

# **STUDENT DRUG- TESTING PROGRAM**

## **INTRODUCTION**

The District is concerned about student use of illegal substances. The program addressed in this policy was chosen for the following reasons:

1. The success of extracurricular programs requires healthy students. For students to be leaders in the community and the classroom, they must have healthy bodies and minds. The District believes that a drug and alcohol deterrence program will assist in creating a healthy environment.
2. Student participation in extracurricular programs is a privilege. The programs are not mandatory and carry certain expectations and responsibilities.
3. Students in extracurricular programs are leaders in the schools. Student leaders must set a positive example.

The District supports the parents who want to raise their children to be healthy and productive members of society. This policy is not intended to interfere with parents' right to raise their children; rather it is intended to aid parents by giving them a support system at school that will empower the parents and children to produce positive behaviors.

## **PURPOSE**

The purpose of the drug-testing program is to:

1. Deter student use of illegal and performance-enhancing drugs or alcohol;
2. Prevent injury, illness, and harm resulting from the use of illegal and performance-enhancing drugs or alcohol;
3. Help enforce a drug-free educational environment;
4. Educate students about the harm caused by the use of illegal and performance-enhancing drugs or alcohol; and
5. Create a safe and healthy learning environment for all students.

## **SCOPE**

The District requires drug testing of any student in grades 7-12 who chooses to participate in school-sponsored extracurricular activities. All students involved in extracurricular activities shall be initially tested annually no later than October 1 of each school year. Random testing shall be conducted at least once a month for the entire school year. No fewer than five percent and no more than 25 percent of students at the junior high school and high school campuses shall be randomly selected from the pool of extracurricular participants. The random selection shall be produced from a computer-generated pool of students provided by the District's vendor. Students shall not receive prior notice of the testing date or time. All

specimens shall be collected adhering to a strict chain of custody to be administered by an independent drug-testing company.

Any student entering extracurricular activities after the initial mandatory testing shall be tested at the next scheduled random testing date.

### **SCHOOL- SPONSORED ACTIVITIES**

School-sponsored extracurricular activities for which testing is required include, clubs, organizations, athletics, band, flag corp, choir, UIL academic teams, drama, cheerleading, FFA, cosmetology, auto mechanics, and any other school-sanctioned activity that requires adherence to the state's no pass-no play guidelines.

### **DISTRIBUTION OF POLICY**

The District shall provide each parent and student a copy of the drug-testing policy and consent form prior to the student's participation in an affected activity.

### **CONSENT**

Before a student is eligible to participate in extracurricular activities, the student shall be required annually to sign a consent form agreeing to be subject to the rules and procedures of the drug-testing program. If the student is under the age of 18, the student's parent or guardian shall also sign a consent form. If appropriate consent is not given by the day after the first organizational meeting of the group, the student shall not be allowed to practice, compete, or participate in extracurricular activities until the consent is received.

### **USE OF RESULTS**

Drug test results shall be used only to determine eligibility for participation in extracurricular activities. Positive drug test results shall not be used to impose disciplinary sanctions or academic penalties.

Nevertheless, nothing in this policy shall limit or affect the application of state law, local policy, or the Student Code of Conduct. A student who commits a disciplinary offense shall be subject to consequences in accordance with the Student Code of Conduct.

### **CONFIDENTIALITY**

Drug test results shall be confidential and shall be disclosed only to the student, the student's parents, and designated District officials who need the information in order to administer the drug-testing program. Drug test results shall not be maintained with a student's academic record. Results shall not be otherwise disclosed except as required by law.

## **TESTING LABORATORY**

The Board shall contract with a certified drug-testing laboratory to conduct testing of student samples.

The method of screening shall be an independent laboratory immunological screening procedure. All drugs detected by the screen shall be confirmed by gas chromatography/mass spectroscopy before being reported as a positive. Failure to provide a sample in the allotted time period of three hours shall be treated as a positive test.

If a student cannot provide a sample in the allotted time, the parent/guardian may appeal the ruling at the parent/guardian's expense. The student and/or the district will attempt to contact the parent on the day of testing. If the parent chooses, they may come to school and authorize and pay for the hair follicle test while the provider is in Seminole. If the parent is unable to be contacted or cannot come to school, then, within 48 hours of the drug test in question, a written appeal must be presented to the administrator of the building. The district will then contract with the provider that does the district's testing to perform a hair follicle test. If the company is unable to come to Seminole in a reasonable length of time (approximately 3 days), the parent/guardian may be required to take their child to Odessa or Lubbock for the test.

Parent/Guardian of student's identified as economically disadvantaged may request a fee waiver from the Superintendent or the Superintendent's designee.

During the time of appeal, the student will be eligible to participate in extracurricular activities.

Certified laboratory personnel and professional staff shall administer the testing.

Testing laboratories shall not release statistics regarding the rate of positive drug tests to any person or organization without consent of the District.

## **COLLECTION PROCEDURES**

Personnel from the drug-testing laboratory shall collect urine samples under conditions that are no more intrusive than the conditions experienced in a public restroom. When selected for testing, a student shall be escorted to the school's testing site by a District employee and shall remain under the employee supervision until the student provides a sample. A District employee of the same gender as the student shall be present when any samples are collected.

When sampling procedures, other than when urine samples are used, the district will provide personnel to observe collection procedures.

