

KRUM ISD

Student Drug Testing Program

Grades 7-12

Purpose

The Krum Independent School District Board of Trustees has a concern for the students and the community as a whole. Students using illegal drugs pose a threat to their own health and safety as well as that of other students and the general public. The Board believes that mandatory random drug testing of students in extracurricular activities, as well as students who request a permit to park a vehicle on school property, will assist in deterring drug use, undermining the effects of peer pressure by giving students a reason to refuse the use of illegal drugs, promoting the safety and welfare of students and the community, and encouraging students who use illegal drugs to participate in drug treatment programs.

Findings

The Board of Trustees finds that:

- Drug use by students attending district schools has increased
- Drug use by minors has increased nationwide
- Disciplinary referrals regarding drug use have increased
- Students participating in extracurricular activities are role models for other students and are admired by other students
- Students participating in extracurricular activities are seen as representatives and ambassadors of the school district
- The possibility of injury increases for students participating in extracurricular activities when illegal drugs are used
- Public school students have decreased expectation of privacy

Definitions

“Activity Student” means a member of a Krum Middle School or Krum High School sponsored extra-curricular organization which participates in interscholastic competition. This includes any student that represents KMS or KHS in any extra-curricular activity in interscholastic competition, such as FFA, Band, Choir, Academic Team, Cheerleading, and Athletics.

“Permit” means a tag identifying students who have permission to park a vehicle on school property.

“Drug use test” means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person’s urine.

“Random Selection Basis” means a mechanism for selecting activity students for drug testing that:

1. results in an equal probability that any activity student from a group of activity students subject to the selection mechanism will be selected, and
2. does not give the school district discretion to waive the selection of any activity students under the mechanism.

"Illegal drugs" means any substance which an individual may not sell, possess, use, distribute or purchase under either Federal or Texas law. "Illegal drug" includes, but is not limited to, all prescription drugs obtained and/or used without medical authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. "Illegal drug" shall also include alcohol.

"Performance-enhancing drugs" include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other athletic ability. The term "performance-enhancing drugs" does not include dietary or nutritional supplements such as vitamins, minerals, and proteins which can be lawfully purchased in over-the-counter transactions.

"Positive" when referring to drug use 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 use test.

Procedures

An extracurricular activity is an activity sponsored by the University Interscholastic League (UIL), the board, or an organization sanctioned by resolution of the board. The activity is not necessarily related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum. Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities, with the exception of public performances specified in paragraph 2 below.

1. In addition, an activity shall be subject to the provisions for an extracurricular activity if one of the following criteria apply:
 - a. The activity is competitive,
 - b. The activity is held in conjunction with another activity that is considered to be extracurricular,
 - c. The activity is held off campus, except in a case in which adequate facilities do not exist on campus,
 - d. The general public is invited, or
 - e. The activity is a result of being elected or appointed to a position of honor.
2. Students who must participate in co-curricular activities are not subject to the terms of this program. An activity is considered to be co-curricular if it is the result of being enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, subject to the following requirements and limitations:
 - a. Only the criterion listed in paragraph 1.d above applies to the performance.
 - b. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

Students in extracurricular activities and/or students who request a permit to park a vehicle on school property, and their parents or guardians, shall be provided with a copy of the "KISD Drug Use Testing Policy and Procedures" and a copy of the KISD Drug Use Testing Consent Form that shall be signed and dated by students and their parents or guardians before the student shall be eligible to practice or participate in any extracurricular program, including off-season training.

Only one form shall be required for a student regardless of the number of school activities in which he/she participates. Only one form shall be required for the period of time that the student is enrolled in grades 7-12 at Krum Middle School or Krum High School.

The parents or guardians of a student who does not participate in any extracurricular activity may request in writing that the student participate in the drug use testing program. Such requests may be withdrawn at any time.

Students may be tested for use of:

1. Drugs that an individual may not buy, possess, or use without a prescription, or sell or distribute under either Federal or Texas law. Such drugs include, but are not limited to, marijuana, cocaine, opiates, amphetamines, methaqualone, benzodiazepines, phencyclidine (PCP), methadone, barbiturates, and propoxyphene.
2. All prescription drugs upon reasonable suspicion that they were obtained without authorization.
3. All prescription drugs and over-the-counter drugs upon reasonable suspicion that they are being used in an abusive manner.
4. Performance-enhancing drugs
5. Alcohol

The purpose of these policies is five fold:

1. To educate students of the serious physical, mental, and emotional harm caused by illegal drug use.
2. To alert students with possible substance abuse problems to the potential harms that drug use poses for their physical, mental, and emotional well-being and offer them the privilege of competition as an incentive to stop using such substances.
3. Ensure that students adhere to a training program that bars the intake of illegal and performance-enhancing drugs.
4. To prevent injury, illness, and harm for students that may arise as a result from illegal and performance-enhancing drug use.
5. To offer students practices, competition and school activities free of the effects of illegal and performance-enhancing drug use.

