

# FLORA CUSD 35

## EXTRACURRICULAR RANDOM DRUG TESTING POLICY

### PHILOSOPHY/PURPOSE

Recognizing that observed and suspected use of alcohol and other drugs by Flora Unit #35 students is evident, a program of deterrence will be instituted as a proactive approach to a safer and drug-free school. The purpose of this program is 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 to assist them in getting help when needed. For the purpose of this policy, the term "students" shall be defined as any student participating in organized athletics, clubs and other extracurricular activities, as well as students possessing a valid parking permit.

### OVERVIEW

The procedure for initial and random drug testing of students participating in extracurricular activities is accomplished in conjunction with the Random Drug Testing Committee and the Flora Unit #35 Board of Education. Our testing services will be provided by an approved vendor, and testing supplies may be obtained through a joint agreement. Specimens will be collected on site for screening, and procedures following will be implemented regarding testing results.

Testing will be done randomly at the 9<sup>th</sup> – 12<sup>th</sup> grade levels during the school year.

#### 1. Supporting Data

Random drug testing of a public school student is legal as determined by the United States Supreme Court in the case of *Vernonia School District 47J (Oregon) v. Wayne and Judy Acton*. On June 29, 2002, the United States Supreme Court issued its ruling in *Board of Education of Independent School District #92 of Pottawatomie County (Oklahoma) v. Earls*. The Court determined that random drug testing of students participating in extracurricular activities is constitutional. The ruling also stated that testing can be performed before each season or given reasonable suspicion.

#### 2. Definitions

**Extracurricular Activities** – includes but is not limited to school-sponsored activities outside regular school hours or within the regular school day and representing Flora Community Unit 35 where participation is voluntary with no academic credit or grades, does not impact graduation, and may be competitive in nature. These include but are not limited to: athletics, cheerleading, scholar bowl, clubs and organizations, and those who drive and park at the school with a valid permit.

**Extracurricular Participant** – any student who is trying out for, practicing in an organized practice, or participating in any school sponsored activity. Should a student be

unsuccessful in tryouts for an activity and will not be participating in any other extracurricular activity for the year, said student will be removed from the eligible list, if applicable. Students who possess a valid parking permit will be considered a participant.

**Random Drug Testing Committee** – group selected to discuss and develop an initial draft policy for Board review. Committee will be ongoing to evaluate, review, and revise policy recommendations as needed. Members may change periodically throughout the life of the committee. Members will include the Superintendent, Principal, Assistant Principal, Athletic Director, and other members selected by the administration.

**Vendor** – medical office or company selected by the Committee and/or Board to provide services and/or supplies for the school district.

**Medical Review Officer** – licensed physician trained and certified in the process and interpretation of drug testing results.

**Illicit Substance** – a drug classified by the Drug Enforcement Administration (DEA) as being available only by prescriptions from a physician or classified as being controlled and having no therapeutic use.

**Banned Substance** – a substance defined by school policy as being banned from use by students. This would include any items not meant for human consumption.

**Student** – any student participating in athletics, clubs, extracurricular activities, or having a valid parking permit.

**Adulterant/Adulteration** – any attempt to alter the outcome of a drug test by adding a substance to the sample, attempting to switch the sample, or otherwise interfere with the detection of illicit or banned substances in the urine or other testing, or purposefully over hydrating oneself in an attempt to dilute the urine to decrease possible detection of illicit or banned substances.

**Self-Referral or Self-Reporting** – process of a student coming forward, voluntarily, seeking help for a problem with an illegal drug or alcohol. This is done before a violation of the Extracurricular Random Drug Testing Policy.

**Valid Parking Permit** – The permit is part of a system whereby students are granted permission to drive to school as a privilege. Those students who drive to school must possess a permit to park their vehicle at the school.

**Reasonable Suspicion** – there is reasonable suspicion when school officials reasonably infer from all the circumstances that the student is committing, is about to commit, or has committed an offense relating to the illegal use of alcohol or drugs. School officials must identify specific articulated facts which, when taken with their natural inferences, make the intrusion reasonable. The facts need not rise to the level of probable cause, but they

must be more than a hunch. A school official's search may be as thorough as required by the circumstances.

