competition, comparison, or judging of the individuals or groups with other individuals or groups.
- b. Reasonable suspicion – Columbus Policy.

Medical Review Officer (MRO) - A licensed physician trained and certified in the process and interpretation of drug testing results.

Illicit Substance – A drug classified by the Drug Enforcement Administration (DEA) as being available only by prescription from a physician or classified as being controlled and having no therapeutic use.

Banned Substance – A substance defined by School policy as being banned from use of students.

Student Participant – A USD 353 student participating on a sanctioned athletic team as defined by the Kansas State High School Activities Association, or an extracurricular activity as defined by this policy.

Driving and/or Parking – Parking privileges on USD 353 property including the ability of a student to drive on school property and/or park in any parking space on school property or otherwise park on the property owned or under the control of USD 353 or enrollment in a summer driver's education class.

SAMSHA – The Substance Abuse and Mental Health Services Administration is a governmental agency that certifies toxicology laboratories that perform drug testing following strict guidelines and constant quality assurance programs.

GC/MS – Gas Chromatography/Mass Spectroscopy; a scientific process to identify specific chemical compounds. A molecular fingerprint is obtained that identifies a chemical compound with 100 percent accuracy.

Quantitative Levels – The measurement levels of specific chemicals in the urine reported usually in nanograms per milliliter (ng/ml).

Chain-of-Custody Form – A preprinted form provided by the testing laboratory that records all contact with the provided specimen. The form is initiated by the collector and donor then follows with the specimen until the results are certified by the testing scientist and forwarded to the MRO for final certification.

Adulterant/Adulteration – Any attempt to alter the outcome of a urine 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 urine, or purposefully overhydrating oneself in an attempt to dilute the urine to decrease possible detection of illicit or banned substances.

4. PROCEDURES FOR STUDENTS

a. Informed Consent for Testing

At the beginning of each school year, students and parent/guardian/custodian will complete and sign the Informed Consent Agreement (Exhibit A) and Release of Information Form for Medical Review Officer (Exhibit C). No student may participate in any extracurricular activity, as defined by this policy, until this form is properly executed and on file with the school.

b. Urine Drug Testing Frequency

All students wishing to participate in extracurricular activities as defined by this policy may be subject to urine testing for illegal or banned substances as specified in Paragraph 9 below.

Up to 20 percent of eligible students will be randomly tested on up to a bi-weekly basis anytime during the school year. Any student who refuses to submit to urine drug testing will not be allowed to participate in extracurricular activities as defined by this policy.

c. Sample Collection

Samples will be collected as outlined under *Vendor Requirements*, Paragraph 6 below. Any eligible student randomly selected 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 the testing time will be unable to participate in extracurricular activities. Arrangements may be made for special collections at a Vendor Collection site with prior approval of the Building Principal or Designated Official.

d. Tests for Alcohol

Students attending extracurricular activities as defined in this policy may be required to submit to an alcohol breath analyzer test to determine the presence of alcohol.

5. CONFIDENTIALITY RESULTS

All drug tests are considered confidential information and will be handled accordingly. Those persons having results reported to them as set forth by this policy must sign a Confidentiality Statement (Exhibit B).

6. VENDOR REQUIREMENTS

At a minimum, the Vendor must be able to provide the following services:

a. Random Selection of Eligible Students

Once provided a list of eligible students, the Vendor must select the required number of students in a random and confidential manner. The Vendor will arrange with the Designated Official a day and time to do the collection of specimens. The schedule will not follow any recognizable pattern. The selected student names will be given to the Designated Official, who will arrange for these students to report to the collection area.

b. Collection of Urine Specimens

The Vendor will oversee the collection of urine specimens as outlined in the Procedures for Random Urine Drug Testing of Wellington USD 353 Students. Chain of Custody forms will be provided by the Vendor that meets the criteria of this policy and that of the testing laboratory. Students will be given as much privacy as possible in the obtaining of the specimen. The Designated Official and Vendor may elect to use oral fluid or hair testing.

c. Testing of Urine Specimens

The Vendor will have all specimens tested for the specified illicit or banned substances by a qualified laboratory certified by the **Substance Abuse and**

Mental Health Services Administration (SAMSHA) following the guidelines of the **Department of Health and Human Services (HHS)**,

The testing laboratory must be able to test for the following drug classes, substances or their metabolites in collected urine specimens. The building principal may specify specific classes or substances to be tested and advise the Vendor prior to random testing.

