

# TIDEHAVEN INDEPENDENT SCHOOL DISTRICT



## DRUG TESTING POLICY AND PROCEDURES FOR STUDENTS

## **TIDEHAVEN INDEPENDENT SCHOOL DISTRICT DRUG TESTING PROCEDURES**

The Tidehaven Independent School District Board of Trustees, in an effort to protect the health and safety of its extra-curricular activities students from illegal drug use and abuse, thereby setting an example for all other students of the Tidehaven Independent School District, has adopted the following procedures for drug testing of students in extra-curricular activities and for students to receive school parking privileges on or within 300 feet of school property.

### **STATEMENT OF PURPOSE AND INTENT**

The purposes of this policy are five-fold:

1. To help enforce a drug-free educational environment
2. To educate students regarding the harm caused by the use of illegal drugs.
3. To deter student use of illegal drugs
4. To prevent injury, illness, and harm resulting from the use of illegal drugs.
5. To undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal drugs, thereby, providing a deterrent to drug abuse.

Illegal 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 Tidehaven Independent School District. For the safety, health, and well being of students in extra-curricular activities as well as those students who receive school parking privileges on or within 300 feet of school property, the Tidehaven Independent School District has adopted this policy for use by all participants in extra-curricular activities in grades 7-12.

### **SUPPORTING DATA**

Random urine drug testing of a public school interscholastic athlete is legal as determined by the United States Supreme Court in the case of *Vernonia School District 49j (Oregon) v. Wayne and Judy Acton*. Random urine drug tests of public schools extracurricular activity students are legal as determined by *Pottawatomie County Independent School District #94 vs. Earls*. The students subject to testing will be determined by the Tidehaven Independent School Board based upon these two Supreme Court Rulings.

### **DEFINITIONS AND PROCEDURES**

The administration has adopted policies to implement the following procedures [FNF (local)].

#### **I. Definitions**

“Activity Student” means a member of any school-sponsored extra-curricular activity in grades 7-12. “School-sponsored extra-curricular activity” means, without limitation, all clubs, musical performances, dramatic productions, student government, and any other activity or group that participates in contests, competitions, or community service projects on behalf of or as a representative of the school.

“Drug use test” means a scientifically substantiated method to test for the presence of illegal drugs in a person’s urine.

“Random Selection Basis” means a mechanism for selecting activity students for drug testing conducted by the contracted professional testing agency certified by the Substance Abuse and Mental Health Services Administration (SAMSHA) that:

- A. results in an equal probability that any activity student from a group of activity students subject to the selection mechanism will be selected, and
- B. does not give the School District discretion to waive the selection of any activity student selected 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 drugs” includes, but is not limited to, all scheduled drugs as defined by Texas statute, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose.

“Positive” when referring to a drug use test administered under this procedures manual means a toxicological test result which is considered to demonstrate the presence of an illegal.

## II. Procedures

The coach/sponsor/principal shall provide each activity/parking student with a copy of the “Student Drug Testing Consent Form” which shall be read, signed and dated before such student shall be eligible to participate in any extra-curricular activities. The consent requires the activity/parking student to provide a urine sample when the activity/parking student is selected by the random selection basis to provide a urine sample. **No student shall be allowed to participate in any extra-curricular activities or interscholastic competition or park on or within 300 feet of school property unless the student has returned the properly signed “Student Drug Testing Consent Form.”**

Prior to the commencement of drug testing, an orientation session will be held and all the students will receive a copy of the drug testing policy.

All Activity/Parking Students **may** be required to provide a urine sample before the student may participate in extra-curricular activities covered under this policy. All student drivers **may be required to provide** a urine sample before they can receive parking permits. A student who moves into the district after the school year begins **may** have to undergo a drug test before he/she will be eligible for participation or a parking permit. Drug use testing for Activity /Parking Students will also be chosen on a random selection basis periodically throughout the school year from a list of all Activity Students who are involved in off-season or in-season activities and all Parking Students. The Tidehaven Independent School District will determine the number of samples that will be taken during a six week time frame (5-20% of participants plus any students who have tested positive at previous testing during the year) to be drawn at random to provide a urine sample for drug use testing for illegal drugs or performance-enhancing drugs.

