

DRUG TESTING PROGRAM

The Parma School District #137 has established a drug testing program for students because it recognizes that the problem of illegal drug and alcohol use presents a continuing challenge in its schools and is a clear danger to the student population as a whole. The district's commitment to maintaining athletics and extracurricular programs in a safe, healthy and secure educational environment requires a clear policy and supportive programs relating to the detection and prevention of substances used by the students involved in athletics and extracurricular activities.

ELIGIBILITY FOR TESTING

The Policy and Procedures apply to all students choosing to participate at the high school level in Idaho High School Activity Association (IHSAA) sanctioned sports or extracurricular activities.

Participation in athletics and extracurricular activities is a privilege. Student participants, by virtue of their voluntary decision to participate in these athletic and extracurricular activities, and because of their position as school leaders and role models in the school community, have a heightened responsibility to be drug and alcohol free.

DEFINITIONS

“Alcohol” means beer, wine, and distilled liquors.

“Controlled substances” includes those defined by Idaho Code §37-2732C and includes, but are not limited to, opiates, opium derivatives, hallucinogenic substances, including cocaine, and cannabis and synthetic equivalents of the substances contained in the plant, any material, compound, mixture, or preparation with substances having a depressant effect on the central nervous system, and stimulants.

“Drug” includes any alcohol or malt beverage, any tobacco product, any controlled substance, any illegal substance, any abused substance, any substance which is intended to alter mood, and any medication not prescribed by a physician for the student in possession of the medication.

“Extracurricular activity” means any activities which are sponsored or approved by the district but are not offered for credit toward graduation.

CONSENT FORM

A participating student and his or her parent/guardian must sign a form consenting to testing as described in this policy (578F1). If the student or parent/guardian refuses to sign the consent form, or if the student refuses to submit to testing, he or she will not be allowed to participate in extracurricular activities.

VERIFICATION OF LEGAL DRUG USE

Participants who are drug tested under this policy will be given a reasonable opportunity to submit verification of prescription drug use. At the time of testing, each student will be given written notice that he or she has seventy-two (72) hours to submit verification of any prescription drug use by providing a copy of the prescription to the building principal in a sealed envelope. An athlete will not participate until documentation is provided. The principal will submit the sealed envelope, unopened, to the superintendent or designee for consideration in making an analysis. The information regarding the use of prescription drugs is confidential and will not be shared with other school official. If the student fails to provide timely verification of legal drug use, and tests positive, he or she will be subject to retesting.

CONSEQUENCES AND PENALTIES

A student will be considered to have violated this policy if (1) the student attempts to alter or substitute a testing sample; or (2) if a testing sample is confirmed positive as described in Policy 578P1 – Procedures for Drug and Alcohol Testing of Students Participating in Extracurricular Activities. Students who test positive for any prescription drug must have a prescription in their name for the drug. It is illegal and a violation of this policy for a student to take a drug prescribed to another person, including a parent or other family member. Verification of prescription drug use must be provided within the time period prescribed in this policy.

First Confirmed Positive Test:

The first time a student's test results are confirmed positive, the student-athlete will be suspended from competing in any sport for a period of 3 weeks or 3 events, whichever is greater, and will cooperate with **all** recommendations set forth by the Principal and Athletic Director. A student may choose to cooperate at any time during the suspension. Suspension days are served from the 1st day of school and conclude on the last day of school. Time during the summer will not count as suspension days. Therefore, suspensions will carry over from one school year to the next. Cooperation will include, but not limited to the following:

- Be subject to random testing for one year. The district will not pay the cost of any substance and alcohol abuse program or ongoing testing for a student who has a confirmed positive test.

Second Confirmed Positive Test:

For a second confirmed positive test, the student will be suspended from competing in any sport for a period of 8 weeks or 6 events, whichever is greater, and cooperate with **all** the recommendations set forth by the Principal and Athletic Director. No cooperation will result in an automatic 1-year (12 months) suspension from all athletics activities. The student may choose to cooperate at any time during the suspension.

The suspension applies to student participants who have tested positive in this school district's drug testing program and to student participants enrolled in this district who have previously tested positive in another district with a similar drug testing program.