Alcohol	Amphetamines	Anabolic Steroids	Ecstasy
Barbiturates	Benzodiazepines	Cocaine Metabolites	Opiates
LSD	Marijuana	Metabolites Methadone	

d. Medical Review Officer (MRO) Services

The Vendor will provide MRO services by a licensed physician who is certified by the **Medical Review Officer Certification Council (MROCC)** or the **American Association of Medical Review Officers** as having proven by examination to have had the appropriate medical training to interpret and evaluate drug test results and thus qualified for certification as a Medical Review Officer. Additionally, the MRO must demonstrate a willingness to abide by the **Procedure for Random Urine Drug Testing of Wellington USD 353 students** as to the evaluation of positive drug tests and reporting findings in a timely and confidential manner. All results will be kept on file for a period of seven years.

e. Reporting of Random Urine Test Results by Vendor

The MRO will certify all urine drug screens as negative or positive and report positive findings in a confidential manner to the parent and then the building principal by a secure e-mail system.

f. Statistical Reporting and Confidentiality of Urine Drug Test Results

The Vendor, testing laboratory, or MRO may not release any statistics on the rate of positive drug tests to any person, organization, news publication or media without expressed written consent of the Wellington USD 353 Superintendent of Schools. However, the Vendor will provide the building principal with an annual report showing the number of tests performed, rate of positive and negative tests, and what substances were found in the positive urine specimens.

7. PROCEDURES IN THE EVENT OF A POSITIVE RESULT

- a. Whenever a student's test result indicates the presence of illegal drugs or banned substances or adulteration, the following will occur after the MRO notifies the parent:
- (1) The building principal, within 24 hours, will notify the parent/guardian/custodian first, then the student and the Designated Official of any positive results. A written notification from the building principal, by form letter, will be sent to the parent/guardian/custodian by certified mail. The building principal may keep all test results for a period up to two years or 30 days after the student graduates, whichever is shorter.
 - (2) The student will be notified and be required to submit at least two periodical urine tests throughout the next 12-month period.
 - (3) If the parent/guardian/custodian or student wishes to contest the results, the Vendor will arrange for the split portion of the specimen to be submitted to another laboratory approved by the Board of Education for testing. This is done at parent/guardian/custodian or student expense. Such a request must be made to the building principal in writing within five working days from first notification of positive test results.
 - (4) The MRO may use quantitative results to determine if positive results on repeat testing indicate recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substance from the body. If the MRO feels the quantitative levels determined to be above the established cutoffs do not reflect current use but natural decay, then a negative result may be reported.

b. First Positive Result

A positive result from the MRO or an altered sample will constitute a first positive. The student participant will be suspended from parking privileges for two weeks and a minimum of 20 percent of athletic contest or extracurricular activity. The specific coach's individual team policy may supersede the requirements of this policy based, but not less than the provisions of this paragraph. Additionally, student participants who have a first positive result will be required to submit at least 2 follow-up drug tests during the next twelve month period and will be required to participate in a substance abuse assessment conducted by a state certified substance abuse counselor or an Addiction Specialist Physician to determine the extent of their drug use. The assessment will be conducted by an agency approved by the Wellington High School and done within 60 days. The cost of the substance abuse assessment will be the responsibility of the student or student's parents or guardian if under the age of 18. The first follow-up drug test will be at the expense of the student or student's parents or guardian. The second drug test

will administered at the discretion of the school during the twelve month period and will be a school's expense.

c. Second Positive Result

A second positive result by MRO ruling or adulteration will result in the student participant being dismissed for the remainder of the season or eight weeks whichever is the longest of nonparticipation from activities defined within this policy and loss of driving privileges for eight weeks. A student will be required to enroll in a comprehensive substance abuse evaluation or treatment program conducted by a state certified substance abuse counselor or Addiction Specialist Physician. The cost of the substance abuse program will be the responsibility of the student or student's parent or guardian if under the age of 18. Additionally, student participants who have a second

positive result will be required to submit at least 2 follow-up drug tests during the next twelve month period. The first follow-up drug test will be at the expense of the student or student's parents or guardian. The second drug test will be administered at the discretion of the school during a twelve month period and will be at the school's expense.

d. Third Positive Result

A third positive result by MRO ruling or adulteration will result in the student participant being suspended by 12 months for extracurricular activities as defined in this policy and loss of driving privileges for 12 months.* A student will be required to enroll in a comprehensive substance abuse evaluation or treatment program conducted by a state certified substance abuse counselor or Addiction Specialist Physician. The cost of the evaluation or program will be the responsibility of the student or student's parent or guardian if under the age of 18. Additionally, the student participants who have a third positive result will be required to submit at least 2 follow-up drug tests during the next 12 month period. The first follow-up drug test will be at the expense of the student or student's parents or guardian. The second drug test will be administered at the discretion of the school during a twelve month period and will be at the school's expense.

Fourth Positive Result

e. A fourth positive result by MRO ruling or adulteration will result in the student participant being disqualified from extracurricular activities and loss of driving privileges for the remainder of their high school career as defined in this policy.