Because the Board of Trustees feels strongly about drug testing, testing will be available to any parent of any student enrolled in Tidehaven Independent School District not covered by this policy. This is strictly voluntary and will only be done at a parent’s written request upon

completion of the “Student Drug Testing Consent Form.” Parents will be assessed a fee established by the District for this service.

Any drug use test will be administered by or at the direction of a professional laboratory chosen by the Tidehaven 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 in a manner designed to safeguard the personal and privacy rights of the students. Samples will be taken under conditions that are no more intrusive to students than the conditions experienced in a public restroom.

The professional laboratory will provide MRO (Medical Review Officer) services by a licensed physician, who is certified by the Medical Review Officer Certification Council or the American Association of Medical Review Officers as having proven by examination to have had the appropriate medical training, to interpret and evaluate drug test results and thus qualified for certification as a MRO. Additionally, the MRO must demonstrate a willingness to abide by the Procedure for Random Urine Drug Testing of Tidehaven Independent School District students as to the evaluation of a positive drug test and reporting findings to the primary contact in a timely and confidential manner. The MRO or an authorized representative will attempt to contact the parent or guardian of the student within one school day after receiving a confirmed positive test result. If the MRO or representative is unable to contact any parent or guardian within one school day, the MRO will ask the school’s primary contact for assistance in locating the student’s parent or guardian. This request in no way implies a positive test result. The primary contact should only assume that the MRO has questions for the parent or guardian.

An initial positive test result will be subject to confirmation by a second and different test of the same specimen. A specimen shall not be reported positive unless the second test is positive for the presence of an illegal drug. The laboratory shall preserve the unused portion of a specimen that tested positive for a period of six (6) months or the end of the school year, whichever is shorter. Student record will be retained until the end of the school year.

### III. Confidentiality

The laboratory will notify the principal of any confirmed positive test. The District shall schedule a meeting with the student, the student’s parent if the student is under the age of 18, and the coach or sponsor of the extracurricular activity to review the test results and discuss consequences. The student or parent shall have three school days following the meeting to provide a medical explanation for a positive result.

The Tidehaven Independent 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 use 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 those school personnel who have a need to know, and will not be turned over to any law enforcement authorities absent legal compulsion by valid and binding subpoena or other legal process or as required by the UIL.

#### IV. Appeal

An Activity Student/Student Driver who has been determined by the principal/athletic director to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her 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.

#### V. Consequences

No student will be penalized academically for testing positive for illegal drugs or banned substances. The results of drug test pursuant to this policy will not be documented in any student's academic record. Information regarding the results of drug test will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the Tidehaven Independent School District Board of Trustees, to the extent permitted by such subpoena or legal process and the requirement of the UIL.

Any **Activity Student** who tests positive in a drug test under this policy shall be subject to the following restrictions: Any **Driving Student** who drives to and from school and who parks on or within 300 feet of school property will be subject to the same initial and random drug testing requirements as students who participate in school-sponsored extra-curricular activities

##### A. For the First Offense:

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, athletic director/sponsor and principal concerning the positive drug test. The student will be suspended from participation in all activities covered under this policy for fifteen (15) school days following the date the student and parents are notified of the test results. The student will not be allowed to drive or park on or within 300 feet of school property. Additionally, the student must voluntarily submit to a second drug test to be administered in accordance with the testing provisions of this policy. The student's parents are responsible for having the student retested with the district's testing company. Parents are responsible for the cost of all additional drug tests required. The student will be tested the next three testing sessions during the school year. The time and date will be unknown to the student and determined by the principal/athletic director.

If parent/guardian and student agree to these provisions, the student will continue to participate in the activity after the suspension. Should the parent/guardian and student not agree to these provisions the consequences listed in this policy for the second offense will be imposed.

##### B. For the Second Offense:

Suspension from participation in all activities covered under this policy for thirty (30) school days following the date the student and parents are notified of the test results. The student will not be allowed to drive or park on or within 300 feet of school property. Additionally, the student must voluntarily submit to a second drug test to be administered in accordance with the testing provisions of this policy. The student's parents are responsible for having the student retested with the district's testing company. Parents are responsible for the cost of all additional drug tests required. The student will be tested during the next three testing sessions during the school year. The time and date will be unknown to the student and determined by the principal/athletic director or designee.

