

# Davis School District Policy and Procedures

**Subject: 5S-204 Random Drug Testing for Students Participating in Extracurricular Activities**

**Index: Student Services – *Extracurricular Participation***

**Revised: May 15, 2018**

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## 1. PURPOSE AND PHILOSOPHY

The Board of Education of Davis School District (Board) finds that a random drug testing program with an educational component for students in grades nine (9) through twelve (12) who voluntarily participate in extracurricular activities at the high school level is a reasonably effective means of addressing the Davis School District's (District) legitimate concerns in preventing, deterring, and detecting drug use for the following reasons:

- 1.1. **Health and safety of the individual and others:** Any student participating in an activity under the influence of illegal drugs or using performance-enhancing drugs may create a risk of death or serious bodily injury, not only to the student, but to other participants and spectators.
- 1.2. **Prevention:** Students will have an additional reason (i.e., maintaining eligibility for participation in extracurricular activity) to avoid the use of illegal or performance-enhancing drugs.
- 1.3. **Intervention:** Identifying students who have recently used illegal or performance-enhancing drugs provides the opportunity for early intervention.
- 1.4. **Position as a school representative:** Students who participate in student government, cheerleading, and competitive athletic activities represent the school within the community. It is of the utmost importance that those involved in these activities comply with laws and rules of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.

## 2. DEFINITIONS

- 2.1. **Activity Season** for purposes of this policy means the period beginning:
  - 2.1.1. on the first day of practice allowed by the Utah High School Activities Association (UHSAA) for any competitive sport and ending the last day of competition for that sport season;
  - 2.1.2. on the first day after being chosen or elected through a competitive process for cheerleader or student officer and ending the last day they fill the position.
- 2.2. **Extracurricular activities** for purposes of this policy means cheerleading, student officers, and the following competitive sports governed under the UHSAA: baseball; cross country; football; golf; soccer; tennis; volleyball; softball; wrestling; basketball; lacrosse; drill team; swimming and diving; and track and field.
- 2.3. **Drugs** includes all drugs and controlled substances as defined in the Utah Controlled Substances Act §58-37-2 including all prescription drugs obtained without authorization and all prescribed and over-the-counter drugs being used for an abusive purpose.
- 2.4. **Positive test** when referring to a drug test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal or performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug test.

## **5S-204 Random Drug Testing for Students Participating in Extracurricular Activities**

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- 2.5. **Random pool** includes all students within a school participating in an identified extracurricular activity from the first day of the activity season and students who have already been placed in the random pool as a result of their participation in a prior extracurricular activity. Students will continue to have their name in the random pool throughout the student's high school extracurricular career within the District.

### **3. POLICY**

#### 3.1. Drug Education and Orientation

Prior to participating in an extracurricular activity, students must receive instruction on:

- 3.1.1. the dangers of using illegal and performance-enhancing drugs;
- 3.1.2. the availability of intervention and treatment programs;
- 3.1.3. the importance of conducting themselves at all times in a manner befitting their positions and responsibilities;
- 3.1.4. the procedures for random selection, urine sample collection, privacy arrangements, response and consequences related to a positive result; and
- 3.1.5. other information concerning the drug testing program which may inform and prepare students and alleviate concerns about the random drug testing process.

#### 3.2. Random Drug Testing Program

All aspects of the random drug testing program, including the taking of specimens, will be conducted so as to safeguard the personal privacy rights of the student to the maximum degree possible.

- 3.2.1. The District's Supervisor of Healthy Lifestyles shall be responsible for coordinating the Random Drug Testing Program.

##### 3.2.2. Consent Form

- [a] Before any student participates in any extracurricular activity the student and the student's parent/guardian shall sign and return a written consent form requiring the student's participation in random drug testing.
- [b] The parent shall be provided a summary of the Drug Education and Orientation information which was provided to the student along with the consent form.
- [c] A student is ineligible to practice, compete, perform, or participate until this form has been completed and returned to the school.
- [d] A consent form shall be completed at least annually.

##### 3.2.3. Random Drawing Procedure

- [a] Each student will be assigned a number upon return of the consent form.
- [b] The number and the identity of the student to whom such a number is assigned will be known only to authorized personnel with a need to know.
- [c] Selection for testing will be by lottery drawing from the full pool of students. Reasonable steps will be taken to assure the integrity, confidentiality, and random nature of the selection process.
- [d] Student numbers will be drawn for testing by an automated computer program initiated at the District level.
- [e] Random drug testing will be conducted on a weekly basis or any other frequency determined by the District, not to exceed six (6) times a month.

## **5S-204 Random Drug Testing for Students Participating in Extracurricular Activities**

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### 3.2.4. Urine Sampling Procedure

- [a] On the day of testing, those students randomly selected will be privately notified and must immediately report to the designated location to produce a urine sample.
- [b] Any drug test will be administered by or at the direction of a professional laboratory chosen by the District. The professional laboratory shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and proper laboratory control and scientific testing.
- [c] The urine sample must be collected in a restroom or other private facility behind a closed stall under the supervision of the testing administrator.
- [d] If the student is absent on that day, the testing will take place on the next testing day.
- [e] If a student is unable to produce the urine sample, he/she will remain under supervision until a sample can be provided, or until excused by the test administrator. The testing will take place later in the same day or as soon as possible thereafter.
- [f] If the student refuses to provide a urine sample, the refusal will be construed as a positive test result.
- [g] If the student provides an adulterated or fraudulent sample, it will be construed as a positive test result.

