POLICY FOR STUDENT RANDOM DRUG TESTING

OVERVIEW

The procedure for initial and random drug testing of students is accomplished in conjunction with an independent drug testing Vendor selected by the Board of Education. Following the initial student testing, the primary contact provides the Vendor with a list of eligible students and the Vendor in turn randomly selects up to 100% of these students for drug testing at regular intervals. The Vendor will send qualified collectors to the school who will oversee the collection of all specimens as outlined in this document. The Vendor will provide Medical Review Officer (MRO) services for interpretation and verification results. Results are reported to the primary or secondary contact by the MRO. Specimens are collected as split specimens. If the sample is positive, the student is offered options of participation in a drug assistance program with weekly drug testing for five weeks or denial of participation in extra-curricular activities for the current school year or the next school year.

1. STATEMENT OF NEED AND PURPOSE

Recognizing that observed and suspected use of alcohol and illicit drugs by SCHOOL DISTRICT students is increasing, a program of deterrence will be instituted as a proactive approach to a truly drug free school. Likewise, through participation in extra-curricular activities, students using illegal drugs pose a threat to their own health and safety, as well as to that of other students. The purpose of this program in threefold: (1) to provide for the health and 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; and (3) to encourage students who use drugs to participate in drug treatment programs. The program is non-punitive. It is designed to create a safe, drug free environment for students and assist them in getting help when needed.

2. SUPPORTING DATA

Random urine drug testing of a public school interscholastic athlete is legal as determined by the United States Supreme Court in the case of Vernonia School District 47j (Oregon) v. Wayne and Judy Acton. Random urine drug tests of public schools extracurricular activity students is legal as determined by Pottawatomie County Independent School District #94 vs. Earls. The students subject to testing will be determined by the SCHOOL DISTRICT School Board based upon these two Supreme Court Rulings.

3. PROCEDURES FOR STUDENTS

a. Informed Consent for Testing

At the beginning of each sport season, students and parent/guardian/custodian will complete and sign the *SCHOOL DISTRICT Student Code of Conduct and Expectations Informed Consent Agreement*. No student may participate in practice or competition until this form is properly executed and on file with the Primary Contact.

b. Urine Drug Testing Frequency

The SCHOOL DISTRICT School Board will determine the frequency and number of students tested. Any student who refuses to submit to urine drug testing will not be allowed to practice or participate in extra-curricular activities.

c. Sample Collection

Samples will be collected as outlined under Vendor Requirements. Any eligible student selected randomly for urine drug testing who is not in school on the day of testing will be tested at the next available testing time. Arrangements may be made for special collection site with prior approval of the Primary Contact.

4. CONFIDENTIALITY OF RESULTS

All drug test results are considered confidential information and will be handled accordingly. Those persons having results reported to them, as set forth in this Policy must sign a Confidentiality Statement.

5. VENDOR REQUIRMENTS

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

a. Random Selection of Students

Once provided a list of eligible students, the Vendor must select the required number of students in a random and confidential manner. Up to weekly, the Vendor will arrange with the primary contact a day and time to do collection of specimens. The schedule will not follow any recognizable pattern. Upon the Vendor's arrival at the school, the selected student names will be given to the primary contact, 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 SCHOOL DISTRICT Students*. Chain of Custody forms that meet the criteria of this Policy and that of the testing laboratory will be provided by the Vendor. Students will be given as much privacy as possible in the obtaining of the specimen.

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 (SAMHSA) following the guidelines of the Department of Health and Human Services. The testing laboratory should have greater that 5 years experience in toxicology testing and chain-of-custody procedures. All specimens must be initially tested using a highly accurate immunoassay technique, with all presumptive positive results then confirmed by Gas Chromatography/Mass Spectroscopy (understanding that no current GC/MS test is available for LSD).

The testing laboratory must be able to test for the following drug classes, substances or their metabolites in collected urine specimens. The SCHOOL DISTRICT School Board may specify specific classes or substances to be tested.

Alcohol, Amphetamines, Anabolic Steroids, Barbiturates, Benzodiazepines, Cocaine Metabolites, LSD, Marijuana Metabolites, Methadone, Methaqualone, Nicotine, Opiates, Phencyclidine, Propoxyphene. The SCHOOL DISTRICT School Board may, at its own discretion, add any legal or illegal substance to this list.

Medical Review Officer Services

The Vendor will provide MRO services by a licensed physician who is certified by the Medical Review Officer Certification Council 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 MRO. Additionally, the MRO must demonstrate a willingness to abide by the *Procedure for Random Urine Drug Testing of* <u>*SCHOOL DISTRICT*</u> *Students* as to the evaluation of positive drug test and reporting finding to the primary contact in a timely and confidential manner.

The MRO or an authorized representative of the MRO will attempt to contact the parent or guardian of the student within one school day after receiving a confirmed positive test result. If the MRO or representative is unable to contact any parent or guardian within one school day, the MRO or representative will ask the school's primary contact for help in locating the student's parent or guardian. This request in no way implies a positive test result. The primary contact should only assume that the MRO has questions for the student's parent or guardian.

d. Reporting of Random Urine Test Results by Vendor

The MRO or representative will report the result of a verified positive test to the primary contact. This report will be within one school day after a result has been verified with the student's parents or guardian.

e. Statistical Reporting and Confidentiality of 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 <u>SCHOOL DISTRICT</u> Board of Education. However, the Vendor will provide the primary contact with a quarterly report showing the number of test performed, rate of positive and negative tests, and what substances were found in the positive urine specimens.

6: NON-PUNITIVE NATURE OF POLICY

No student will be penalized academically for testing positive for illegal drugs or banned substances. The results of drug test pursuant to this policy will not be documented in any student's academic record. Information regarding the results of drug test will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the SCHOOL DISTRICT School Board of Education, to the extent permitted by such subpoena or legal process.

OPTIONAL ITEM:

*7: PROCEEDURES FOR A POSITIVE RESULT

*a. Whenever a student's test result indicates the presence of illegal Drug or banned substances, or the MRO rules the specimen adulterated, the following will occur:

(1) The primary contact, within 24 hours, will notify the parent/guardian/custodian first, then the student and primary contact of any positive results. A written notification from the primary contact, by form letter, will be sent to the parent/guardian/custodian by certified mail. The primary contact may keep all test results for a period of up to one year.

(2) The student will be notified and be required to submit weekly urine specimen, via the Vendor for five weeks.

(3) If the parent/guardian/custodian or student wants to contest the results, the Vendor will arrange for a 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 secondary contact 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 indicated recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substances 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 results may be reported.

*b. First Positive Results

For the first positive result, the student will be given the option of:

(1) Within five days having an appointment with a Certified Chemicals Dependency Counselor or at any agency certified by the State of Texas Department of Health or the Texas Department of Health or the Texas Department of Alcohol and Drug Addition Services for a chemical dependency assessment and then follow the recommendations of the counselor. (If treatment is recommended, it must be with a Certified Chemical Dependency Counselor). The student must also submit to weekly urine drug testing for five weeks. Parent/guardian/custodian is responsible for all expenses; or

(2) Denial of participation in extracurricular activities for the remainder of the current school year or the next school year.

*c. Second Positive Result

For the second positive result within any two consecutive calendar years, the student will be denied participation in extra-curricular activities for the remainder for the current school year or the next school year.

*d. Third Positive Result

For the third positive result within any two consecutive calendar years, the student will be permanently denied the privilege of participation in extra-curricular activities at SCHOOL DISTRICT Schools.