*A student participant may start practice if the twelfth month falls in the middle of the season and all other requirements have been met.

8. 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. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities, including the school SRO, unless required to do so by a court order, by a valid and binding subpoena or other legal process. In the event of service of any such court order, subpoena or legal process, the student and student's custodial parent, legal guardian, or custodian will be notified at least 72 hours before response is made by the Wellington USD 353 Board of Education, if such notice is allowed by law.

However, to the extent a violation of this policy would also constitute a violation of the District's policy for Illegal and Controlled Substances (JCDAB), the sanctions of Policy JCDAB will also apply.

9. ILLICIT OR BANNED SUBSTANCES

For the purpose of this policy, the following drug classes, substances or their metabolites that can be tested for are considered illicit or banned for Wellington Unified School District Students:

Amphetamines	Anabolic Steroids	Methamphetamine
Barbiturates	Benzodiazepines	Cocaine
LSD	Marijuana Metabolites	Methadone
MDMA (Ecstasy)	Opiates	Phencyclidine
Propoxyphene	PCP	THC

10. REMOVAL OF TEST RECORDS

a. The school district shall remove all records of urine testing and the results therefore from its records within 30 days after the graduation of any student from the USD 353 high school.

b. The school district shall remove from its records of all records or any testing and results thereof within 36 months after the withdrawal of any student from the USD 353 school system.

WHS Extracurricular Activities - Sanctioned by KSHSAA

Football
Volleyball
Cross Country
Tennis
Golf
Basketball
Wrestling
Track
Baseball
Softball
Cheerleading/Yell Leader

Off-Season Weights
Crimson Dancers
Student Council
Scholars Bowl
 Vocal Choir
Band
Forensics
Debate

Consent to Perform Urinalysis for Drug Testing

We hereby consent to allow the student named on the front of this form to undergo urinalysis testing for the presence of illicit drugs or banned substances in accordance with the **Policy for Random Urine Drug Testing of Wellington USD 353 Students** as approved by the Wellington Unified School District Board of Education.

We understand that a qualified vendor will oversee the collection process.

We understand that any urine samples will be sent only to a certified medical laboratory for actual testing, and that the samples will be coded to provide confidentiality.

We hereby give our consent to the medical vendor selected by the Wellington USD 353 Board of Education, their laboratory, doctors, employees, or agents, together with any clinic, hospital, or laboratory designated by the selected medical vendor to perform urinalysis testing for the detection of illicit drugs or banned substances.

We further give permission to the medical vendor selected by the Wellington USD 353 Board of Education, its doctors, employees, or agents, to release all results of these tests to the Medical Review Officer (MRO) working with the medical vendor. We understand these results will be forwarded to the Building Principal and will also be made available to us.

We understand that consent pursuant to this **Informed Consent Agreement** will be effective for all activities as defined by board policy in which this student might participate during the current school year.

READ INFORMED CONSENT AGREEMENT

Procedures for Random Urine Drug Testing of Wellington USD 353 Students

1. LIST OF ELIGIBLE STUDENTS

The Designated Official will prepare a list of eligible students. This list will be Forwarded to the Vendor for the random selection of students who will submit urine specimens for testing. The Designed Official is responsible for seeing

that all students and their parent/guardian/custodian properly sign the **Informed Consent Agreement** (*Policy Exhibit A*) and the **Release of Information Form For Medical Review Officer** (*Exhibit C*) prior to testing.

2. RANDOM SELECTION OF STUDENTS FOR TESTING

The Vendor will use a system to assure that students are selected in a random fashion. This system will utilize a computer system designed specifically for the purpose of randomly selecting individuals for drug testing.

3. SCHEDULING OF URINE DRUG TESTING

Urine drug testing is unannounced. The day and time are selected by the Designated Official and confirmed with the Vendor. Random testing may Be done up to bi-weekly, but not during holidays and spring break.

4. INITIAL TESTING

At the beginning of the year, all eligible students may be subject to urine drug testing as determined by the Board of Education. This testing will be accomplished on a date and time coordinated with the testing Vendor. Any student moving into the District may be tested prior to participation in any extracurricular activities. A student is only required to take one initial test per year to participate in extracurricular activities.

5. TESTING YEAR

The testing year begins on first day of school, for the upcoming school year. Commences and continues for 365 days thereafter.

6. FORM COMPLETION

The Vendor is responsible for seeing that proper drug testing custody and control forms are used that satisfy the needs for the **Policy for Random Urine Drug Testing of Wellington USD 353 Students** and the testing laboratory. A student number will be used for identification with the student's name only appearing on the copies that go to the donor, MRO, and School Official.