## **SUBSTANCES FOR WHICH TESTS ARE CONDUCTED**

The following are substances for which tests may be conducted:

1. Drugs that a student may not buy, possess, use, sell, or distribute under either federal or Texas law;
2. Drugs that include but are not limited to marijuana, cocaine, opiates, amphetamines, methaqualone, phencyclidine (PCP), methadone, barbiturates, propoxyphene, and alcohol; and
3. All prescription drugs, upon reasonable suspicion that the drugs were obtained without authorization or abused by using in a manner inconsistent with the prescription.

### **REFUSAL TO TEST OR TAMPERING**

A student who refuses to be tested when selected or who is determined to have tampered with a sample shall be deemed to have a positive test result and shall be subject to the appropriate consequences depending on previous positive test results, if any.

If a student is absent on the day of the random test, a sample shall be collected on the next random testing date.

### **POSITIVE TEST RESULTS**

An initial positive test shall be confirmed by a second test of the same specimen before being reported as positive.

Upon receiving results of a positive drug test, the District shall schedule a meeting with the student, the student's parent if the student is under the age of 18, the coach, sponsor of the extracurricular activity, and a school administrator to review the test results and discuss consequences.

The student or parent shall have three school days following the meeting to provide a medical explanation for a positive result. During this time, the student shall not be allowed to compete or participate in an extracurricular event.

### **CONSEQUENCES**

Consequences of positive test results shall be cumulative throughout the student's enrollment in the District. Any student coming from another district shall begin with a clean record.

Consequences for a positive drug test (mandatory, random, or reasonable suspicion) are as follows:

#### **FIRST OFFENSE**

Upon the first offense of receiving a confirmed positive drug test, any student who tests positive shall be removed from the random testing pool and be

required to be tested at each random testing for a minimum period of one calendar year.

The student shall be suspended from any extracurricular activity for 15 school days including any nonschool days on which activities are scheduled, following the date the student and parent are notified of the test results. During the period of suspension, the student may participate in practices but shall not be allowed to compete or participate in an extracurricular activity.

The District shall notify the parent and student of drug and alcohol abuse prevention resources available in the area.

### **SECOND OFFENSE**

Upon the second offense of receiving a confirmed positive drug test, any student who tests positive shall be removed from the random testing pool and be required to be tested at each random testing for a minimum period of one calendar year.

The student shall be suspended from any extracurricular activity for 30 school days including any nonschool days on which activities are scheduled, following the date the student and parent are notified of the test results.

During the period of suspension, the student may participate in practices but shall not be allowed to compete or participate in an extracurricular activity.

The District shall notify the parent and student of drug and alcohol abuse prevention resources available in the area.

### **THIRD OFFENSE**

The student shall be suspended from participation in all extracurricular activities for one calendar year following the date the student and parent are notified of the test results.

Before the student is allowed to participate in extracurricular events, the student must test negative at a scheduled random drug test.

During the period of suspension, the student may not participate in practices.

The District shall notify the parent and student of drug and alcohol abuse prevention resources available in the area.

### **FOURTH OFFENSE**

The parent/guardian shall be contacted after the fourth offense. The student shall be suspended from all extracurricular activities for the remainder of the student's school career.

## **END OF SEMESTER SUSPENSIONS**

If a student's suspension from participation is not completed by the end of the semester, the student shall complete the assigned period of suspension during the following semester or during the first semester of the following school year. If the suspension extends from one school year to the next school year, the student may not participate or represent the school in a UIL or school-funded activity during the summer months.

## **FULFILLING RESPONSIBILITIES**

If a student tests positive on a drug test and chooses to quit the activity before fulfilling the consequences, the student must fulfill the consequences at the appropriate level before entering another activity. The student must also test negative at the next scheduled random testing before he or she may compete or participate. The required random testing for one year shall begin when the student reenters another activity.

## **APPEALS**

A student or parent may appeal a decision made under this policy in accordance with FNG(LOCAL). The student shall be ineligible for participation in extracurricular activities while the appeal is pending.

## **REASONABLE SUSPICION TESTING**

Upon reasonable suspicion by a staff member that a student is under the influence of a drug or alcohol while at school or a school-related activity, that student may be required by the principal or designee to submit to a drug use or alcohol test at any time. Reasonable suspicion shall be based on specific personal observation concerning the appearance, speech, or behavior of the student that indicate the effects of drug or alcohol use. Information provided by a reliable source, if based on personal knowledge, may also constitute reasonable suspicion.

A parent or guardian may make a written request that his or her child be tested at the next scheduled random testing date. If a positive test results, the student shall be subject to the same guidelines as students who are randomly/specifically selected.

## **SELF-REPORT OF SUBSTANCE ABUSE**

A self-report is a one-time opportunity for participants to inform the administrator in charge of personal drug or illegal substance use. A self-report may not be given on the day of testing after the student has been notified of testing or after a student has previously tested positive.

The self-report of a substance abuse problem by a student prior to the initial test or at any time after the initial mandatory test and before a positive test shall result in the individual being administered the following consequences:

1. The parent/guardian/sponsor shall be notified.
2. The student shall participate in mandatory substance abuse counseling.
3. The student shall participate in mandatory testing (on the day of random testing) for one calendar year.
4. There will be no initial suspension from activities for a self-report.
5. There shall be no suspension consequences as outlined by an extracurricular policy.
6. A positive test after a self-report shall be treated as if it were a first offense.

### **VOLUNTARY TESTING**

A parent/guardian of a student who is not involved in extracurricular activities may volunteer their child to be tested. If the student tests positive, the parent/guardian shall be notified. A parent or guardian shall provide written consent before testing.

**DATE ISSUED: 04/17/2006**  
**FNF (LOCAL)**

Revised: Approved by board on 7-22-2013