

Extracurricular Activities Random Drug Testing Regulation

Definitions

Chain of Custody Form means a preprinted form provided by the school district Tests Administrator that records all contact with the provided specimen. The form shall be designed by the Tests Administrator and the student at the time of specimen collection. The original form will follow the specimen if the tests is positive or diluted, otherwise the form shall be destroyed immediately following the sample testing.

Consent to Test Form means the form attached to this regulation as Exhibit 1. A consent-to-test form completed by the eligible student and parent/guardian must be on file with the school before a student will be permitted to participate in extracurricular activities.

Dilute Sample means a specimen that has an abnormally low specific gravity and abnormally low amounts of creatinine, typically due to consumption of too many liquids prior to collection. When a specimen is dilute, it is possible that the presence of illegal drugs or alcohol will not be detected. In such cases the tests will be marked as inconclusive and the student will be asked to provide another tests sample within one hour. Two conclusive tests in a row will mandate the second sample to be sent to a SAMHSA-licensed and accredited lab.

Drugs means all substances defined under the Federal Controlled Substances Act, 21 U.S.C. § 802, as “drugs” or “Controlled Substances,” as well as counterfeit drugs and substances falsely represented as being drugs. “Drugs” shall include, but not be limited to, opiates, narcotics, cocaine, anabolic steroids, amphetamine and other stimulants, depressants, hallucinogenic substances, marijuana, and inhalants.

Legal Drugs means, for the purposes of this regulation, all drugs not defined herein as “legal drugs.”

Drug Program Coordinator means the school principal and his/her designee responsible for the implementation of the random drug testing program in each District School.

Eligible Student means any student in grades six through twelve who participates in any non-graded, school-sponsored, extracurricular activity. Eligible student also includes any student who, with the permission of his or her parents/guardians, wishes to participate in the random drug testing program.

Extracurricular Activity means any non-graded, school-sponsored activity.

Positive Test means that the applicable drug detection test detected the presence of illegal drugs and/or alcohol, and/or their metabolites, in the collection specimen.

Right to Challenge means student has the right to contest and appeal the drug test results from the administered test by asking that the sample be sent to an accredited Toxicology Lab to perform a second urinalysis, however, should the test results conclude a presence of illegal drugs or alcohol, or has been diluted/tampered with the student/parent is responsible for all costs associated with the Toxicology Lab, and the results of the analysis shall be final and no other appeal will be granted.

Substance Abuse and Mental Health Services Administration (SAMHSA) means the governmental agency that certifies toxicology laboratories that perform drug testing pursuant to strict guidelines and quality assurance programs.

Toxicology Lab means any SAMHSA-Licensed and accredited lab that specializes in detection of illegal drugs and alcohol and provides assurance of legally defensible results.

Urinalysis means a laboratory test that detects the presence of illegal drugs and/or alcohol, as well as their metabolites, in human urine.

Test Administrator means the person selected by the superintendent to proctor and administrate the voluntary drug testing policy and procedures in accordance with this regulation.

Procedures

A. Information Session

Prior to each school year, District administrators, along with the Test Administrator, will present an informational session to educate eligible students and their parents/guardians about the random drug testing policy and regulations. At the information session, eligible students and their parents/guardians shall receive a copy of policy JJJ, Extracurricular Activity Eligibility and all associated random drug testing regulations and procedures, including the consent to test form.

B. Informed Consent for Testing

The eligible student and their parent/guardian shall read, sign, and date the consent to test form prior to participating in an extracurricular activity. No student may participate in an extracurricular activity until the consent to test form is properly executed and on file in the principal's office of the school that the student attends. If, at any time, the consent to test form is revoked by the parent/guardian or eligible student, the student will not be eligible to participate in any extracurricular activity until the form is reinstated.

C. Release of Information

Student tests information will remain confidential between the student, parent, and school. Law enforcement will not receive information concerning positive test results of an illegal drug, unless there is evidence found through the investigation by the District Administration that the student intended to distribute the illegal drug to other students.

D. Testing Frequency

Testing will be randomly conducted throughout the course of the school year. The date and time of the tests will be randomized by the Tests Administrator among any days that school is in session. The Tests Administrator will not inform administration, staff, students, and parents of the date and time of any pending tests. Eligible students will remain in the random pool for the entirety of the school year and because the selection is random should not assume that being selected once eliminates the chances of being selected again. Any eligible student who refuses to submit to testing will not be allowed to participate in extracurricular activities.