### **3. Procedures for Students**

**A. Informed Consent for Testing** – at the beginning of each school year, prior to tryouts or beginning of extracurricular activities, parent/guardian/custodian shall complete and sign the Extracurricular Random Drug Testing Policy Informed Consent Agreement (Exhibit A). *No student may participate or drive or park upon school property until this form is properly executed and on file with the school principal.*

**B. Drug Testing Frequency** – up to 40 % of eligible students may be randomly tested on a random basis at any given time during the year. Any student who refuses to submit to drug testing will not be allowed to participate in extracurricular activities or drive to school at Flora High School. After testing, a student's number will be returned to the testing population and subject to possible re-selection during the next testing cycle.

**C. Sample Collection** – Samples will be collected as outlined in 5. A-C. Any eligible student who is not in school on the day of testing will result in the next number (alternate) being chosen. Students not able to provide an adequate urine specimen at the testing time will be unable to participate until the proper specimen is provided. Arrangements may be made for special collections at an approved medical facility with prior approval of the school principal or designee. Other testing that is valid and recognized, such as saliva swabs may be adopted as deemed necessary by vendor personnel instead of urine sampling.

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### **4. Confidentiality of Results**

All drug test results are considered confidential information and will be handled accordingly. Information on a verified positive result will be shared on a need-to-know basis with the student's coach, athletic director, sponsor, or representative of that group, whichever is applicable. Only those persons will be notified after the principal or designee and the parents/guardians have been notified, and after the lab has confirmed the results.

Negative results will be reported by phone and by mail to the parent/guardian of the student who was tested as soon as practical after the district has received such information.

### **5. Requirements**

**A. Random Selection of Extracurricular Students** – Once provided a list of eligible students, the school principal or designee in conjunction with the vendor will select the required number of students in a random and confidential manner.

This shall be through a random computerized selection process with both the vendor and school personnel present to witness the selection process. Up to weekly, the vendor will arrange with the school principal or designee a day and time to do the collection of specimens. The schedule will not follow any recognizable pattern. The selected student ID numbers will be given to the school principal or designee, who will arrange for those students to report to the collection area. Students shall not go anywhere other than with the escort to the testing area. Students shall be identifiable by a staff member escorting the student to the testing site.

**B. Collection of Urine Specimens** – The vendor will oversee the collection of specimens as outlined in Section 9 “Procedures for Random Drug Testing of Flora CUSD 35 Students”. In the event that a student to be tested is a direct relative of personnel doing the testing, that tester shall abstain from that particular student being tested. Students will be given as much privacy as possible in the obtaining of the urine specimen. Collection personnel will take steps to insure integrity, privacy and the security of the specimen. The specimen will be collected in private (unobserved). It will be immediately checked for quantity, temperature, color and appearance and noted on the appropriate forms. Alternative testing may be conducted instead of urine testing, such as swabs if approved by the vendor and school personnel.

**C. Testing of Urine Specimens** – The vendor will do onsite collection of all specimens for the specified illicit or banned substances. The following specific classes or substances may be tested: Alcohol, Amphetamines, Marijuana, Cocaine, Opiates, and PCP.

**D. Student or Parent/Guardian Challenge** – In the event of an initial positive result, the parent/guardian will be contacted as soon as possible. If a parent/guardian wishes to contest the results, another test shall be conducted within 48 hours at a licensed physician qualified to interpret test results. If that test is positive, it will be the parent/guardian responsibility to pay for that testing. If the test is negative, the parent/guardian will have no financial responsibility to pay for that re-testing. In the event that the second test is positive, a parent/guardian may contest by having the Medical Review Officer (as defined in policy) conduct an additional testing. Under no circumstances shall the school district or vendor be responsible for payment of that testing.

**E. Statistical Reporting and Confidentiality of Drug Test Results** – The assigned vendor, other officials involved in the testing, or any other personnel knowing of testing results may not release any statistics of positive drug tests to any person, organization, news publication or media without expressed written consent of the Flora CUSD 35 Board of Education. The vendor shall work with the school district to provide reports showing the number of tests performed, rate of positive and negative tests, and what substances were found in the positive specimens.

F. Any testing information or test results shall be kept during the school year in a temporary file. No results shall be retained in a permanent file of any student. No testing information or results shall interfere with academic performance or graduation, except that of which is not associated within this policy. All temporary records shall be kept in accordance with the Family Educational Rights and Privacy Act.