Third Confirmed Positive Test:

For a third offense, the student shall be suspended from all high school athletics or extracurricular activities for a period of one (1) year from the date of the most recent confirmed positive test. The suspension applies to student participants who have tested positive in this district's drug testing program and to student participants enrolled in this district who have previously tested positive in another district with a similar drug testing program.

Fourth Confirmed Positive Test:

For a fourth offense, the student shall be suspended from all high school athletics or extracurricular activities for the remainder of his/her high school career. The suspension applies to student participants who have tested positive in this district's drug testing program and to student participants enrolled in this district who have previously tested positive in another district with a similar drug testing program.

Any student refusing a test or refusing permission is not eligible to participate in athletics or extracurricular activities. Any student who is found to have altered or tampered with a testing sample shall be subject to the same consequences as if the student had a confirmed positive result.

Post-Suspension Eligibility

Students who test positive and are suspended from extracurricular activities may be subject to a follow-up drug testing contract based on positive test results.

DUTIES OF SUPERINTENDENT OR DESIGNEE

The superintendent or designee will implement and oversee appropriate procedures for a lottery drawing for random testing. Selection for random testing will be by lottery drawing from a "pool" of all participating students in the district at the time of the drawing. The superintendent or designee will take all reasonable steps to accomplish the following:

1. Assure the integrity, confidentiality and random nature of the selection process including, but not necessarily limited to, assuring that the names of all participating students are in the pool;
2. Assure that the person drawing names has no way of knowingly choosing or failing to choose particular students for the testing;

3. Assure that the identity of students drawn for testing is not known to those involved in the selection process;
4. Assure direct observation of the selection process by at least two (2) adults.

The superintendent or designee will also implement and oversee appropriate procedures for gathering specimens and approving illegal substance and alcohol abuse assistance programs.

GENERAL PROVISIONS

1. The results of the tests will be disclosed only to the student and parent/guardian, and those school personnel who have a need to know.
2. The test results will be kept for the duration of a student’s high school career.
3. If it is reasonably suspected that a student participant is using drugs or alcohol, this district’s policy on student drug and alcohol use will be followed.
4. The district will pay any costs associated with gathering samples and testing, as well as all administrative fees necessary to implement this policy. The district will not pay the costs of any substance and alcohol abuse program or ongoing urinalysis testing for a student who has a confirmed positive test.

NON-PUNITIVE NATURE OF POLICY

Detection of illegal substance or alcohol use obtained pursuant to this policy will not be used as a basis to discipline a student or penalize him or her academically. Such detection will not be made a part of a student’s permanent record, and does not constitute reasonable suspicion, pursuant to Idaho Code §33-210. 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 other legal process, which the district will not solicit.



LEGAL REFERENCE:

Idaho Code §33-512(12) – Governance of Schools (extracurricular activities)
Vernonia School Dist. 47J v. Acton, 515 U.S. 646, 115 S. Ct. 2386 (1995)
Todd v. Rush County Schools, 133 F.3d 984 (7th Cir. 1998), *reh’g en banc denied*, 139 F.3d 571 (1998)
Board of Ed. of Independent School Dist. v. Earls, 536 U.S. 822, 122 S. Ct. 2559 (2002)
State v. Lindsey, 881 N.W.2d. 411 (2016)

ADOPTED: February 9, 2004

AMENDED: December 13, 2021; January 21, 2025

Note: This policy is based on the drug testing policy at issue in *Vernonia School Dist. 47J v. Acton*, 515 U.S. 646, 115 S. Ct. 2386 (1995), and *Board of Ed. of Independent School Dist. v. Earls*, 536 U.S. 822, 139 F.3d 571 (2002). The U.S. Supreme Court ruled that the policy dealing with drug and alcohol testing of students participating in extracurricular activities in *Earls* and student athletes in *Vernonia* did not violate students' rights. The *Vernonia* case dealt only with testing student athletes. The U.S. Supreme Court determined in the *Earls* case that a like analysis applied to all extracurricular activities of students if there are any indicia of substance abuse issues in the school community.

