

NORTHEAST USD 246 STUDENT DRUG TESTING POLICY

Approved by the Northeast USD 246 Board of Education
Effective 2016-2017 School Year

In an effort to protect the health and safety of Northeast USD 246 students from illegal and/or performance-enhancing drug use and abuse or injuries relating from the use of drugs/alcohol, and to set an example for all students, the Northeast USD 246 Board of Education has adopted the “Student Drug Testing Policy” for drug testing of students participating in or attending extracurricular and/or co-curricular activities as well as students parking in the school parking lot. The Board recognizes that all students have certain personal rights of privacy guaranteed by our federal and state constitutions. This policy will not infringe on those rights.

STATEMENT OF PURPOSE AND INTENT

A. It is the intent and desire of the Northeast USD 246 Board of Education, Administration, and staff that every student in Northeast USD 246 refrain from using, possessing, or distributing illegal drugs and/or alcohol, and to help students make good decisions. The actions of this policy relate solely to limiting the opportunity of any student in violation of this policy to participate in or attend extra curricular and/or co-curricular activities. This Policy is intended to supplement and complement all other policies, rules, and regulations of Northeast USD 246 regarding possession and/or use of illegal drugs and/or alcohol.

B. Participation in or attendance at school sponsored extracurricular and co-curricular activities, as well as parking in the school parking lot is a privilege. Accordingly, students participating in or attending extracurricular and co-curricular activities carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible examples of conduct, which includes avoiding the use or possession of illegal drugs and alcohol.

C. The purpose of this policy is to prevent illegal drug use and to create an environment free of illegal drug use and abuse. The sanctions of this policy relate solely to limiting the opportunity of any student in violation of this policy to participate in or attend extracurricular or co-curricular activities. No academic sanction for violation of this policy will occur, except to the extent that a violation of this policy would also constitute a violation of the school’s discipline policy. If the school’s discipline policy regarding drug/alcohol use is violated, the student will be subject to the penalties of the discipline policy.

D. The purpose of this policy is to educate students as to the serious physical, mental, and emotional harm caused by drug use; alert students with possible drug problems to the potential harms of use; prevent injury, illness, and harm as a result of drug use; and maintain in the school district an environment free of drug use and abuse. Northeast USD 246 has adopted this policy for use by all students participating in or attending extracurricular and co-curricular activities in grades 7-12 and students parking in the school parking lot grades 9-12.

DEFINITIONS

ACTIVITIES—Includes any school sponsored activity in the following three categories: Kansas State High School Activities Associations (KSHSAA) sanctioned activities, competitive activities, and non competitive activities. The activities, by categories, are as follows:

KSHSAA Activities, including but not limited to: Athletics, Choir, Speech and Debate, Cheerleading, Scholars Bowl, and KAY Club.

Co-Curricular Activities: Activities that students participate in outside of the classroom as a result of being enrolled in a school offered class, including but not limited to: FCCLA, National Honor Society, Student Council, Class Leadership, Yearbook, School Sponsored Clubs, and TRL Competitions.

Extracurricular Activities: Activities that take place outside the regular course of study in school, including but not limited to: Baseball, Basketball, Chess Club, Cheerleading, Football, Softball, Track, Volleyball, Weights, Prom, School Sponsored Dances, Reward Based Trips, and Senior Trip.

Parking Privilege Permits: Student privilege to park on school grounds.

DRUG USE TEST- A scientifically substantiated method to test for the presence of illegal drugs, performance-enhancing drugs, or alcohol in a person's urine, saliva, hair or breath.

ILLEGAL DRUGS- Any substance that an individual may not sell, possess, use, distribute, or purchase under federal or Kansas law. Examples would include, but are not limited to, all scheduled drugs as defined by Kansas law, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose, as well as alcohol.

PERFORMANCE-ENHANCING DRUGS- Includes anabolic steroids and other natural or synthetic substance used to increase muscle mass, strength, endurance, speed, or other athletic ability. Dietary or nutritional supplements such as vitamins, minerals, and proteins that can be lawfully purchased in over-the-counter transactions are not included in the term "performance-enhancing drugs."

POSITIVE RESULT- A toxicology test result that is considered to demonstrate the presence of an illegal or a performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug use test. "Positive" when referring to an alcohol test administered under this policy means a breath analyzer test result that is considered to demonstrate the presence of alcohol.

REASONABLE SUSPICION- Specific personal observations concerning the appearance, speech, or behavior of a participating student, and reasonable inferences drawn from those observations in light of experience, poor performance by a student, group of students or team inconsistent with perceived ability, expectations and teaching/coaching, and information provided by a reliable source based on personal knowledge, shall constitute reasonable suspicion. In the context of performance-enhancing drugs, reasonable suspicion could include unusual increases in size, strength, weight, or other athletic abilities.

RANDOM SELECTION- Random selection can include individual students, groups of students or teams selected for testing based upon an objective random selection process or a rotating schedule. The Northeast USD 246 Board of Education contemplates that a minimum of two (2) middle school students and eight (8) high school students will be subject to drug testing under this policy at various intervals of time, approximately twice each month.