C. For the Third Offense:

Complete suspension from participation in all extra-curricular activities including all meetings, practices, performances, and competition for a calendar year dating from the time of the positive test results. The student will not be allowed to drive or park on or within 300 feet of school property.

D. For the Fourth Offense:

Complete suspense from participation in all extra-curricular activities including all meetings, practices, performances, and competition for the remainder of the student's school career. The student will not be allowed to drive or park on or within 300 feet of school property.

VI. Refusal to Submit to Drug Use Test

A participating student, who refuses to submit to a drug test authorized under this policy, shall not be eligible to participate in any activities covered under this policy, including all meetings, practices, performance and competitions for the remainder of the school year. Such student shall not be considered for any interscholastic activity honors or awards given by the school. Additionally, the student will not be granted parking privileges on the school grounds or within 300 feet of the school grounds. If a student is absent on the day of the random test, a sample shall be collected on the next random testing date.

VII. Responsibility for Costs

Tidehaven ISD is responsible for the cost associated with the random drug test and oversight of the contracted laboratory. The student and/or the student's parent or guardian will be responsible for any additional costs, including but not limited to, any cost associated the cost of the subsequent drug tests required for reinstatement.

\* \* \* \* \*

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

Student Name: \_\_\_\_\_

Last

First

Middle

Current Grade Level: \_\_\_\_\_

### Tidehaven I.S.D. Student Drug Testing Consent Form

**Statement of Purpose and Intent:** Participation in school sponsored extra-curricular activities at the Tidehaven I.S.D. is a privilege. Activity Students 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.

Drug use of any kind is incompatible with participation in extra-curricular activities on behalf of the Tidehaven I.S.D. For the safety, health, and well being of the student of the District, the Tidehaven Independent School District has adopted the attached Activity Student Drug Testing Procedures and the Student Drug Testing Consent for use by all participating students at the Intermediate school and high school levels.

All Driving Students must also participate in the Student Drug Testing Program in order to have the privilege of driving to and from and to have the privilege of parking on school grounds or within 300 feet of the school.

**Participation in Extra-Curricular Activities:** Each Activity Student and Driving Student shall be provided with a copy of the and Student Drug Testing Consent, which shall be read, signed and dated by the student, parent or custodial guardian, before such student shall be eligible to practice or participate in any interscholastic activities and be permitted to park a vehicle on or within 300 feet of school property. The consent shall be to provide a urine sample: a) as part of their annual physical or for eligibility for participation; b) as chosen by the random selection basis. No student shall be allowed to participate in any activity governed by the procedures unless the student has returned the properly signed Student Drug Testing Consent. A copy of the Drug Testing Policy and Procedures will be available upon request.

**Non-Participating Student in Activities Outlined Above:** Any student who does not participate in any extra-curricular activity and/or does not drive is not required to be drug tested. However, testing is made available to any such student at the option and request of the parent(s); parents are responsible for the cost. By signing this form, you are requesting that your child be added to the list of randomly tested students.

\* \* \* \* \*

I understand after having read the "Student Drug Testing Procedures" and "Student Drug Testing Consent," available online at [www.tidehavenisd.com](http://www.tidehavenisd.com) that, out of care for my safety and health, the Tidehaven I.S.D. enforces the rules applying to the consumption or possession of illegal drugs. As a member of an Tidehaven extra-curricular interscholastic activity and/or as a driving student, I realize that the personal decision that I make daily in regard to the consumption or possession of illegal drugs 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. If I choose to violate school policy regarding the use or possession of illegal drugs any time while I am involved in in-season or off-season activities and/or while participating as a driving student, I understand upon determination of that violation I will be subject to the restrictions on my participation as outlined in the Policy.

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Date

We have read and understood the Tidehaven Independent School District "Student Drug Testing Procedures" and "Student Drug Testing Consent." We desire that the student named above participate in the extra-curricular interscholastic programs and/or be designated as a driving student of the Tidehaven I.S.D. and we hereby voluntarily agree to be subject to its terms. Or, the student named above does not participate in such activities; however, we choose to voluntarily submit our child to such testing. We accept the method of obtaining urine samples, testing and analysis of such specimens, and all other aspects of the program. We further agree and consent to the disclosure of the sampling, testing and results as provided in this program.

\_\_\_\_\_  
Signature of Parent or Custodial Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contact Phone Number