

REAGAN COUNTY
INDEPENDENT
SCHOOL DISTRICT

RANDOM DRUG AND ALCOHOL
TESTING PROGRAM

2016-2017

PURPOSE/OBJECTIVE

The purpose of the drug testing policy is:

1. To prevent illegal drug and alcohol use.
2. To educate students on the serious physical, mental, and emotional harm caused by illegal drug and alcohol abuse.
3. To alert students with possible substance abuse problems to the potential harms of illegal drug and alcohol abuse.
4. To strive for an environment within the District free of illegal drug and alcohol use and abuse.
5. To prevent injury, illness and harm as a result of illegal drug or alcohol abuse.
6. To give students a valid reason to resist peer pressure to use illegal drugs or alcohol.

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GUIDELINES FOR DRUG AND ALCOHOL TESTING

DRUG AND ALCOHOL TESTING

The District shall implement a random drug and alcohol testing program. No participant shall be penalized academically for testing positive for using an illegal drug or alcohol, unless he or she is under the influence of a prohibited drug or alcohol at school or at a school related event, whether such event occurs on or off campus, at the time he or she is being tested. The results of drug tests pursuant to this policy shall not be documented in any student's academic records. Provided a student is not under the influence of a prohibited drug or alcohol when tested, the results of drug or alcohol tests shall not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the District shall not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent or guardian shall be notified before the District responds.

CODE OF STUDENT CONDUCT

The conduct of a student who receives school parking privileges or participates in extracurricular activities should reflect positively on the community, the parents, the District, and the activity in which the student is participating. The student who participates in extracurricular activities is a role model for the District and fellow students and shall set and uphold the highest standards of conduct. Any action that reflects detrimentally on the District or effects student safety shall not be tolerated.

PARTICIPATION IN SCHOOL ACTIVITIES AND STUDENT PARKING

Participation in school-sponsored extracurricular activities and parking on campus during school hours are privileges. Extracurricular activities regarding this policy include band, athletic programs, cheerleading, literary activities, one act play, or any other club or organization that participates in performances, contests, demonstrations, or competitions.

PARTICIPANTS / SELECTION FOR TESTING

All students and their parent(s) who participate in extracurricular activities or seek a parking permit to park on campus shall annually sign a random drug testing consent form(s) at the beginning of each school year. Any refusal by the parent or the

student to sign the prescribed consent form(s) shall be treated as a forfeiture of participation in extracurricular activities and/or shall also cause the student to be ineligible for a parking permit.

All students in grades 7–12 participating in extracurricular activities or permitted to park on school property shall be subject to random drug and alcohol testing for the entire school year or until the student discontinues participation in extracurricular activities or forfeits his/her parking permit.

All students in the District’s drug testing program shall provide breath, saliva, or urine samples (whichever is appropriate) when there is reasonable suspicion that the student is under the influence of an illegal drug or alcohol at school or at a school-related event, whether such event occurs on or off-campus.

CONFIDENTIALITY

All information relating to testing or the identification of persons as illegal drug or alcohol users shall be protected and deemed confidential by the District, unless disclosure is required by law or authorized in writing by the student or the student’s parent or guardian. Results of tests shall be reported only to the student, parents/guardians of the student, sponsors or coaches, and to the administrator(s) involved. Action for a positive result shall be taken and activity sponsors and coaches shall be notified of a suspension from activities or parking privileges only after the appeal process is complete or no longer applicable.

SUBSTANCES SUBJECT OF DRUG TESTING

The District shall not test for medical conditions under this policy. Drug testing may screen for any illegal drug* that the District, in its discretion, may choose. Tested drugs may include, but are not limited to, the following:

1. Marijuana, cocaine, narcotics, amphetamines, methamphetamines, barbiturates, LSD, and PCP;
2. All illegal performance-enhancing drugs; and,
3. Alcohol.

*The term “illegal drug” means all drugs that an individual may not buy, use, sell, or distribute under federal or Texas law, including any prescribed medication for which a student does not have a current prescription. The District shall determine which drugs it will screen prior to identifying the students who are to be tested.

TESTING METHODS

Parents and their children participating in extracurricular activities and/or seeking to park on District premises shall receive copies of the procedures for the drug-testing program and the applicable consent form(s).

No student shall be allowed to practice or participate in any extracurricular activity or receive a parking permit until the student has returned the properly signed drug and alcohol testing consent form(s).