7. COLLECTION PROCESS

Selected students are escorted from class to the collection site. A specimen of urine is collected following this process:

- a. No purses, bags or containers may be taken into the collection area with the

student. All extra coats, vests, jackets, sweaters, etc., are to be removed before entering the collection area.

b. The collector adds a bluing agent (food coloring) in the water in the urinal or toilet.

c. The Student is asked to rinse their hands and dry them. If no water is easily accessible, a non-alcoholic wipe may be used instead.

d. The drug testing custody and control form is completed by the Student and collector.

e. The student is told to urinate directly into the provided container and should provide a sufficient amount of urine (at least 30ml) in one attempt. The student is also told they are to hand the container of urine to the collector. If a student is unable to provide a urine sample, the student may drink up to 40 oz. of water and wait 1.5 hours from the initial attempt. The student is not to leave the test area. If unable to provide a urine sample after 1.5 hours, the failure is treated as a refusal to test.

f. The student enters a closed stall to collect the specimen, and then hands the container to the collector.

g. The collector checks the volume, reads and records the temperature within four minutes of collection, and looks for evidence of tampering. If tampering is suspected, a second specimen will be requested. A second suspected tampered specimen will be considered *refusal to test* and the Designated Official notified.

h. With the student watching, the collector will pour the specimen into the two bottles and recap the specimen bottles tightly.

i. The collector takes the properly signed and initialed bottle seals and places them over the caps and sides of the bottles.

j. The sealed bottles are placed inside the transport bag.

k. The top lab copies of the drug testing custody and control form are folded with the top portion visible to the outside and placed in the Requisition Pouch. The transport bag and pouch are sealed as indicated. The student is given the donor copy of the form.

l. The Student may wash their hands and is then sent back to class.

m. The collector distributes the remaining copies of the form as required, being responsible for getting the appropriate copy of the form to the MRO

in a timely manner.

n. The Designated Official will be notified immediately of any student who refuses to give a urine sample or is suspected of adulteration.

8. MEDICAL REVIEW OFFICIER (MRO) RESPONSIBILITIES

The MRO will review all results of urine drug testing. Any urine specimen testing positive for illicit drugs, banned substances, or adulteration will be handled in the following manner.

a. The MRO determines if any discrepancies have occurred in the **Chain of Custody**.

b. Depending on the substances found in the urine, if necessary the MRO will contact the parent/guardian/custodian to determine if the student is on any prescribed medication from a physician.

c. If the student is on medication, the parent/guardian/custodian will be asked to obtain a letter from the prescribing physician within five working days to document what medications the student is currently taking. Failure to provide such requested information will be considered a positive result.

d. The MRO will then determine if any of the prescribed medications resulted in the positive drug screen.

e. Finally, the MRO, based on the information given, will certify the drug test results as positive or negative and report this to the building principal. The MRO will also notify the Prevention Coordinator that a drug test returned positive giving only the dates of the collection and reporting.

(1) For example, a drug screen positive for codeine may be ruled negative by the MRO when he receives a letter from the treating physician that the student has been prescribed Tylenol© with codeine as a pain medication following tooth extraction.

(2) Of, if the student has a positive drug screen for codeine and has no documented physician order for the medication (maybe a parent gave the student one of their pills), this would likely be ruled a positive drug test by the MRO.

(3) Drug screens positive for illicit drugs (marijuana, heroin, cocaine or alcohol, etc.) would automatically be considered positive by the MRO.

f. The MRO may use quantitative results to determine if positive results on

repeat tests indicate recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substance from the body. If the MRO feels the quantitative levels determined to be above the established cutoffs do not reflect current use but natural decay, then a negative result may be reported.

9. PICK-UP PROCESS

The Vendor is responsible for seeing that specimens are delivered to or picked up by the testing laboratory and the Chain of Custody form properly annotated.

10. PROCEDURES IN THE EVENT OF A POSITIVE RESULT.

a. Whenever a student's test result indicates the presence of illegal drugs or banned substances or adulteration, the following will occur after the MRO notifies the parent:

- (1) The building principal, within 24 hours, will notify the parent/guardian/custodian first, then the student and Designated Officer of any positive results. A written notification from the building principal, by form letter, will be sent to the parent/guardian/custodian by certified mail. The building principal may keep all test results for a period up to two years or 30 days after the student graduates, whichever is shorter.
- (2) The student will be notified and be required to submit to 5 periodical urine tests throughout the next calendar year.
- (3) If the parent/guardian/custodian or student wishes to contest the results, the Vendor will arrange for the split portion of the specimen to be submitted to another laboratory approved by the Board of Education for testing. This is done at the parent/guardian/custodian or student expense. Such a request must be made to the building principal in writing within five working days from the first notification of positive test results.
- (4) The MRO may use quantitative results to determine if positive results on repeat testing indicate recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substance from the body. If the MRO feels the quantitative levels determined to be above the established cutoffs do not reflect current use but natural decay, then a negative result may be reported.