

# Maryville City Schools

## Random Drug Testing Program



## 2021-2022 School Year

This document is subject to change without notice. Should questions or concerns arise, please contact the office of Coordinated School Health at (865) 982-7121.

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## **Maryville City Schools Random Drug Testing Program**

The Maryville City School System has a strong commitment to the health, safety, and welfare of all of its students. The use of illegal drugs is a potential problem for all students; however, unique pressures and risks exist for those students who participate in TSSAA-sanctioned athletics, participate in school sponsored cheerleading, and receive a parking permit. A proactive approach, in the form of a Random Drug Testing Program (the "Program") for deterrence, has been instituted to support students and families with these challenges. The purposes of this Program are:

1. To maintain order, discipline, safety, supervision and education of students;
2. To employ education, testing and counseling to deter student use of illegal drugs and thereby enhance the safety and health of students;
3. To undermine the effects of peer pressure by providing students with a legitimate reason to refuse to use illegal drugs; and
4. To encourage students who use illegal drugs to participate in counseling and drug treatment programs.

Maryville City Schools considers participation in TSSAA-sanctioned athletics, participation in school sponsored cheerleading, or receiving a parking permit as a privilege, not a right. Students enrolled in grades 9-12 who participate in these activities are expected to accept the responsibilities which accompany the privileges, among these is the responsibility to remain drug free.

Randomly throughout the year, students enrolled in grades 9-12 who participate in TSSAA-sanctioned athletics, participate in school sponsored cheerleading, and receive a parking permit will be subject to drug testing for illegal or banned substances.

### **Definitions**

The term *drugs* means:

1. Any scheduled drug, such as marijuana or opiates, as specified in Tennessee Code Annotated §§ 39-17-405 - 39-17-416.
2. Any drug that is illegal or is legally possessed or used only under the supervision of a licensed health-care professional or any substance which has been defined by Maryville City Board of Education policies as banned for student use.

The term *designated activity* means:

1. Participants in TSSAA-sanctioned organized athletic activity outside the normal academic curriculum enrolled in grades 9-12;

2. Participants in school sponsored cheerleading in grades 9-12; and
3. Participants receiving a parking permit in grades 9-12.

The term *tested population* means:

1. Students enrolled in grades 9-12 who participate in the designated activities.

The term *specimen* means:

1. Hair
2. Nail
3. Saliva
4. Sweat Patch
5. Urine

### **No Conflict with "Reasonable Suspicion" Policies**

This Program does not affect the current policies, practices or rights of the Maryville City School System in regard to alcohol or illegal drug possession and/or use where reasonable suspicion is obtained by means other than random drug testing. Maryville City Schools reserves the right to test any student who exhibits behavior which constitutes reasonable suspicion for the use of drug and/or alcohol use.

### **Non-Punitive**

The Program is academically non-punitive. It is designed to promote and sustain a drug free educational environment for students and to assist students in obtaining help when needed. No student will be penalized academically for testing positive for illegal drugs pursuant to this Program. No student will be expelled or suspended as a result of a positive test under this Program, except as stated herein. No record of participation or of any test results will appear on a student's transcripts or any other permanent record. A confirmed positive result will not increase a student's risk for reasonable suspicion. This Program is not conducted for the purpose of discovering evidence to be used in a criminal prosecution and 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 legal process. An attempt will be made to notify the student and his/her custodial parent/guardian at least seventy-two (72) hours before response is made, to the extent permitted by the law.

### **Scope**

This Program applies to all Maryville City School students who are in the tested population. No student shall be allowed to participate in designated activities until the student and parent (if student is under the age of 18) have signed a written consent (Exhibit 1).

## Written Consent

The Maryville City School System will require any student in the tested population to consent in writing to random drug testing pursuant to this Program. Written consent shall be in the form attached as **Exhibit 1** ("Consent Form"). By completing the Consent Form, the student agrees to participate in this Random Drug Testing Program. Students will be required to submit the completed Consent Form before the student is allowed to receive a parking permit or participate in any training, practice, conditioning, or games.

## Testing Procedure

Testing will be accomplished by the collection of specimens on the random test dates. The collection will be conducted by a trained Maryville City School employee under circumstances that ensure the integrity, validity and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student.

## Random Testing

1. All members of the test population will be subject to unannounced random drug testing.
2. Random drug testing will be conducted year round.
3. The dates for the random selection of students to be tested will be determined by the Director of Schools or designee.
4. Students selected for testing will be notified and immediately tested. Any student randomly selected for drug testing who is absent will be tested on the next testing date.
5. Parents/guardians will be notified in writing when their student has been tested. Such notification will be form attached as **Exhibit 2** ("Notice"). The Notice will be given to the student to deliver to his/her parent/guardian. The Notice will also be mailed to the student's parent/guardian.
6. If a student does not provide a viable testing specimen within two hours or refuses to be tested, the student will be suspended from all designated activities for 1 year (365 calendar days). Example:
  - The athlete/cheerleader will not be allowed to participate in athletic practice or in athletics in any other capacity during this period.
  - The student driver will not be allowed to receive a parking permit during this period.
7. Tests may be for any substance classified by Tennessee Code Annotated §§ 39-17-405 - 39-17-416 as being illegal or as legally possessed or used only under the supervision of a

licensed health-care professional or any substance which has been defined by Maryville City Board of Education policies as banned for student use.

