

ADMINISTRATIVE REGULATIONS RELATING TO DRUG TESTING PROGRAM

DRUG TESTING PROGRAM

The District shall require drug testing of any student in grades 9–12 who chooses to participate in any school-sponsored extracurricular activity and/or park on campus. Any student who would otherwise not be required to submit to drug testing may voluntarily agree to participate in this program with the written consent of his or her parent or guardian. A parent or guardian may enroll his or her minor child in this program, regardless of participation in covered activities, by signing the appropriate consent form.

PARENT- REQUESTED TESTING

A parent or guardian who wishes to have his or her minor child tested, regardless of participation in covered activities and without enrolling the student in the random testing program, may do so by signing the appropriate consent form. The student shall be tested at the next available random testing, and the results shall be sent to the parent or guardian.

OBJECTIVES

The District's primary concern in creating and implementing the drug-testing program is to help students in need. The following objectives shall serve as the foundation for the program:

To ensure the health and safety of all students who represent the District in any competitive extracurricular or other activities;

To serve as a deterrent to the use of illegal drugs, performance-enhancing drugs, and/or alcohol among the student body;

To offer students a credible means to resist peer pressure as it relates to the use of illegal drugs, performance-enhancing drugs, and/or alcohol;

To provide a ready resource for support and assistance to any student who may be using illegal drugs, performance-enhancing drugs, and/or alcohol;

To provide a drug education program for those participants who test positive for drug use and for those students who are at risk for drug abuse; and

To teach self-responsibility and knowledge that misbehavior has consequences.

USE OF RESULTS

The results of any drug test shall be used only to determine eligibility for participation in covered activities. The drug-testing program is not designed to punish students but rather to encourage

students to choose not to use drugs, as well as to provide a reason to stop using drugs. The District shall take no action against a student except as provided in this policy.

NOTIFICATION OF PARENTS

Parents/guardians shall be notified of the results of the drug test each time their child participates in a test.

CONSENT FORM

Each student and his or her parent/guardian shall be required annually to sign a drug-testing consent form prior to participation in any covered activity or prior to applying to park on campus. A parent/guardian signature shall not be required when the student is not a minor. If a student or parent/guardian refuses to sign a form granting consent for the drug-testing program, the student shall not be allowed to participate in any covered activity for which such testing is required or to park on campus for the remainder of the school year. Students who voluntarily choose to no longer participate in any covered activity or park on campus shall no longer be subject to the requirements of this policy.

A student who moves into the District after the school year begins shall be required to sign the applicable drug-testing consent form before being allowed to participate in any covered activities and/or park on campus

ACCESS TO RESULTS

No drug test results shall be maintained in or with a student's academic, disciplinary, or other records. Results of any drug test shall not be given to law enforcement authorities nor be used for any District discipline or any academic penalty. Access to written drug-test results shall be limited to the following:

Parent/guardian; Student; and Drug-testing coordinator.

Access to verbal notification that a student has tested positive for drug use shall be provided to the following: Principal; Counselor; Athletic Director or Coach/sponsor of the specific activity in which the student participates at the time of the positive test.

CONFIDENTIALITY

All information related to the identification of a student as a user of illegal drugs/alcohol shall be protected by the District and its employees, officers, and agents as confidential, unless otherwise authorized by the parent/guardian of the student. District officials shall be fully informed of the confidentiality requirements. Unauthorized release of information by a District employee may

result in disciplinary action that may include termination of employment. Drug test results shall be destroyed after the individual student's high school graduation or in accordance with the District's record retention schedule.

The testing laboratory shall be prohibited from releasing any statistical information relating to the nature or rate of any positive tests that result from the testing program to any person, organization, news publication, the media, or any other third party. The testing laboratory shall, however, provide the District with a report, at least once a semester, that includes the number of tests performed during the specified period, the rate of both positive and negative results, and a list of the substances identified from any positive specimens.