## **6. Procedures in the Event of a Positive Result**

### **A. First Positive Result**

1. Within 5 calendar days, the student must have an appointment with a certified chemical dependency counselor for a chemical dependency assessment, then follow the recommendations of the counselor. If treatment is recommended, it must be a recognized chemical dependency program. The student must supply the school principal with documentation of completion of the appointment. The student may resume participation when the following have been met:

- a. he or she has submitted a clean drug test
- b. agrees to follow the prescribed treatment procedures, of which the parent/guardian/custodian is responsible for all expenses
- c. has completed the requirements and/or penalties of the Flora Unit 35 Athletic Policy if applicable
- d. (for those with a valid parking permit) has served a 20 consecutive school day suspension of parking privileges

2. If the student refuses the procedures in (1) above, the student will be denied participation in extracurricular activities and/or driving privileges for one calendar year from the date of the refusal.

### **B. Second Positive Result**

The student will be required to meet with the chemical dependency counselor and participate and complete a recommended substance abuse program (same as after first positive result). Documentation of completion of the counseling program shall be submitted to the school principal. The student will also be suspended from all extracurricular activities and/or driving privileges for one calendar year from the date of the positive test.

### **C. Third Positive Result**

The student will be required to meet with the chemical dependency counselor and participate and complete a recommended substance abuse program (same as after first positive result). Documentation of completion of the counseling program must be submitted to the school principal. The student will also be suspended from all extracurricular activities and/or driving privileges for an additional calendar year from the date of the positive test.

#### **D. Subsequent Positive Result**

Subsequent positive results beyond a third positive testing during the high school career shall result in the suspension of participation in all extracurricular activities and parking privileges indefinitely while enrolled or re-enrolled at Flora High School.

**E. Positive results shall become cumulative throughout grades 9-12 regardless of enrollment status being current or re-enrolled:**

#### **7. Non-Punitive Nature of Policy**

No student shall be penalized academically for testing positive for illegal drugs or banned substances. 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 court order or other legal process, which the Flora Unit 35 Board of Education will not solicit. In the event of service of any such court order or legal process, the student and the custodial parent, legal guardian, or custodian will be notified at least 72 hours before response is made by Flora CUSD 35 Board of Education, to the extent permitted by such subpoena or legal process.

#### **9. Procedures for Random Drug Testing for Flora High School Students Participating in Extracurricular Activities**

##### **A. List of Eligible Students**

The school principal or designee will prepare a list of eligible student ID numbers participating in extracurricular activities or possessing a valid parking permit. This list will be provided to the vendor who will oversee/conduct the random selection of students who will submit specimens for testing.

##### **B. Random Selection of Students for Testing**

The vendor, in cooperation with the school, will use a computerized-based system to assure that students are randomly selected for the testing process. This shall consist of student ID numbers so that confidentiality will be preserved. Numbers selected will be provided to the principal. Alternates shall be selected as well, in case students are absent.

### **C. Scheduling of Drug Testing**

Drug testing will be conducted on a weekly, monthly, or seasonal basis. Testing can be conducted prior to each season for all participants in a particular sport, activity, etc. Also, if there is reasonable suspicion by a coach or sponsor that is documented, reasonable suspicion must be confirmed by an administrator before a student may be tested.

### **D. Form Completion**

The vendor is responsible for completing the form for all students who are tested. Only the student ID number will be put on the completed form. All forms will be returned to the building principal.

### **E. Collection Process**

Selected students will be escorted from class to the selection site by school personnel assigned. A specimen of urine will be collected by the assigned vendor personnel.