Illegal and performance-enhancing drug use of any kind is incompatible with the physical, mental, and emotional demands placed upon participants in extra-curricular activities and upon the positive image these students project to other students and to the community on behalf of the Krum Independent School District.

Each participating student shall be assigned a number. Numbers shall be randomly drawn from one large pool of those agreeing to be tested. The selection of participants to be tested shall be done by professional laboratory chosen by the District, and selection shall be made from time to time throughout the school year. Testing may occur on a different day, Monday through Friday.

No student shall be given advance notice or early warning of the testing. In addition, a strict chain of custody shall be enforced to eliminate invalid tests or outside influences.

Drug testing will be performed by urinalysis or fingerprint sweat test. The student shall fill out, sign, and date any form that may be required for testing.

The individual obtaining the urine specimen shall be of the same gender as the student. If at any time during the sampling procedure a supervisor has reason to believe that a student is tampering with the sample, the supervisor shall notify the principal or administrative designee who shall then determine if a new urine sample should be obtained. If it is proven that tampering or cheating has occurred during the collection, or if a student refuses to provide a sample, the student shall receive the consequences of a confirmed positive test.

Each student shall be provided with a copy of the Student Drug Testing Consent Form, which shall be read, signed, and dated by the student and the parent or custodial guardian before such student shall be eligible to practice or participate in any extra-curricular activities. The consent requires the student to provide a sample: (a) as part of the student's initial test for eligibility for participation; and (b) when the activity student is selected by the random selection basis to provide a sample. No student shall be allowed to practice or participate in any extra-curricular activities involving interscholastic competition unless the student has returned the properly signed "Student Drug Testing Consent Form."

Prior to the commencement of drug testing each year, an orientation session will be held with each student to educate them of the sample collection process, privacy arrangements, drug testing procedures and other areas which may help to reassure the activity student and help avoid embarrassment or uncomfortable feelings about the drug testing process.

Each student shall receive a copy of the Student Drug Testing Policy. The head coach, sponsor, or principal shall be responsible for explaining the Policy at all prospective students.

All students will be required to provide an initial sample at or near the beginning of each school year before the student may participate in an extra-curricular activity covered under this policy. A student who moves into the district after the school year begins will have to undergo a drug test before they will be eligible for participation.

Drug use testing for students will also be chosen on a random selection basis monthly from a list of all students who are involved in off-season or in-season activities. The Krum Independent School District will determine a monthly number of student names to be drawn at random to provide a sample for drug use testing for illegal drugs or performance-enhancing drugs.

Any drug use test will be administered by or at the direction of a professional laboratory chosen by the Krum Independent School 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.

All aspects of the drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the student 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 behind a closed stall. 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. The monitor shall verify the normal warmth and appearance of the specimen. 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 and inform the principal/athletic director who will then determine if a new sample should be obtained. The monitor shall give each student a form on which the student may list any medications legally prescribed for the student that he or she has taken in the preceding thirty (30) days. The parent or legal guardian shall be able to confirm the medication list submitted by their child during the twenty-four (24) hours following any drug test. The medication list shall be submitted to the lab in a sealed and confidential envelope and shall not be viewed by district employees.

Confidentiality

The laboratory will notify the principal or Superintendent of any positive test. To keep the positive test results confidential, the principal/Superintendent will notify only the student, and the parent or custodial guardian of the student of the results. The principal will schedule a conference with the student and parent or guardian and explain the student's opportunity to submit additional information to the principal or to the lab.

The Krum Independent School District will rely on the opinion of the laboratory that performed the test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.

Test results will be kept in files separate from the student's other educational records, shall be disclosed only to the principal/Superintendent, and will not be turned over to any law enforcement authorities.

Appeal

A student who has been determined by the principal or designee to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his designee(s). Such request for a review must be submitted to the Superintendent in writing within five (5) calendar days of notice of the positive test. The student will be ineligible for participation pending the appeal. The Superintendent or his designee(s) shall then determine whether the original finding was justified. The student may appeal the Superintendent's decision within five (5) calendar days from receipt of his decision. The Board of Trustees shall consider the appeal at a regular or special called board meeting. The Board of Trustees may only consider whether the administration complied with the Board's policy.

Consequences

Any student who tests positive in a drug test under this policy shall be subject to the following restrictions:

A. For the First Offense

1. The parent/guardian will be contacted immediately and a private conference will be scheduled to present the test results to the parent/guardian. A meeting will then be set up with the student, parent/guardian, and principal or designee concerning the positive drug test.
2. The student will be suspended from all contests, competitions and outside school day practice for seven (7) calendar days.
3. In order to continue participation in the activity the student and parent/guardian must, within seven (7) days of the joint meeting, show proof that the student has received drug counseling at the student's expense from a qualified drug treatment program or counseling entity.
4. The student must submit to the next six (6) random tests at the student's expense. If all six (6) test results are negative, the student will go back into the random pool.