E. Testing Method

Except as otherwise specified in these procedures, testing shall be by urinalysis. Test Administrator will collect the specimens in accordance with standard operating procedures and will conduct test on specimens in the presence of the student and school counselor or school principal and in accordance with testing procedures. Testing methods and venues for collecting and testing samples shall be private, discreet, and secure.

F. Testing Costs

Except as otherwise specified in this regulation, the District shall incur the cost of testing.

G. Random Selection of Students

Each student shall be assigned an identification number. Student identification numbers shall be maintained by the Test Administrator and School Principal. The District will use a computer-based system to compile and randomly select student numbers for same-day testing by the Tests Administrator.

H. Collection of Specimen

Specimen collection shall occur on school property in a designated location under the supervision of the Test Administrator and School Counselor or School Principal. District supervision for administering and collecting tests will include one male and female present. The Tests Administrator and School Counselor or School Principal will comply with the school district's procedures for specimen collection. To the extent possible, specimen collection will be conducted at a time and in a manner that maximizes student privacy and minimized disruptions to the educational environment.

I. Testing Sample Results

The Test Administrator will follow procedures that align with SAMSHA regulations in the drawing of a sample, handling of the specimen, and chain of custody protocols. The test Administrator is responsible for notifying the School Principal who will notify the student and parent/guardian of the positive or diluted test results verbally and in writing.

A student who receives a positive test result or dilute sample may request another sample be taken and sent to an approved toxicology lab for another test. The student and their parent/guardian shall submit the request for retest in writing to the School Principal within 1 hour of being notified of the positive/dilute test result. The student and their parent/guardian shall be responsible for the cost of the additional test unless the test produces a negative test result, in which case the District shall reimburse the costs of such testing. The student shall not be permitted to participate in extracurricular activity until there is a negative re-test and will be subject to procedures outlined in section M should the additional test prove a positive test result.

J. Tested Substances

The superintendent shall maintain a list of substances for which collected specimens shall be screened. The list is subject to review and change without advance notice. The list may include alcohol and any substance that meets the definition of an illegal drug set forth in this regulation

K. Confidentiality

All test results will remain confidential and will only be released to the eligible student, their parent/guardian, and approved District officials. The District shall maintain positive test result records in files separate from the eligible student's other educational records and shall not release such records absent valid subpoena or other legal process. Records of positive test results shall be kept until the student turns eighteen or graduates from the District, whichever happens later.

L. Parent-Requested Participation

Parents/guardians of students in grades six through twelve who do not participate in extracurricular activities may voluntarily enroll their student in the random drug testing program. In such case, the student shall be placed in the selection pool and noted as a voluntary participant. If the student is selected for random testing and the test is positive or dilute, the parent/guardian will be notified of the positive or dilute test. The student shall not be penalized for a positive or dilute test through this policy or policy JKD/JKE, except that the student shall be required to participate in the requisite substance abuse counseling.

M. Consequences for Positive Test Results

1. Notification of Procedures
 - a. The School Principal shall notify the eligible student's parent/guardian of the positive test result by phone, and in writing.
 - b. The Drug Program Coordinator/School Principal shall schedule and conduct a conference with the eligible student, their parent/guardian, the coach or sponsor of the extracurricular activity, and any other applicable District staff to discuss the positive test results and the applicable consequences.

2. Consequences

The consequences of a positive test result shall be cumulative during the eligible student's enrollment in the middle school and start over in high school where it will be cumulative until they graduate.

a. First Positive Result

1. The student will be suspended for 30% of the upcoming contest participation from time of occurrence from any athletic, extracurricular, and co-curricular activity. The student will continue to participate in practice/preparation for the extracurricular activity and parents or guardians will be notified.
2. If the student wishes to challenge the results of the test, they can request a second sample be sent to an independent testing facility at their expense. Such a sample must be taken within an hour of the first positive sample at school.
3. If the second sample requested by the student tests positive, a custodian parent/legal guardian will be notified and a meeting will be scheduled with the student, parent/guardian, school principal, and activities director. At this time, the student will forfeit their privilege to participate in any interscholastic athletic, extracurricular or co-curricular activity for 30% of the remaining contests/activities, if the second test is negative, no further action will take place.
4. The student testing positive will be required to enroll in a drug counseling substance abuse assistance program at his/her expense and agree to be tested each time the school tests for the remainder of the year or be suspended from participation in interscholastic athletic, extracurricular or co-curricular activities for the remainder of his or her time at Centaur High/Middle school.

