

Policy 501.18

STUDENT ACTIVITIES

MANDATORY RANDOM DRUG TESTING OF STUDENTS

POLICY STATEMENT

The Board of Education for Kimball Public Schools values students' participation in extracurricular activities. Such students, as role models for other students, are a key to our goal to provide the best possible educational program for our students. To achieve our goal and to maximize the skills and talents of our students, it is important that each student understands the dangers of drug and alcohol use.

Participation in extracurricular activities is a privilege which can be taken away for failure to comply with this policy. The purpose of this policy is as follows:

- 1) To provide for the health and safety of all students;
- 2) To undermine the effects of peer pressure by providing legitimate reasons for students to refuse use of illegal drugs and/or alcohol;
- 3) To identify students who use illegal drugs and/or alcohol; and
- 4) To encourage students who use illegal drugs and/or alcohol to participate in appropriate treatment programs.

DEFINITIONS

TPA: A Third Party Administrator, which shall use a certified laboratory in testing of samples.

Drugs: Any substance considered illegal by state or federal law, including but not limited to the Nebraska Uniform Controlled Substances Act, 28-401 *et seq.*, or which is controlled by the Food and Drug Administration unless prescribed to the student by any licensed medical practitioner authorized to prescribe controlled substances. For purposes of this policy, drugs shall include the illegal use of alcohol and any "look alike" substances, drugs, or paraphernalia. This policy is intended to cover the maximum amount of substances permitted by law.

Drug Program Coordinator: Designated school officials who help administer the drug testing program and communicate with Third Party Administrator and Parents.

MRO: Medical Review Officer.

School Year: From the first day classes commence in the fall, unless the activity begins prior to the first day of classes, in which case it shall include the first day of practice through and including the last day of classes or the last day of the activity in the school year.

Activity Programs: Any activity that meets the guidelines of an extracurricular activity at Kimball Public Schools, which shall include the following:

Basketball	Cheerleading	Cross Country	Instrumental Music	Vocal Music
Golf	Dance Team	Football	Flag Corps/Drill Team	FFA
Manager	Student Trainer	Honor Society	One Act Play	Marching Band
Quiz Bowl	Musical/Play	Speech	Yearbook/Publications	Wrestling
Track	Volleyball	Student Council	Academic Decathlon	

Participant and Participant Pool: Any student who participates in any extracurricular activity as herein before set forth shall be a participant and his/her name shall be included in the participant pool. A participant shall enter the participant pool upon signing the attached consent form EXHIBIT A and returning said signed consent form to the Activities Director. A participant shall remain in the selection pool for an entire year (365 days) from the date the consent form is returned to the high school Activities Director. A participant may be subject to testing at any time during said 365 day period. Any student who tests positive will continue to be tested through the summer as a “Participant” if that student desires to participate in extracurricular activities in the following school year. A student will be removed from the testing pool if he/she has quit or been cut from an activity. Quitting the activity must occur prior to being selected for testing to be removed from the testing pool of students.

Sample Collection: Samples will be collected as directed by the Drug Program Administrator on the same day the student is selected for testing, or if the student is absent an alternate will be selected, in sequential order, from an alternate list provided by the Drug Program Administrator. If a urine sample is required, all students providing samples will do so alone in an individual bathroom or stall with the door closed.

Drug Program Administrator: The Board will choose a Third Party Administrator (TPA) for the purpose of determining through random selection the student(s)/ participant(s) to be tested. This will be accomplished by the use of a “Student List,” compiled by the district. The TPA, by use of a SAMHSA certified laboratory, shall also process sample results and maintain privacy with respect to test results and related matters.

Medical Review Officer “MRO”: Kimball Public Schools will utilize an MRO to review all laboratory-reported positive tests. The role of the MRO is critical to protecting the interest of the students. The MRO serves a critical role in determining whether the use of a substance identified by the sample analysis is from illicit use or a legitimate medical use. The MRO will demonstrate his/her knowledge by being certified by an MRO Accreditation body. The parent or the guardian will be contacted by the MRO or his/her assistant. The MRO will report results of verified positives and/or warrant health and safety issues to the student and to the designated school representative through the TPA.

Scope of Tests: The drug screen tests for one or more illegal drugs and/or alcohol. The Drug Program Coordinator shall determine which illegal drugs shall be screened, but in no event shall that determination be made after selection of students for testing. Student samples will not be screened for the presence of any substances other than an illegal drug or for the existence of any physical condition other than drug use.

Non-Punitive Nature of Policy: No student shall be penalized academically for testing positive for illegal drugs or alcohol, unless otherwise permitted by law and the district's student discipline policies, rules, and regulations. The results of drug tests pursuant to this policy will not be documented in any student's academic records, unless otherwise required by law or district policy. 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 shall not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent or legal guardian will be notified as soon as possible by the district.