SCHOOL DAYS- Days that school is actually in session in Northeast USD 246.

EDUCATION AND CONSENT

A. The school shall provide a drug policy education for students within one week of the policy implementation. The session will include a detailed explanation of the Northeast USD 246 Student Drug Testing Policy.

B. In addition the Principal will review the policy each year on the first day of school and with any new students upon their arrival to school. In addition, it is recommended that each coach/sponsor conduct a player and parent meeting that will include information about the impact of the drug testing policy on participants. Parental attendance is strongly encouraged at each session. Each student in grades 7-12 will be provided copies of the Northeast USD 246 Student drug Testing Policy and of the Student Drug Testing Consent Form.

C. Each student who desires to participate in or attend extracurricular and/or co-curricular activities or to park in the school parking lot must return a copy of the Student Drug Testing Consent form, signed and dated by the student and by the student's parent or guardian, to the school office within the first five (5) days of the start of the school year. Transfer students will have five (5) days from their date of enrollment. Failure to turn in the properly signed consent form within the time limits set forth in this policy will keep a student from participating in or attending extracurricular and/or co-curricular activities as well as parking privileges on campus being revoked.

SELECTION FOR TESTING

A student may be subject to drug testing under this policy in any of the following circumstances:

A. Upon request at any time the administration determines there is reasonable suspicion to believe the student has used or is under the influence of illegal or performance-enhancing drugs or alcohol;

B. Upon request by the administration based upon an objective random selection process from among all students in the particular pool of students to be tested;

C. As a member of a recognized club or group of students or team based upon a rotating schedule of similar clubs, groups and teams as determined from time to time by the administration; and

D. Students attending school sponsored extracurricular and/or co-curricular activities may be required to submit to an alcohol breath analyzer test prior to entry to determine the presence of alcohol, or at anytime requested by administration, based upon reasonable suspicion.

PROCEDURE

A. Any drug use test required under this policy will be administered by a professional laboratory chosen by Northeast USD 246, using scientifically validated toxicology methods. The professional laboratory shall be required to have detailed written specifications to assure chain of custody of the specimens, proper laboratory control, and scientific testing.

B. All aspects of the drug-testing program, including the taking of specimens, will be conducted in a manner to safeguard the personal and privacy rights of students to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen must be collected in a restroom or other private facility. The student will empty his or her pockets and remove his or her coat and other excess clothing prior to entering the restroom or other private facility. The Principal shall designate a drug laboratory employee or school employee of the same gender as the student to accompany the student to a restroom or other private facility. When collecting a urine sample, 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. If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure. At this time the monitor will inform the principal, who will then determine if a new sample should be obtained. The monitor will be present to collect the sample along with the student and one other witness.

C. If the initial drug test is positive, the initial test result will then be subject to confirmation by a second test.

D. If the second test confirms the presence of drugs or alcohol, the laboratory will report the results to the designated school representative. The school will then contact the parents of the student with the results and will solicit information regarding any medications the student may be taking. If needed, the school will contact a certifying scientist at the laboratory regarding any drug interactions. If requested, a medical review officer will review and confirm the results and report the findings to the designated school representative.

E. The Principal will contact the Superintendent, athletic director, head coach/sponsor, student, and parent/guardian to schedule a conference. At the conference the Principal will solicit any explanation of the positive test result. If the student asserts the positive test results are caused by something other than consumption of an illegal drug, performance-enhancing drug, or alcohol, the student will be given the opportunity to present evidence of such to the Principal, athletic director, and head coach/sponsor. The school district will rely on the professional opinion of the laboratory that performs the confirmation test in determining whether the positive test result was produced by something other than the consumption of an illegal drug, performance-enhancing drug, or alcohol. The Principal, Superintendent, athletic director and coach/sponsor will make the decision within three (3) working days.

F. The decision may be appealed in writing to the Northeast USD 246 Superintendent within three (3) working days. The Superintendent will then make a written decision within three (3) working days. During the time of this appeal, the student will not be eligible to attend, participate in, or compete in extracurricular and/or co-curricular activities or to use the school parking lot.

G. The Superintendent's decision may be appealed in writing to the Northeast USD 246 Board of Education within three (3) working days. The Superintendent will then make a written decision within three (3) working days. During the time of this appeal, the student will not be eligible to attend, participate in, or compete in extracurricular and/or co-curricular activities, or to use the school parking lot.

H. If a student tests positive for using illegal or performance-enhancing drugs or alcohol, the administration may arrange for appropriate follow up, including but not limited to counseling and additional drug tests, on a weekly or other regular basis. The student may not participate in activities until the initial suspension period, as determined below, has been served and all other follow up has been accomplished. It is the obligation of the student to establish that he or she no longer is using such drugs or alcohol. The student shall take another drug test within two (2) months of the completion of the suspension period, at a date and time designated by the administration, in order to continue to participate in activities. The cost of all follow-up drug tests shall be paid by the student or his or her parent or guardian. Failure to pass or to timely pay the cost of such follow-up test(s) shall result in loss of the privilege to participate in activities.