### **Collection Protocol**

1. Students will report to the approved collection site.
2. Students will complete a form disclosing their current prescription medication(s) and confirm participation in at least one of the designated activities.
3. A drug test will be completed on-site and send to an accredited laboratory.
4. If the student tampers with the collection or attempts to cheat in the collection process, the student will be banned from all designated activities for one year (365 days).
5. All paperwork and results associated with drug testing are considered confidential information and will be treated accordingly. All persons who have access to information associated with this Program will be required to sign a Confidentiality Statement, attached as **Exhibit 3** ("Confidentiality Statement").
6. Additional tests requested by a parent or student will be at the expense of the student or his/her parent or guardian.

### **Procedures in the Event of a Confirmed Positive Result**

- A Coordinated School Health Coordinator will contact the student's parent/guardian.
- A written notification will be sent to the parent/guardian by certified mail, attached as **Exhibit 4** ("Positive Result Notice").
- Depending upon the substance(s) found, the Coordinated School Health Coordinator will determine if the positive result is due to the student's previously disclosed prescription medication, attached as **Exhibit 5** ("Student Disclosure Form"). The parent/guardian must supply a copy of the current prescription or a doctor's written documentation of the prescribed medication within 24 hours upon receipt of confirmed positive, attached as **Exhibit 6** ("Parent/Guardian Verification Form"). Failure to supply the prescription or documentation will subject a student to the actions specified under Sanctions for Confirmed Positive Results.
- If a student or parent/guardian would like to contest the results, they may do so at the expense of the student or his/her parent/guardian.

### **Sanctions for Confirmed Positive Results**

When a test result indicates the presence of drugs, the following will occur:

First Confirmed Positive:

1. A Coordinated School Health Coordinator will contact the student's parent/guardian of the confirmed positive result.
2. The student will be subject to mandatory testing for the next 1 year (365 calendar days), at the school system's expense. If the student tests negative for each of the subsequent drug tests, the student will be returned to the random drug testing Program. If the student tests positive, the student will follow the sanctions for a second confirmed positive result.

Second Confirmed Positive:

1. A Coordinated School Health Coordinator will contact the student's parent/guardian of the confirmed positive result to schedule a meeting with the parent/guardian and student.
2. The student will be required to attend a drug counseling program approved by Maryville City Schools at the parent/guardian's expense. Documentation of program enrollment and completion must be provided to the Office of Coordinated School Health. If the student is not enrolled in the drug counseling program within ten (10) days, the student will be suspended from all designated activities for 30 days.
  - During this period the athlete/cheerleader may practice and condition with the team. However, he/she will not be allowed to participate in any game, contest or scrimmage.
  - If the student athlete/cheerleader cannot complete the suspension during the scheduled season, his/her suspension will carry forward to the next designated activity in which the student participates (may carry over into the next school year).
  - If the student driver cannot complete the suspension during the school year, his/her suspension will carry on for the next school year.
3. The student will be subject to mandatory testing for the next 1 year (365 calendar days), at the school system's expense. If the student tests negative for each of the subsequent drug tests, the student will be returned to the random drug testing Program. If the student tests positive, the student will follow the sanctions for a third confirmed positive result.

Third Confirmed Positive:

1. A Coordinated School Health Coordinator will contact the student's parent/guardian of the confirmed positive result to schedule a meeting with the parent/guardian and student.
2. The student will be suspended from all designated activities for 1 year (365 calendar

days).

- The athlete/cheerleader will not be allowed to participate in athletic practice or in athletics in any other capacity during this period.
  - The student driver will not be allowed to receive a parking permit during this period.
3. Upon reinstatement, the student will be subject to mandatory testing for the next five (5) consecutive testing cycles, at the school system's expense. If the student tests negative for each of the subsequent drug tests, the student will be returned to the random drug testing Program.
- Any subsequent confirmed positive result will result in suspension of designated activities for the remainder of the student's high school career.

Note: A student who tests positive for marijuana will not be tested again for at least 30 days, but not longer than 60 days.

### **Appeal**

If a student, parent, or guardian wishes to contest the random drug testing procedure, a written appeal must be submitted to the Director of Schools within two (2) calendar days upon receipt of a confirmed positive. The student, parent, or guardian may either challenge any procedure related to the collection or testing of the specimens. If the Director of Schools finds it is more likely than not that any substantiated problem with the collection or testing procedures materially affects a specimen's integrity, the appeal may result in a finding that no violation has occurred. Sanctions begin upon initial confirmed positive.