### 3.2.5. Prescription Medication

- [a] The testing administrator shall give each student a form on which the student may list any medications legally prescribed for the student which he or she may have used in the preceding thirty (30) days. The medication list shall be submitted to the lab in a sealed and confidential envelope and shall not be viewed by District employees.
- [b] Should the student's test indicate a positive result, the parent/guardian shall be provided twenty-four (24) hours following the drug test to confirm the student's legitimate use of prescriptive medications identified on the medication list submitted by the student.
- [c] Students who test positive for the use of prescriptive medications but refuse or fail to provide timely verification of the legality of prescriptive drug use will be subject to the actions specified in this policy for positive tests.

### 3.2.6. Scope of Test

- [a] Methamphetamines
- [b] Cocaine
- [c] Marijuana
- [d] Benzodiazepines
- [e] Methadone
- [f] Barbiturates
- [g] Oxycodone
- [h] Propoxyphene
- [i] Ecstasy
- [j] Morphine/Opiates
- [k] Pharmaceutical strength steroids

### 3.2.7. Parent Notification and Procedures for a Positive Result

- [a] Parents/guardians will not be contacted if a test result is negative.
- [b] If the test result is positive, a school administrator will be notified by the laboratory. Parents/guardians will then be contacted by a school

## 5S-204 Random Drug Testing for Students Participating in Extracurricular Activities

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- administrator.
  - [c] A parent/guardian may contest the results of the random test and request a second reading.
  - [d] Parents/guardians will be given an opportunity to discuss the test result and be given an opportunity to submit additional information to a school administrator or the laboratory.
  - [e] The school/district will rely on the opinion of the laboratory which performed the test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.
- 3.2.8. Consequences of Positive Result
- A positive test result shall not lead to the imposition of discipline or have any academic consequences. Rather, the consequences will be to require the student's participation in assessment and intervention and to limit the student's privilege of participating in extracurricular activities.
- [a] **First offense:** Suspension from two consecutive games, meets, matches, events, competitions, or performances at the same level of play (and any intervening levels as well). Practice may be continued following a personal assessment by the District and a clean drug test. The drug test shall be arranged and paid for by the parent/guardian. The parent/guardian may choose to go to an alternative licensed provider for a personal assessment at their own expense.
  - [b] **Second offense:** A six-week suspension from games, meets, matches, events, competitions, or performances. Student participation in an assessment by a licensed substance abuse intervention or treatment program with prescribed follow-up is required and a clean drug test provided. Practice may continue only after the assessment has been completed and positive participation in the prescribed follow-up is occurring. This assessment and testing must be arranged and paid for by the parent/guardian.
  - [c] **Third offense:** An eighteen-week suspension from all games, meets, matches, events, competitions, performances, and practices. Reinstatement of eligibility at the end of the eighteen-week suspension is predicated upon successful completion of a formal assessment, intervention, and treatment program with prescribed follow-up and a clean drug test provided. This assessment and testing must be arranged and paid for by the parent/guardian.
  - [d] Any violation beyond the third offense carries the same penalty as the third offense.
- 3.2.9. Out of Activity Season Positive Test Result
- If a student tests positive outside his/her activity season the suspension portion of his/her consequences will be applied in his/her next activity season. The assessment, intervention, or treatment portion by a licensed substance abuse program should commence within ten (10) school days of the positive test.
- 3.2.10. Positive test results or offenses carry over year to year and sport/activity to sport/activity in a participant's extracurricular career.

## **5S-204 Random Drug Testing for Students Participating in Extracurricular Activities**

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- 3.2.11. Any uncompleted consequences for positive test results follow the student to any school within the District to which he/she transfers.

### **4. COMPLIANCE WITH DISTRICT AND SCHOOL POLICY**

This policy does not prevent a student from being drug-tested upon an individualized reasonable suspicion. Drug related violations of District or school policy, other than a positive drug-test under the Random Drug Testing Program, are subject to discipline as outlined in District policy 5S-100 *Student Conduct and Discipline*.

### **5. CONFIDENTIALTY**

- 5.1. All records and subsequent actions related to random drug testing shall be kept in a confidential file separate from a student's other records and released to school personnel only on a need to know basis, the student's parent/guardian, and the student. Drug test results will not be disclosed to law enforcement or juvenile authorities without a valid and binding subpoena or other process issued by a court of competent jurisdiction.
- 5.2. Records related to random drug testing shall be retained until graduation or one year after a student leaves the District and then destroyed.

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#### **DEFINITIONS**

See section 2 of this policy

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#### **REFERENCES**

*Board of Education Independent School District #92 of Pottawatomie v. Earls, et al.* 536 U.S. 822 (2002)

[Utah Code Ann. §53G-8-209](#) – Extracurricular activities – Prohibited conduct – Reporting of violations – Limitation of liability.

[Utah Code Ann. §58-37-2](#) – Utah Controlled Substances Act

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#### **FORMS AND RELATED POLICIES**

[Random Drug Testing of Students Participating in Extracurricular Activities](#)

District Policy [5S-100 Student Conduct and Discipline](#)

District Policy [5S-200 Minimum Standards of Eligibility for Extracurricular Participation](#)

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#### **DOCUMENT HISTORY:**

**Adopted:** April 16, 2013. **Effective Date:** August 26, 2013

**Revised:** May 15, 2018 – Five-year review. No changes.