

Students participating in extracurricular activities, including interscholastic competitions, represent the community, the school, and their peers. When participating students use illegal substances and/or alcohol, such use impinges upon the individual student's performance, and his or her ability to be a cohesive member of the student group. As a result, the well-being of the individual, the activity group, and the general school community is diminished by a student's use of illegal substances and/or alcohol.

As participation in extracurricular activities is a privilege, not a right, participating students voluntarily subject themselves to a degree of regulation higher than that imposed on students generally. Students who voluntarily participate in extracurricular activities have reason to expect intrusions upon normal rights and privileges, including privacy.

The board recognizes, based on reports from administrators, teacher-advisors, coaches, parents, and students, that there is a significant level of drug use by high school students in this district. This policy is adopted to provide the district personnel with tools to provide a safe environment for all students who participate in the identified extracurricular activities.

This district will test students who participate in extracurricular activities for illegal substance and/or alcohol use by administering urine analysis tests. This policy applies to all students participating in any district-sponsored interscholastic activity that is regulated by the Idaho High School Activities Association (IHSAA).

DEFINITIONS

"Controlled substances" include, 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.

CONSENT FORM

A participating student and his or her parent/guardian must sign a form consenting to urine analysis testing as described in this policy (see attachment). 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. The principal will submit the sealed envelope, unopened, to the testing laboratory for consideration in making an analysis. The information regarding the use of prescription drugs is confidential and will not be shared with any 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.

FREQUENCY OF TESTING

The following provisions apply to frequency of testing:

- 1. All participants in extracurricular activities may be tested at any time during the year or relevant sports season.*
- 2. Random testing may occur once each week during a school year or relevant sports season, and ten (10) percent of all student participants, regardless of the activity, may be tested each week.*

SCOPE OF TESTS

The independent laboratory receiving the samples will routinely test for alcohol, amphetamines, cocaine, ecstasy (MDMA-3, 4-methylenedioxymethamphetamine), and marijuana. Other drugs, such as LSD, may be screened at the request of this school district, but the identity of a particular student will not determine which drugs will be screened. The laboratory will be authorized to report test results only to the superintendent or designee.

SAMPLE COLLECTION

Samples will be collected on the same day the student is selected for testing or, if the student is absent on that day, on the day of the student's return to school. If a student is unable to produce a sample at any particular time, the student will be allowed to return later that same school day to provide the sample.

Any student who willfully provides a false urine sample or who otherwise tampers with a urine sample or undertakes any effort to obstruct, evaluate, or impair the accuracy of the drug test will be suspended from participation all extracurricular activities that the student currently participates in for a period of twelve (12) months from the date of the test.

CONFIRMING A TEST RESULT

Whenever a test result indicates the presence of an illegal substance, the student will be retested. The school will not be obligated to give the student advance notice of the retesting. The following procedure will be used to confirm a test result:

1. A second sample will be gathered from the student as soon as possible to confirm the test result. If the student refuses to provide a second sample, or unduly delays in providing such sample, the results of the first sample will be accepted as accurate.
2. The second sample will be submitted to the laboratory for testing.
3. If the second test is negative, the student will be notified and no further action will be taken. If the second test is positive, the procedures identified in the section “Confirmed Positive Test Results” will be followed.

CONFIRMED POSITIVE TEST RESULTS

A test is considered “confirmed positive” when a retest also yields a positive result. See the preceding section titled “Confirming a Test Result.”

First Confirmed Positive Test:

The first time a student’s test results are confirmed positive, the student’s parent/guardian will be notified, and the principal will convene a meeting with the student and parent/guardian. At that meeting, the student will be required to choose one of the following options:

1. Suspension from the team and/or other extracurricular activities for a period of six (6) weeks and participation for a minimum of six (6) weeks in a district approved substance and alcohol abuse assistance program, including weekly urine analysis (the cost of the assistance program and urine analysis will not be paid by the district); or
2. Suspension from participation in any extracurricular activities for a period of six (6) months from the date of the confirmed drug test.

If the student fails to select an option within seventy-two (72) hours after notification of the test results, he or she will be deemed to have selected option number two (2).

Second Confirmed Positive Test:

A participating student’s second confirmed positive test within two (2) calendar years will result in automatic suspension from all extracurricular activities for a period of twelve (12) months from the date of the second confirmed positive test. 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:

A student participant's third confirmed positive test within two (2) calendar years will result in automatic suspension from all extracurricular activities for the remainder of the current school year and the next two (2) school years. 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.

POST-SUSPENSION ELIGIBILITY

Students who test positive and are suspended from extracurricular activities must be retested and test negative prior to being allowed to participate in any extracurricular activities. If the suspension terminates during a sports season, or after an enrollment period for any other extracurricular activity has expired, the student is not eligible to participate until the next enrollment or try-out period occurs.

DUTIES OF SUPERINTENDENT OR DESIGNEE

The superintendent or designee will implement and oversee appropriate procedures for a lottery drawing for random urine analysis 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 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 only one (1) year.*

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 by an independent laboratory, 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 Section 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 Section 33-512(12)

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)

ADOPTED: August 10, 2005

REVIEWED: April 13, 2016

AMENDED: December 15, 2015

ATTACHMENT: Drug Testing Policy General Authorization and Consent Form

**Language in text set forth in italics is optional.*

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.

DRUG TESTING POLICY GENERAL AUTHORIZATION AND CONSENT FORM

I understand that my performance in Idaho High School Activities Association (IHSAA) sponsored events and other competitive extracurricular events, and the reputation of my school are dependent, in part, on my conduct as an individual. I hereby agree to accept and abide by the standards and regulations set forth by the Grace Joint School District Board and the sponsors for the activity in which I participate.

I also authorize the Grace Joint School District to conduct a test on a urine specimen, which I provide, to test for drugs and/or alcohol use. I also authorize the release of information concerning the result of such a test to the Grace Joint School District and to the parent/legal guardians of the student.

Pursuant to the Family Education Right of Privacy Act 34, C.F.R. Part 99, this form will be deemed a consent for the release of the above information to the parties named above.

Student Signature

Date

Parent/Guardian Signature

Date