Drug tests shall be conducted by saliva analysis or urinalysis. Alcohol tests may be conducted by urinalysis, breathalyzer, or saliva analysis. The type of test and method of testing used shall be selected by the District in its sole discretion. All tests shall be conducted in accordance with administrative regulations established by the Superintendent in a manner that safeguards the privacy of the student.

Each student shall be provided an opportunity to disclose any legitimate reason he or she has been in contact with an illegal drug or if there are medications that he or she has taken that could affect test results. If the student is taking or has recently taken prescribed medication(s), he or she may be required to provide proof of his or her prescription(s). The student shall not be required to disclose any medical condition, and any medical information revealed by disclosing use of certain medication(s) shall be kept strictly confidential by the District, unless lawfully compelled to disclose.

SANCTIONS

A student who is found to be under the influence of an illegal drug or alcohol while at school or a school-related activity shall be subject to disciplinary sanctions according to the Student Code Conduct, in addition to any sanctions relating to extracurricular activities that may be appropriate.

All offenses for testing positive for an illegal drug or alcohol are cumulative for the participants enrolled in grades 7–8. Once the student has completed grade 8, the consequences shall be cumulative for grades 9–12. All students enrolling in the District for the first time shall begin with a clean record.

Any student who has tested positive for an illegal drug as a result of properly taking prescribed medication shall be deemed to have a negative test.

FIRST OFFENSE

After the first time a student tests positive for illegal drug or alcohol use (the “first offense”), the student shall be suspended from participating in all performances, demonstrations, competitions, or contests in all extracurricular activities for ten (10) school days. The student may continue to practice. If a student who tests positive is not actively participating in an extracurricular activity, the student’s suspension shall begin on the day of his or her first performance, demonstration, competition or contest of the season. If a student holds a parking permit, the permit will be suspended for a period of ten days. The suspension from extracurricular activities or parking privileges shall begin after the appeals process has been completed or is no longer applicable, and if not completed in the current school year, may continue into the next school year.

A drug awareness program must be completed by the student, as approved by the District, after the first offense. The student shall have eight days from when the appeals process is completed or no longer applicable to complete the drug awareness program. If the student fails to complete the drug awareness program within eight (8) days, he or she will not be allowed to participate in any contest, performance, demonstration, or competition or be allowed to park on District premises until the drug awareness program is completed. The student may continue to practice.

Any participant who tests positive shall be removed from the applicable random testing pool and shall be tested at each random testing date for one calendar year. Such testing shall begin after the appeals process is completed or is no longer applicable.

SECOND OFFENSE

After the second time a student tests positive for an illegal drug or alcohol use (the “second offense”), the student shall be suspended from participating in all performances, demonstrations, competitions, or contests in all extracurricular activities and/or have his or her parking permit suspended for one full calendar year. This suspension period may be reduced to a 12-week period during the school year for a student who completes 50 hours of community service. Community service shall not be a mandatory requirement, but rather a voluntary option that allows the student to reduce his or her suspension period. If the student chooses this option, the community service shall be under the supervision of the campus principal. The suspension from such activities and parking privileges shall begin after the appeals process has been completed or is no longer applicable. The student may continue to

practice.

After the second offense, the student shall be removed from the applicable random testing pool and shall be tested at each random testing date for a period of one calendar year. Such testing shall begin after the appeals process is completed or is no longer applicable.

If all drug tests during the suspension period are negative, the student may begin competing in activities and may be allowed to park on District premises after completing the suspension period of 12 weeks with 50 hours of community service, or the suspension period of one calendar year with no community service.

SUBSEQUENT OFFENSES

After the third offense for testing positive for illegal drug or alcohol use, the student shall be permanently removed from all extracurricular activities and shall no longer be allowed to park on District premises during the school day.

Students in grades 7 and 8 incurring a third offense and who are removed from all extracurricular activities in junior high shall be allowed to participate in extracurricular activities, and may apply for a parking permit upon entering high school. Students regaining eligibility in high school after a third offense in junior high shall be tested at the time of each random testing for a period of one calendar year upon enrollment at the high school campus.

PETITION FOR RETURN OF PRIVILEGES

One of the reasons the Reagan County Random Drug Testing Policy was implemented is motivate students to not use drugs and alcohol. However, after three positive tests for illegal drug or alcohol use, high school students no longer have a reason to say “no” to illegal drugs and alcohol use because they are permanently removed from all extracurricular activities and no longer permitted to park on school premises during the school day. In order to provide continuing motivation for a high school student to stop using illegal drugs and alcohol after his or her third positive test, a high school student may petition to be reinstated to extracurricular activities and have their parking privileges restored, provided the following criteria are met:

1. The student must make a written request to the Superintendent to have his or her extracurricular activities and parking privileges reinstated.