b. Second Positive Result

1. The student will lose athletic, extracurricular, and co-curricular activity privileges for one year from the date of the positive test. It must be understood that after a positive test for marijuana, the person can still test positive for up to 30 days.
2. If the student wishes to challenge the results of the test, they can request a second sample be sent to an independent testing facility at their expense. Such a sample must be taken within an hour of the first positive sample at school.

c. Third Positive Result

1. The student will lose athletic, extracurricular, and co-curricular activity privileges for the students' time at Centauri. It must be understood that after a positive test for marijuana, the person can still test positive for up to 30 days.
2. If the student wished to challenge the results of the test, they can request a second sample be sent to an independent testing facility, at their expense. Such sample must be taken within an hour of the first positive sample at school.

Refusal to test:

Refusal to test will be considered a positive result and consequences will be equal to the corresponding number of positive tests.

Non-Punitive Nature of Policy

No student shall be penalized academically for testing positive for illegal drugs. The result of drug tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of the drug tests will not be disclosed to criminal or juvenile authorities unless subpoenaed by the legal process. In the event of the service of any such subpoena, the student and student's custodial parent/legal guardian will be notified at least 72 hours before response is made by the district.

Substance Abuse Counseling

Students submitting a positive test result for illegal drugs or alcohol will actively participate in six weeks of substance abuse counseling scheduled and provided by the parents/guardians. Failure to participate in and complete substance abuse counseling will result in the student's automatic removal from the activity and other extracurricular activities during the school year.

N. Dilute Sample

If test results indicate that an eligible student's specimen is a dilute sample, the student shall be suspended from participation in extracurricular activities until such student's tests negative. The student and their parent/guardian shall be responsible for arranging follow-up testing with the Test Administrator and shall bear the cost of such testing. If the re-test results in a positive test or another dilute sample, it will be considered a violation of this policy and regulation and subject to the provisions of Section M.

O. Refusal/Failure to Submit a Specimen/Self Disclosure in Lieu of Testing

If an eligible student refuses to submit to random drug testing, they shall be considered in violation of this policy and regulation and shall be suspended from participation in extracurricular activities for one calendar year. Absent a written explanation from a physician, the failure to produce a specimen at time of selection for testing shall be deemed a refusal. Students will receive no more than 1 hour to provide the specimen.

If an eligible student admits to using illegal drugs and/or alcohol and chooses to not be tested, it will be deemed a violation of this policy and regulation and subject to the applicable provisions of Section M.

P. Tampering

Tampering with samples shall be a violation of this policy and regulation and shall result in suspension from participation in extracurricular activities for one calendar year.

Q. Appeal

An eligible student found in violation of this policy and regulation may appeal such finding to the Superintendent or designee, whose decision regarding the finding shall be final. Any necessary interpretation or application of this policy shall be in the sole and exclusive discretion of the Superintendent or designee. The eligible student shall not be permitted to participate in extracurricular activities while the appeal is pending.

R. Severability

Should any sentence, clause, provision, or paragraph of this entire policy be deemed unlawful or unconstitutional, it is intended that, insofar as may be practicable, the remaining portions of this policy shall remain in full force and effect.

S. Program Evaluation

The Superintendent or designee shall be responsible for conducting an evaluation of the random drug testing program on an individual basis and shall report the findings to the Board of Education. The evaluation shall include the levels of participation, the number of positive/dilute test results, parent and student survey data, counseling services, and program cost. The District shall retain an independent third party to audit the program every three years thereafter. The results of the audit shall be presented to the Board of Education.

T. Relationship to the Disciplinary Policies

This policy and regulation do not in any way modify relevant provisions of District policy and state law, including, but not limited to, District discipline policies regarding student possession, use, and distribution of drugs and alcohol. If student engages in conduct that constitutes a violation of District policy and/or state law, then student will be subject to appropriate discipline, up to and including expulsion from school. However, a positive or dilute specimen under this policy and regulation is not, in and of itself, grounds for discipline under District policy and applicable law. Eligible students and their parents/guardians may refer to District Policies JICH and JICH-R for more information on the District's disciplinary rules regarding illegal drugs and alcohol.

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