DRUG SCREENING

General Policy: Practical experience and research have proven that even small quantities of narcotics, abused prescription drugs or alcohol can affect judgment and reflexes which can create unsafe conditions for students, especially those involved in any activity covered in this policy. Even when not readily apparent, the effect can have serious results for students engaged in activities. Drug-using students participating in extracurricular activities are a threat to co-participants, other students, and themselves, and may make injurious errors. For these reasons, the Board has adopted a policy that all students participating in extracurricular activities must remain substance-free.

Prohibitions: All students participating in extracurricular activities are prohibited from using, possessing, distributing, manufacturing, or having controlled substances, improperly used medications, or any mind/mood altering or intoxicating substances present in their system unless otherwise prescribed by a licensed physician. This includes all "look alike" substances, paraphernalia, and any other such item. The district will not screen items which appear to be in violation of this policy. If a student has a question as to whether a substance, item, or any other thing may be subject to this policy, the student should ask the principal or activities director.

Alcohol Use/Possession: All students participating in extracurricular activities are prohibited from possessing or use of alcohol.

After School Hours Conduct:

After-school-hours use of drugs, alcohol, or any other prohibited substances is not permitted. This includes all "look alike" substances or items of any kind. All students participating in extracurricular activities should realize that these regulations prohibit all illicit drug use during and away from school activities.

Procedure:

1. All Current Students Participating in Extracurricular Activities or Students That Have Voluntarily Been Placed in the Pool at the Request of Their Parent/Guardian

A. Random Testing

The Board authorizes random unannounced screening of all students participating in extracurricular activities. The list of students participating in extracurricular activities contained in the random pool will be updated upon receipt of a signed consent form. Students participating in extracurricular activities who have been selected will be required to report to the designated collection site for testing.

B. Consent

Each student wishing to participate in any extracurricular activity and the student's custodial parent or legal guardian shall consent in writing to drug testing pursuant to the district's drug testing program. Written consent shall be in the form attached to this policy as EXHIBIT A. No student shall be allowed to participate in any extracurricular activity absent such consent.

C. Removal From the Random Testing List

Students who quit or are cut from an activity, prior to being selected for random testing, may request their name be dropped from the testing list. A request form must be signed by the student and his/her parents to be dropped. However, students may volunteer to remain in the pool even though he/she are not part of the activity.

D. Summer Testing. There is an obligation to continue support for students who test positive. Drug testing during the summer will provide another reason for a student to refrain from the use of drugs or alcohol. Any student who has tested positive during a random test will continue to be tested through the summer months under the guidelines established herein. The Drug Program Coordinator will contact the student to establish a location and time for the test to take place.

2. Testing Procedures

A. General Guidelines

The Board shall rely, when practical, on the guidance of the Medical Review Officer in developing a consistent collection and testing protocol.

B. Substances

Substances that students participating in extracurricular activities may be randomly tested for: alcohol, amphetamines, cannabinoids, cocaine, opiates, synthetic opiates and PCP, and other substances, such as but not limited to steroids, barbiturates, and benzodiazepines, without advance notice as part of tests authorized by the Board for safety purposes. Such tests will be coordinated with the Drug Program Coordinator.

C. Testing Procedure

The Board reserves the right to utilize breath, saliva, urinalysis, and any other testing procedures permitted by law. Urine and oral fluid samples which screen positive will be confirmed by GC/MS.

3. **Collection Sites.**

The Drug Program Coordinator will designate a collection site(s) at Kimball Public Schools where individuals may provide specimens.

4. **Collection Procedures**

The Board and the TPA have developed and will maintain a documented procedure for collecting, shipping and accessing all specimens. The Board and the TPA will utilize a standard Custody and Control Form for all students participating in extracurricular activities testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will be used for specimen transportation. Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure that is reasonable.

5. **Return of Results**

The TPA will transmit by a secure method the results of all tests to the DPA's MRO. The MRO will be responsible for reviewing test results of students. Prior to making a final decision, the MRO shall give the individual an opportunity to discuss the result either face-to-face or over the telephone. The DPA shall then promptly tell the principal of the high school which student(s) tested positive.

6. **Request for Retest**

A split specimen will be collected for all testing methods, with the exception of alcohol testing. A positive alcohol test will be confirmed with an EBT device. Students involved in the program may, upon a non-negative test result, request that the split sample be tested (within 72 hours of being notified of the final testing result) at a second nationally certified laboratory from a list provided by the MRO. The request for the test must be submitted in writing to the MRO. Students participating in extracurricular activities are required to pay the associated costs for an additional test in advance. However, the costs will be reimbursed if the result of the split sample test is negative.

Positive Results: Whenever a student's test results indicate the presence of any of the substances prohibited (positive test), the following will occur: If the sample tests positive, the custodial parent or legal guardian will be notified and a meeting will be scheduled with the Kimball Public School Activities Director (Drug Program Coordinator), the student, and the custodial parent or legal guardian.