I. The administration will notify the parent(s) or guardians(s) of students selected for drug testing who do not test positive of such negative drug test results within five (5) days of such test.

VIOLATIONS

Any student who tests positive for use of illegal or performance-enhancing drugs or alcohol under this policy shall be subject to the consequences listed below. Violations under this drug testing policy are cumulative throughout grades 7-12 and do not start over each year.

A. 1st OFFENSE- The student shall be suspended from participation in and attendance at all extracurricular and/or co-curricular activities, including all performances and competitions and use of the school parking lot, for a period of **Forty (40) school days**. During this time it is recommended that the parent or guardian obtain a substance abuse evaluation and education/counseling for the student. If the students and/or parent/ guardian can provide proof of enrollment and regular attendance at a school-approved substance abuse program, the suspension will be reduced to **Twenty (20) school days**.

B. 2nd OFFENSE- The student shall be suspended from participation in and attendance at all extracurricular and/or co-curricular activities, including all performances and competitions and use of the school parking lot, for a period of **One Hundred Eighty (180) school days**. During this time it is recommended that the parent/guardian obtain a substance abuse evaluation and education/counseling for the student. If the student and/or parent/guardian can provide proof of enrollment and regular attendance at a school-approved substance abuse program, the suspension will be reduced to **Ninety (90) School days**.

C. 3rd OFFENSE- The student shall be suspended from participation in and attendance at all extracurricular and/or co-curricular activities, including all performances and competitions and use of the school parking lot, for a period of **Three Hundred Sixty Five (365) school days**. On the 3rd offense there is no possibility of reducing the suspension.

D. SUBSEQUENT OFFENSES- The student shall be suspended from participation in and attendance at all extracurricular and/or co-curricular activities, including all performances and competitions and use of the school parking lot, for the remainder of the student's school career.

SELF REPORTING

A student who has never tested positive under the Northeast USD 246 policy has the option to voluntarily “self-report” the use of an illegal or performance-enhancing drugs or alcohol. Under this self-reporting clause, the student must self-report to the principal prior to being selected for a random or rotating schedule drug test. Any student who self-reports a 1st offense shall have a **Five (5) School day suspension** from all activities. Students cannot self report if they have already tested positive as a 1st offense.

REFUSAL TO SUBMIT TO A DRUG TEST

Any student who refuses to submit to a drug test authorized under this policy shall be considered “**POSITIVE**” for drugs and be subject to appropriate suspension as stated previously in this policy.

TRANSFER STUDENTS

Any student transferring to Northeast USD 246 who wishes to participate in extracurricular and/or co-curricular activities, or wishes to use the school parking facilities, must have a signed “Student Drug Testing Consent Form” on file with the principal’s office within five (5) school days of his/her initial enrollment. Additionally, any transfer student who has failed a drug screening in a previous school district enters Northeast USD 246 with a similar record.

DISCLAIMER

The Northeast USD 246 Student Drug Testing Policy does not supersede the student handbooks of Northeast High School or Northeast Junior High School with regard to students found to be in possession of, using, providing, or under the influence of illegal substances or alcohol while on school property or at school activity (home or away). Therefore, a student who violates the policy as set forth in the student handbooks should expect further consequences as deemed appropriate by the building principal.

CONSENT FORM
STUDENT DRUG-TESTING POLICY
NORTHEAST USD 246 SCHOOL DISTRICT
Approved by the USD 246 Board of Education
Effective: 2016-2017 School Year

Participant Name Print: _____

I, the undersigned participant in the extracurricular activities program in the USD 246 School District, Arma, Kansas, am willing and consent to take a drug-screening test for illegal substances in accordance with District policies and procedures. I understand that my failure to consent to such a screening will cause me to be ineligible to participate in the activities listed in the Policy. I also understand that the results of such testes will be considered toward determining my continued eligibility for participation in activities.

I consent to allow a specimen of my urine to be collected by the drug testing collection agency designated by the USD 246 School District and to have a drug testing collection agency and/or testing laboratory designated by the District perform a substance abuse analysis on the specimen. I also consent to the release of the results of the analysis by the drug testing collection agency and/or testing laboratory to the authorized district personnel via electronic or other means, i.e. telephone, teleprinter, facsimile, computer, etc.

Signature of Student Participant: _____ Date: _____

Signature of Parent/Guardian: _____ Date: _____

I, the undersigned, am NOT willing to consent to take a drug-screening test for illegal substances to be eligible to participate in any activities in accordance with District policies and procedures. I understand that my failure to consent to such a screening will cause me to be ineligible to participate in the activities listed in the policy.

Signature of Student Participant: _____ Date: _____

Signature of Parent/Guardian: _____ Date: _____

As a part of establishing eligibility for activities in the USD 246 School District, participants must complete and submit this form to the Principal's office within the first 5 school days. Transfer students have 5 school days from the date of enrollment in order to be eligible for participation in any and all activities listed in this policy during the current school year.

This consent form will remain in effect for the duration of the student's enrollment within the USD 246 School District, unless revoked in writing by the parent/guardian.

Principal: _____ Date Rec. _____