2. The student must continue to test negative for illegal drug and alcohol use at each random testing date for one calendar year following the third positive result. Such testing shall begin at the first testing date immediately following the student's written petition for reinstatement of extracurricular and parking privileges.
3. The student must enroll, participate and complete a drug counseling/education program, approved by the Superintendent.
4. The student must maintain a passing grade point average in all courses.
5. The student must not be placed in a DAEP, be suspended or expelled for any violation of the student code of conduct.

A high school student who fails to meet any of the above criteria shall be declared ineligible for reinstatement. If the high school student has complied with all of the above conditions during the one year period following his or her third positive test, he or she shall meet with a Reinstatement Committee. The Reinstatement Committee shall be comprised of the Principal, Athletic Director and Counselor. The Reinstatement Committee, after interviewing the high school student, will make a decision as to whether it is appropriate for him or her to return to extracurricular activities or have his or her parking privileges reinstated. The decision of the Reinstatement Committee shall be final.

REFUSAL TO BE TESTED

Any refusal by a participant to take a drug test as required under this policy or failure to submit an acceptable sample for testing shall have the same effect and consequences as a positive test.

MISSED RANDOM AND / OR MANDATORY TESTING PERIODS

If a student to be tested is absent when urine, breath or saliva samples are collected, the parent shall be notified. The student shall then produce an appropriate sample upon returning to school as soon as possible, as determined by the campus principal.

STUDENTS OPTING OUT OF PROGRAM / ACTIVITY

If a student who leaves or quits a program/activity after testing positive wants to be reinstated, he or she must have the permission of the sponsor/coach and principal, and test negative at the next random testing. If these requirements are met, the student shall be reinstated to the program/activity in the same capacity as when he or she left the program/activity and shall be required to complete any suspension

period, if any, still in effect.

SELECTION FOR TESTING

All high school students (grades 9 – 12) who participate in any extracurricular activity or receive a parking permit during the school year shall make up one random testing pool and are eligible to be selected for random testing. All junior high students (grades 7 – 8) who participate in any extracurricular activity during the school year shall make up another random testing pool and are eligible to be selected for random testing. Up to 20 percent of all members in either pool may be selected for testing per random test date. Random tests may be conducted at the Superintendent's discretion for both the high school and junior high school pools.

Each year, all students who desire to participate in extracurricular activities and/or apply for a parking permit must submit to a drug test as soon as practical, as directed by the principal or designee. Those students testing negative shall be allowed to participate in extracurricular activities and/or be permitted to park on campus, and shall become part of the appropriate random testing pool thereafter.

All students who request to participate in an extracurricular activity or to receive a parking permit after the school year begins must obtain permission from the coach or director/sponsor of the sport or activity in question, the athletic director (if applicable), and the principal. Students who declare late must also test negative for drug and alcohol use, and shall be placed in the appropriate pool and be subject to the random testing program thereafter.

Students who are selected for testing during one random test date shall be eligible for future random tests and, if selected, may be tested in consecutive tests.

VOLUNTARY STUDENT TESTING

Students who do not participate in extracurricular activities or have a parking permit, but whose parents want them to be drug tested may voluntarily participate in the District's random drug and alcohol testing program. Parents must make a written request to the appropriate principal, and the parent and student must both sign the applicable drug testing consent form(s). Students who voluntarily participate shall be placed in the high school or junior high pool, as appropriate, and be tested in the same manner as students who participate in extracurricular activities.

Any refusal by the student and/or parent to sign the applicable consent form(s) shall be treated as a revocation of a student's voluntary participation in the testing program. Any refusal by a student in the program to be tested shall be reported to his or her parents or guardians. Positive results shall be reported to the student's parent(s) or guardian(s), and shall have the same effect on his/her eligibility to participate in extracurricular activities and/or privilege to park on District premises to the same extent as those students participating in extracurricular activities who test positive.

DRUG TESTING PROCEDURES

Students selected for testing shall be accompanied to a restroom by a same sex monitor. The monitor shall give the student a form where the student may list any medication he or she is taking or explain any legitimate reason for having been in contact with an illegal drug. The monitor shall not observe the student while the sample is being produced, but shall stand outside the restroom stall and listen to guard against sample tampering and to ensure the proper chain of custody.