First Positive Test upon lab confirmation:

- DPC & Principal meeting with parent/s and student;
- The Student is notified of suspension from competitions in all extracurricular activities for at least 20 calendar days during the school year. If all activities in which the student participates cease before the end of the suspension, the remainder of the suspension will carry over to the following year's activities so the student completes the required number of days; and
- Student must complete an approved drug and alcohol education class at the student's expense during the next available session. A district-administered negative test must be provided before the student may return to the activity; and complete follow up testing as required.

** (Sundays excluded and the student will be expected to attend **and** participate in all scheduled practices during the suspension)**

Second Positive Test (Grades 7-12):

- DPC & Principal meeting with parent/s and the student;
- The Student is notified of suspension from competitions in all extracurricular activities for at least 40 calendar days during the school year. If all activities in which the student participates cease before the end of the suspension, the remainder of the suspension will carry over to the following year's activities so the student completes the required number of days; and
- Student must complete an approved drug and alcohol education class at the student's expense during the next available session. A district-administered negative test must be provided before the student may return to the activity; and complete follow up testing as required.
 - Mandatory drug testing, a minimum of once a month, will commence after the first parent meeting for the next 12 months or end upon graduation from Kimball Public Schools.
- ** (Sundays excluded and the student will be expected to attend **and** participate in all scheduled practices during the suspension)**

Third Offense (Grades 7-12):

- DPC & Principal meeting with parent/s and student;
- The Student is notified of suspension from competitions in all extracurricular activities for at least 60 calendar days during the school year. If all activities in which the student participates cease before the end of the suspension, the remainder of the suspension will carry over to the following year's activities so the student completes the required number of days; and
- Student must complete an approved drug and alcohol education class at the student's expense during the next available session. A district-administered negative test must be provided before the student may return to the activity; and complete follow up testing as required.
 - Mandatory drug testing, a minimum of once a month, will commence after the first parent meeting for the next 12 months or end upon graduation from Kimball Public Schools.
- ** (Sundays excluded and the student will be expected to attend **and** participate in all scheduled practices during the suspension)**

Fourth Positive Test (Grades 7-12):

- DPC meeting with the parent/s and student;
- Suspension of eligibility to participate in activities for the remainder of the student's time as a student at Kimball Public Schools.

SELF-REPORT OPTION:

If a student voluntarily reports, **prior to being selected for random testing**, to the coach, sponsor, activities director or principal within three (3) school days of the rule violation, the consequences for first and second violations will be reduced. In the case of a first violation, the suspension would be reduced to 10 days and one (1) activity. A second violation would be reduced to 20 days. This applies to first and second offenses only.

Refusal to Submit to Drug Use Test: A participating student who refuses to submit to a drug test authorized under this policy, or fails or refuses to comply with any other provision of this policy (including counseling requirements or recommendations), shall not be eligible to participate in any activities covered under this policy including all meetings, practices, performances and competitions for 12 months from the date of the violation and qualifies as a positive test.

Adulteration/Substitution: A participating student found to adulterate/substitute a sample or with paraphernalia that would be used in an attempt to adulterate/substitute a specimen will be treated as a positive test.

Prescription Drug Error: A student that is determined to have used a prescription drug without a legal prescription in their name will be given a positive test result by the MRO. If in meeting with the Parent/Guardian it is determined that this is the result of a parent/guardian error and not an intended abuse of the substance, the following will occur: The parent will submit, in writing to the designated official, an explanation of the error and recognition of the law in regards to prescription drugs. Upon receipt of this document and recognition as a reasonable explanation by the Designated Official, the suspension from driving and activities will be lifted and no assessment or intervention will be required. The student will undergo a follow-up drug screen at the parent's expense to ensure the banned substance(s) are gone or in decay. Upon completion of these requirements, this positive test will be removed from the student's record. This rule may only be applied one time in a student's enrollment within the school district.

Further errors ruled positive by the MRO will constitute the actions listed above.

Appeal: A student participating in extracurricular activities who has been determined by the principal or Drug Program Coordinator 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. A student requesting a review will remain eligible to participate in any extracurricular activities until the review is completed. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision will be provided, and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable.

Record Keeping and Confidentiality: All records pertaining to participants shall be kept separate from the student records. The record keeping and results of all testing will be held in the strictest confidence. These records will be accessible only to the Drug Program Coordinator or his designee. Records pertaining to a particular student will be destroyed upon his/her graduation from Kimball Public Schools, or one year after his/her class graduation.

SEVERABILITY

Should any sentence, clause, provision, or paragraph of this entire policy be deemed unlawful or unconstitutional, it is intended that, insofar as may be practicable, the remaining portions of this policy shall remain in full force and effect.

Adopted: July 10, 2017