

2010-11 Policy for Random Drug Testing of Maize Unified School District Students

MISSION STATEMENT

The mission of the Maize USD 266 random drug testing policy is to provide an additional deterrent to curb issues related to substance abuse in students. The objective is to provide a system of assistance for students, as well a purpose for opting out of the peer pressures associated with using drugs/alcohol. It is designed to create a safe, drug-free environment for students and assist them in getting help when needed. The procedure for random drug testing of middle and high school students participating in extracurricular activities, as defined in this policy, will be accomplished in conjunction with an independent drug-testing Vendor.

To facilitate random testing, the school district will provide the vendor with a list of eligible 7-12 grade students. In turn, the Vendor will select up to 10% of the eligible students for testing each school year using a "true random" selection process, meaning that every eligible student is subject to being selected from every drawing, with the same probability of randomness throughout. Data updates for the selection process will be submitted by the school district to the Vendor on a regular basis throughout the school year. Parents can view an informational video about the procedures for testing and obtain a copy of the policy which outlines the procedures for testing on the district Web page, www.usd266.com.

Criteria for random drug testing is based on the fact that participation in school sponsored extra-curricular activities at USD 266 is a privilege. Therefore, students who participate in any school sponsored extra-curricular activities will be eligible for random drug testing. It should be noted that information contained in this policy for student drug testing complements the Extracurricular Code of Conduct, including all of its provisions pertaining to drugs and alcohol. Additionally, if a student is suspected of being under the influence of an illicit substance during the school day or at a school activity, representatives of the school district do have the authority to conduct a drug test based upon that suspicion, and if the student tests positive, a school suspension and expulsion hearing could result.

The random drug testing program is designed to be academically non-punitive.

- No student shall be penalized academically for testing positive for illegal drugs.
- The results of drug tests pursuant to this policy will not be documented in any student's *academic* records.
- Information regarding the results of drug tests will 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.
- Record of drug testing will be destroyed at the end of each school year.

DEFINITIONS:

The following terms and phrases shall be defined as follows for purposes of this policy:

Participation in Extracurricular Activities – School-sponsored activities, including *but not limited to*

Athletic programs, After School Weight Lifting

Cheerleading, Dance team,

Band, Orchestra, Choir,

Academic teams: Scholars' Bowl, Math Quiz, Knowledge Master, Model UN, Science Olympiad, BPA, Future Problem Solving, etc.

Debate teams, NFL, Drama teams, Drama Productions,

Newspaper, Yearbook

All School Clubs KAYS, Math Club, etc.

Eagle Ambassadors,

NHS, Peer Helpers, SADD, STUCO, etc.
Attendance at school dances, performances, extra-curricular activities, graduation, etc.
Parking privileges on USD 266 owned property
Participation in graduation ceremonies

Illicit Substance – A drug classified by the Drug Enforcement Administration (DEA) as being available only by prescription from a physician, or classified as being controlled, and having no therapeutic use. For purposes of this policy, any substance considered illegal by either federal or Kansas law or that is controlled by the United States Food and Drug Administration including, but not limited to the following substances: alcohol; amphetamines/methamphetamines (speed, uppers, diet pills); barbiturates (downers, sleeping pills); benzodiazepines (Valium, Librium); cannabinoid (marijuana); cocaine metabolites; ecstasy; hallucinogens (LSD); Methadone; opiates (heroin, morphine, codeine); phencyclidine (PCP, angel dust); propoxyphene (Darvon). Maize USD 266 reserves the right to test for any and all illegal or controlled substances as determined at the discretion of the district.

Student Participant – A qualified student participating in an extra-curricular activity as defined by this policy, or on a sanctioned athletic team, as defined by the Kansas State High School Activities Association.

PROCEDURES FOR STUDENTS

Informed Consent for Testing

At the beginning of each school year, students and parent/guardian/custodian will complete and sign the Informed Consent Agreement (Exhibit A). No student may participate in any extra-curricular activity as defined by this policy until this form is properly executed and on file with the school.