SUBSTANCES FOR WHICH TESTS MAY BE PERFORMED

The District shall reserve the right to have the laboratory test for:

Any substances that are illegal to buy, possess, use, sell, or distribute under Texas or federal law, including but not limited to marijuana, cocaine, phencyclidine (PCP), propoxyphene, opiates, hallucinogens, and metabolites of any of these substances;

Prescription drugs;

Performance-enhancing drugs, including steroids; and

Alcohol.

The District shall reserve the right to test for any and all illegal or controlled substances as determined in the discretion of the District.

TESTING LABORATORY PROCEDURES

The District shall contract for drug screening services through an independent laboratory that has met all standards for certification as established by the Substance Abuse and Mental Health Services Administration (SAMHSA). All testing shall be conducted by qualified laboratory personnel in accordance with accepted practices and procedures established by the contracted laboratory and within the parameters of industry standards for drug testing. Chain-of-custody documentation shall be maintained through the collection and testing process. The Superintendent shall oversee the program conducted by the selected testing laboratory.

The laboratory with whom the District contracts for drug testing shall provide the services of a medical review officer (MRO) who is certified by the Medical Review Officer Certification Council or by the American Association of Medical Review Officers as having proven by examination to have the appropriate medical training to properly interpret and evaluate the results of any drug testing authorized by the District. The MRO shall agree to abide by the procedures established by the District for the evaluation and timely reporting of any positive tests.

COLLECTION PROCEDURES

Student privacy shall be protected to the greatest extent possible during the collection and coding of urine specimens. Samples shall be produced by a student from behind a closed restroom stall. When selected for testing, a student shall be escorted to the school's testing site by a District employee of the same gender and shall remain under employee supervision until the student provides a sample. After the specimen is produced, it will be handed to the monitor.

The monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall to listen for the normal sounds of urination in order to guard against tampered specimens and to ensure an accurate chain of custody. The monitor shall verify the normal warmth and appearance of the specimen.

RANDOM TESTING

Random tests shall be conducted throughout the school year. The drug-testing laboratory shall use a random selection method to identify students chosen for random testing. All students in the program shall be eligible for testing at each test date.

Students shall not be notified in advance of any drug test. When selected for testing, during the time set aside for the applicable covered activity (e.g., during the athletic period for any testing related to a student's participation in athletics), each student shall be summoned by a District employee to report to the school's testing site and shall remain under employee supervision until a sample has been provided.

REASONABLE SUSPICION TESTING

Any activity sponsor or District staff member having a reasonable suspicion that a student subject to this program is currently using illegal drugs should immediately report his or her suspicion to the drug-testing coordinator and the building principal. The drug-testing coordinator and the building principal may require the student to submit to a drug test. Documentation of evidence that leads to the reasonable suspicion will be kept in a confidential file separate from academic or discipline records.

"Reasonable suspicion" is defined as an evaluation by the applicable person of a student's conduct that would lead a reasonably prudent person to suspect that the student is under the influence of drugs and/or alcohol [see definition of "under the influence," below]. A conclusion may be based on personal observation and/or information received from third parties. Such indications may include, but are not limited to, a drop in the student's performance level, impaired judgment or reasoning, decreased level of attention, or behavioral change.

Characteristics indicating reasonable suspicion may include, but are not limited to:

A pattern of abnormal or erratic behavior;

Physical symptoms such as glassy or bloodshot eyes, slurred speech, unsteady gait, or poor coordination or reflexes;

Odor of alcoholic beverages or marijuana;

Unexcused absenteeism or tardiness; or

Direct observation of drug or alcohol use or possession.

“Under the influence” shall mean not having the normal use of mental or physical faculties; however, the student need not be legally intoxicated.

TEST ADMINISTRATION PROCEDURES

Testing will be conducted twice monthly and will primarily take place during the campus activity period. Caution will be given to make sure that students are not missing an academic class for test administration.

For policies concerning other test administration information and consequences see the Sunnyvale ISD Drug Testing and Rehabilitation Program Manual