1. Student will be asked to document what current medications (including over-the-counter) he or she is taking or has taken recently.
2. No purses, bags, or containers may be taken into the collection area with the student. All coats, jackets, sweaters, etc. are to be removed before entering the collection area.
3. Vendor personnel will open the drug kit in the presence of the student.
4. Vendor personnel will add a bluing agent to the water in the urinal or toilet to be used.
5. Student will be asked to wash, rinse and dry hands prior to collection of specimen. If no water is easily accessible, a non-alcoholic wipe may be used instead.
6. The Drug Testing Custody and Control Form are completed by the student and collector.
7. The student is directed to urinate into the provided container and shall provide a sufficient amount of urine in one attempt. The student will enter a private restroom to provide the specimen, and will hand the container to the collector. **Do not flush the toilet.** The student will then wash their hands for sanitary purposes. The toilet will then be flushed.
8. Vendor personnel will check the volume and temperature within four minutes of collection, and will check for tampering. If tampering is suspected, a second specimen will be requested. A second tampered specimen will be considered **refusal to test** and the principal will be notified.
9. With the student watching, the collector will take the properly signed and initialed bottle seals and place them over the caps and sides of the bottle.
10. The sealed bottle is placed inside a bag. The drug testing custody and control form is placed inside the bag. The bag is then sealed.

**F. Medical Review Officer Responsibilities** – this physician shall agree to cooperate with the vendor and school personnel if, in the event, a student or parent/guardian challenges the positive result of a drug testing. The physician

shall agree to cooperate in reporting any findings that may agree or disagree with the school testing results.

(1) The MRO may determine if any discrepancies have occurred in the testing process.

(2) Depending upon the substances found, the MRO may contact the parent/guardian/custodian to determine if the student is on any prescribed medication.

(3) If the student is on medication, the parent/guardian/custodian will be asked to obtain a letter from the prescribing physician, within five working days, to document what medications the student is currently taking. Failure to provide such requested information will be considered a positive result.

(4) The MRO will then determine if any of the prescribed medications resulted in the positive drug screen. Based on the information given, the MRO will certify the drug test results as positive or negative and report this to the parent/guardian/custodian and the school principal or designee, initially reporting positive results by phone.

a. For example, a drug screen positive for codeine may be ruled negative by the MRO when he receives a letter from the treating physician that the student has been prescribed Tylenol with Codeine as a pain medication following tooth extraction.

b. Drug screens for illicit drugs (marijuana, heroin, cocaine, or alcohol, etc.) would automatically be considered as positive.

#### **10. Procedures in the Event of Tampering, Adulteration or Altering Results**

Whenever a student's test result indicates the student tampered, adulterated or otherwise altered the specimen, it will be considered the same as a first positive result. The procedures outlined above in section 6 "Procedures in the Event of a Positive Result" will take affect.

#### **11. Financial Responsibility**

Under this policy, Flora CUSD 35 will pay for all initial drug tests as outlined in the procedures above. All subsequent tests after a confirmed positive result are the responsibility of the parent/guardian.

Counseling at a licensed substance abuse treatment program is the responsibility of the student's parent/guardian.



**Flora CUSD #35**  
**EXTRACURRICULAR RANDOM DRUG TESTING POLICY**  
Informed Consent Form (Exhibit A)

Student Name \_\_\_\_\_ Grade \_\_\_\_\_  
(Please print)

**As a student:**

- I understand and agree that participation in extracurricular activities or driving to school is a privilege that may be withdrawn for violations of the Flora CUSD 35 Extracurricular Random Drug Testing Policy.
- I have read the Policy and thoroughly understand the consequences I will face if I do not honor my commitment to the Policy.
- I understand that when I participate in any extracurricular activity or possess a valid parking permit, I will be subjected to random drug testing, and if I refuse, I will not be allowed to participate in any extracurricular activities or drive to school and park on school property. I have read the Consent to Perform Drug Testing form (Exhibit B) and agree to its terms.
- I understand this is binding while a student at Flora CUSD 35.

\_\_\_\_\_  
(Student Signature) Date \_\_\_\_\_

**As a parent/guardian/custodian:**

- I have read the policy and understand the responsibilities of my son/daughter/ward as a participant in extracurricular activities in the Flora CUSD 35 or possess a valid parking permit.
- I understand that my son/daughter/ward, when participating in any activity, will be subjected to random drug testing, and if he or she refuses, will not be allowed to participate in any extracurricular activities or drive to school and park on school property. I have read the Consent to Perform Drug Testing form (Exhibit B) and agree to its terms.
- I understand this is binding while my son/daughter/ward is a student at Flora CUSD 35.

\_\_\_\_\_  
Parent/Guardian/Custodian Signature Date

\_\_\_\_\_  
Parent/Guardian/Custodian (Print Name) Home Phone #

\_\_\_\_\_  
Work Phone # or  
Alternate Contact