At the beginning of each school year, or when a student moves into the Maize school district, students may be subject to drug testing for illicit substances. Any student who refuses to submit to drug testing will not be allowed to participate in extracurricular activities as defined by this policy.

When a student is selected for testing, he/she will be given the opportunity to call his/her parents prior to being tested. If a parent wishes to be present for the test, he/she will need to arrive at the school within 30 minutes of being contacted by his/her child.

An administrator will walk the students to the mobile lab and will wait with the students while they are being tested. Students will use the restroom in the mobile lab while the administrator waits in the reception area of the mobile lab.

If a student is unable to provide a sample while the mobile lab is at the school, administration will notify the parents and arrangements will be made on an individual basis.

CONFIDENTIALITY & REPORTING RESULTS

All drug test results are considered confidential information and will be handled accordingly. Those persons having results reported to them as set forth by this policy must sign a Confidentiality Statement (Exhibit B).

Vendor will provide an annual report to the administration showing the number of tests performed, rate of positive and negative tests, and what substances were found in the positive results.

PROCEDURES IN THE EVENT OF A POSITIVE RESULT

The following will occur whenever a student's test result indicates the presence of illicit drugs or banned substances or adulteration:

The building principal will provide written notification to the parent/guardian/custodian within 24 hours, through certified mail.

The student will be required to submit to five periodical drug tests throughout the next calendar year.

If the parent/guardian/custodian or student wishes to contest the results, the Vendor will arrange for the split portion of the specimen to be submitted to another laboratory (approved by the Board of Education) for testing at the parent's expense. Such a request must be made to the building principal in writing within five working days from first notification of positive test results.

First Positive Result will result in the following actions:

- The student will be suspended from all extra-curricular activities (based upon the student code of conduct) for a minimum of four weeks.
- Student participants who have a first positive result will be required to submit to five follow-up drug tests during the next calendar year and will be required to participate in a chemical assessment program to determine the extent of their drug/alcohol use before being allowed to participate in extra-curricular activities.
- The cost of the chemical assessment and follow up drug testing will be the responsibility of the student or student's parents or guardian if under age 18.

Second Positive Result will result in the following actions:

- The student participant will be suspended from all extra-curricular activities (based upon the student code of conduct) for up to eight weeks.
- Students who have a second positive result will be required to enroll in a drug treatment program before being allowed to participate in extracurricular activities.
- The cost of the drug treatment program and follow up drug testing will be the responsibility of the student or student's parent or guardian if under age 18. The student will continue or repeat the five necessary follow-up drug screenings.

Third Positive Result will result in the following actions:

- A third positive result in any two consecutive calendar years will result in the student being barred from participation in any extra-curricular activity, as defined in this policy, for a minimum of eighteen school weeks.
- The student must participate in a chemical assessment program and successfully complete a drug recovery program recommended by a certified substance abuse professional at the expense of the student or student's parents or guardian if under age 18.
- At the end of the eighteen school weeks and completion of a drug recovery program, the student must complete a drug screen with negative results at the student's expense, in order to be allowed to participate in extracurricular activities.
- Upon return to participation in extracurricular activities, the student will continue or repeat the five necessary follow-up drug screens. The cost of these screens will be the responsibility of the student or student's parent/guardian. The period of exclusion may continue into the following school year.

PROCESS FOR APPEALS

Should a positive test result, the parent has the right to visit with the medical review officer to communicate any medically authorized substances that might have resulted in a positive test.

The medical review officer will determine whether the information provided by the parent could account for the positive test. If the test remains positive, and a student and/or parent or person otherwise in lawful control of the student elect to appeal a positive test result, the second half of the specimen in question may be tested. In such cases, the student and/or parent or person otherwise in lawful control of the student shall assume responsibility for payment of all fees related to the second test. A written request to appeal a positive test must be submitted to the Superintendent or designee within five days of receiving notice of the positive results.