All urine samples shall be identified with a random number assigned to the student, sealed, and submitted to a laboratory for testing. If at any time a sample is being collected the monitor has reason to believe that a student is tampering or has tampered with a sample, the monitor shall inform the appropriate administrator who will determine if a new sample is needed.

Any laboratory chosen by the District to conduct drug tests shall have a detailed written procedure to ensure proper chain of custody, security of the samples, proper laboratory controls, and the use of specifically validated testing methods.

CONFIRMATION OF A POSITIVE TEST RESULT

Testing a urine sample is a two-step process. If the initial test is negative, no further testing is required. If the initial test is NOT negative, it shall be retested with a second test on the same sample. A sample shall not be reported as positive unless confirmed by two separate tests on the same sample as positive. The laboratory shall return the test results of all students tested to the District as soon as possible. If a test result is positive, the appropriate principal shall immediately contact the student and the student's parents/guardians.

APPEAL PROCESS

Within 72 hours of being notified of a positive test result, parents/guardians of any participant testing positive shall have an opportunity to schedule a conference with the principal, at which time the student or parents/guardians may offer an explanation of the positive result. Parents/guardians may provide any doctor's prescriptions of any drugs that the student was lawfully taking that might have affected the outcome of the test, and may request a retest. Upon such a request, the urine sample shall be retested by the same lab and method as the previous test. If the retest is negative, the participant shall remain in good standing. If the retest is positive, the parents/guardians are responsible for the cost of the retest, and the participant shall be subject to consequences under this policy. If a parent fails to make a request for a retest within 72 hours of receiving notice of a positive test result, the appeals process shall be waived and the sample shall not be tested.

An appeal/complaint may be pursued in accordance with FNG (LOCAL) for a complaint other than for a positive result under this policy.

REASONABLE SUSPICION TESTING

Any student may be required by the principal or designee to take a drug or alcohol test when there is a reasonable suspicion by school personnel that the student is under the influence of an illegal drug or alcohol at school or a school-sponsored event, on or off-campus. Reasonable suspicion shall be based on specific personal observations concerning the student's appearance, speech, or behavior indicating the effects of drug or alcohol use. Information provided by a reliable source, if based on personal knowledge, may also constitute reasonable suspicion.

A student reasonably suspected of being under the influence of an illegal drug or alcohol shall be required to provide a urine, breath, and/or saliva sample for testing, whichever is determined appropriate by the District. The procedures for collecting and testing urine, breath and/or saliva samples and for reporting positive test results shall be as described in this policy.

Any refusal by a student to take a drug or alcohol test based on reasonable suspicion of being under the influence of alcohol or an illegal drug shall have the same effect and consequences as being under the influence of drugs or alcohol, and the student shall be subject to discipline in accordance with the student code of conduct and/or extracurricular code of Conduct, as applicable, in addition to any consequences listed under this policy for testing positive.

DEFINITIONS

Extracurricular Activities:

Extracurricular activities regarding this policy include band, athletic programs, cheerleading, literary activities, One Act Play, or any other club or organization that participates in performances, contests, demonstrations or competitions.

Clubs and organizations that may meet on school property but are not sponsored by the school are not within the scope of this policy. Also, clubs or organizations that do NOT participate in contests, performances, demonstrations or competitions are not within the scope of this policy, even if such clubs are sponsored by the school.

Drug Testing:

For this plan, the scientific analysis of urine, breath or saliva for the purpose of detecting an illegal drug or alcohol.

Good Standing

Having met requirements in order to be able to pursue all educational and extra-curricular activities available, with no restrictions or consequences.

Illegal Drug:

Any drug which is not legally obtainable; any drug which is legally obtainable, but has not been legally obtained; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs include, but are not limited to: cannabis substances (such as marijuana and hashish), cocaine, heroin, phencyclidine, PCP, and so-called “designer drugs.”

Premises of Reagan County I.S.D.

All property of the school district, including, but not limited to, the facilities and surrounding areas on district-owned or leased property, parking lots, and storage areas. The term also includes school district owned, leased, or used vehicles and equipment wherever located.

Random Drug Testing:

A testing process in which selection for testing is made by a method

employing objective, neutral criteria, which ensures that every person subject to testing has a substantially equal statistical chance of being selected. This method does not permit subjective factors to play a role in selection.

Reasonable Suspicion:

Based on specific personal observation concerning the appearance, speech, or behavior of the student that indicates the effects of drug or alcohol use. Information provided by a reliable source, if based on personal knowledge, may also constitute reasonable suspicion.

Under the Influence:

A condition in which a person is affected by a drug or alcohol in any detectable manner.