B. For the Second Offense

1. The parent/guardian will be contacted immediately and a private conference will be scheduled to present the test results to the parent/guardian. A meeting will then be set up with the student, parent/guardian, and principal or designee concerning the positive drug test.
2. The student will be suspended from participation in competition, contests, and practices in extra-curricular activities covered under this policy for thirty (30) calendar days (which can carry over into the next school year).

3. The student and parent/guardian must show proof of the successful completion of four (4) hours of substance abuse education/counseling at the student's expense within ten (10) days of the joint meeting.
4. The student must submit to the next six (6) random tests at the student's expense. If all six (6) test results are negative, the student will go back into the random pool.

C. For the Third Offense

1. Complete suspension from participation in ALL extracurricular activities including meetings, practices, performances, contests, and competition for 365 calendar days from the date of the notice of positive test results.
2. Successfully complete eight (8) hours of substance abuse education/counseling at the student's expense within thirty (30) days from a qualified drug treatment program or counseling entity.
3. The student will remain in the pool that will be randomly tested for the 365 day suspension period. The first six tests will at the expense of the student. If all six (6) test results are negative, the district will pick up the cost of drug testing through the remaining 365 day suspension period.

The student may request, at their expense, a split specimen to an alternative certified laboratory. The alternative laboratory must be a College of American Pathologist/Forensic Urine Drug Testing (CAP) certified laboratory.

An invalid or diluted specimen will result in the student being re-tested as soon as possible. The re-tested specimen will be transported by courier to Smartox.

If a specimen/sample provided by the student is considered by the laboratory to be adulterated or substituted, it will be treated as a positive test.

If a student is unable to produce a specimen on the first try, they will be allowed to drink up to 40 ounces of water and must provide a specimen within three (3) hours of the first attempt. If after three (3) hours a student cannot produce an acceptable size sample, it will be treated as a refusal to submit to a drug test.

If a student that is selected for random testing is absent from school on the day of the testing, the student will be re-tested upon their return to school.

These restrictions and requirements shall begin immediately, and shall be consecutive in nature, unless a review appeal is filed following receipt of a positive test.

Refusal to Submit to Drug Use Test

A participating student who refuses to submit to a drug test authorized under this policy will be treated as a positive test and shall not be eligible to participate in any activities covered under this policy including all meetings, practices, performances, contests, and competitions.

Additionally, such student shall not be considered for any interscholastic activity honors or awards given by the school.

The Krum Independent School District is committed to cooperating with parents/guardians in an effort to help students avoid illegal drug use. The Krum Independent School District believes accountability is a powerful tool to help some students avoid using drugs and that early detection and intervention can save lives.

Krum Independent School District Drug Use Testing Consent Form

Student's Full Name: _____
LAST NAME FIRST NAME MIDDLE NAME

Grade Level: _____

I understand, after having received and read the Krum ISD guidelines and procedures for the Student Drug Testing Program, that KISD will enforce this program out of concern for my safety and health. I realize that the personal decisions that I make daily in regard to the use of illegal drugs and/or alcohol may affect my health and well-being as well as the possible endangerment of those around me and reflect upon any organization with which I am associated.

Signature of Student Date

I understand, after having received and read the Krum ISD guidelines and procedures for the Student Drug Testing Program. I understand that it is the practice of the district to conduct drug and/or alcohol tests for the purpose of carrying out this policy. I desire that my child named above participate in and be subject to the terms of the drug use testing program. I understand that I may withdraw this request for participation at any time in writing to the campus principal. I further understand and accept that if I withdraw my consent after my child has been selected for drug testing or if my child refuses to take the drug test he/she will be unable to participate in the above-mentioned activities. If my child later decides to participate in extracurricular activities offered by KISD, my child will be unable to participate in the above-mentioned activities until such test is taken. I accept the method of obtaining urine samples, testing of such samples, and all other aspects of the program.

I authorize the employees of KISD to release my child's student identification number, and biological specimens to Smartox Laboratories. I authorize the officers, employees, and agents of Smartox Laboratories and the district to communicate among themselves, for official purposes, my child's drug and/or alcohol test results both orally and in writing, and to communicate such test results at any district administrative proceeding. I also authorize the officers, employees, and agents of Smartox Laboratories and the district to have continued access to my child's biological specimens for the purpose of any further analysis or study that may be necessary, and require the results be communicated to me prior to district administrative proceedings.

Parent/Guardian Signature Date Witness

Printed Name of Parent Guardian Printed Name of Witness