

DRUG TESTING POLICY

Statement of Need and Purpose

Through participation in extra-curricular activities, students using illegal drugs pose a threat to their own health and safety, as well as to that of other students. The purpose of this program is threefold:

1. to provide for the health and safety of all students:
2. to undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal drugs:
3. to encourage students who use drugs to participate in drug treatment programs. The program is non-punitive. It is designed to create a safe, drug free environment for students and assist them in getting help when needed.

Supporting Data

There is legal precedence for public schools to require drug testing under several circumstances. The United States Supreme Court addressed the issued of high school athlete drug testing arising in an Oregon school in **Vernonia School District v. Acton, 115 S. Ct. 2386 (1995)**. In **Vernonia**, the court authorized random alcohol and drug testing of high school athletes. The Court held that suspicionless drug testing is constitutional if there is a "compelling state interest" justifying the test. The Court held that deterring drug abuse by its school children is a "compelling state interest" which justified the random, suspicionless, and non-intrusive testing employed by the Vernonia School System. The United State Court of Appeals for the seventh circuit expanded upon the **Vernonia** decision, in **Todd, et al. v. Rush County School, 1998 WL 7352 (7th Cir. Indiana)**, by allowing an Indiana high school to require random suspicionless urine testing of not just athletes, but all students in any extracurricular activity.

Administrative guidelines for drug and alcohol testing

No participant shall be penalized academically for testing positive for illegal drugs or alcohol. The results of drug tests pursuant to this policy will not be documented in any student's academic records. 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 before the District makes response.

Participation on school activities

Participation in school sponsored extra-curricular activities is a privilege. Extra-curricular activities include all clubs and organizations, band, athletic programs, cheerleading, literary activities, One Act Play, including performances, contests, demonstrations, and other events of these mentioned activities.

Purpose of Drug Testing

The purpose of the drug testing policy is:

1. To prevent illegal drug and alcohol use.
2. To educate students as to the serious physical, mental and emotional harm caused by illegal use.
3. To alert students with possible substance abuse problems to the potential harms of illegal drug use.
4. To strive for an environment free of illegal drug use and abuse within the Sinton Independent School District.

Participants of Drug Testing

Each student in grades 7-12 participating in extra-curricular activities and/or U.I.L. events, will be subject to drug and alcohol testing. Students will also be required to provide a urine sample when there is reasonable suspicion that the student is under the influence of drugs or alcohol or have in their possession drug paraphernalia. No student shall be allowed to practice or participate in any extra-curricular activity until the student has returned the properly signed "Drug and Alcohol Testing Consent Form."

Confidentiality

All information relating to biological testing or the identification of persons as users of illegal drugs will be protected by Sinton ISD as confidential, unless otherwise required by law, or authorized in writing by the person (parent or guardian) in question. Sinton ISD will not test for medical conditions under this policy. Results of tests will be known only to parents/guardians of the student in question and to the administrator (s) involved. No action

will be taken until the appeal process has been completed. Activity sponsors and coaches will be notified of suspension from activities after the appeal process is completed.

The principal will assess disciplinary sanctions for being under the influence/possession (see definition) of drugs or alcohol while at school or a school-related activity according to Sinton ISD policy.

All offenses are cumulative for the participants who test positive on a drug test administered pursuant to the terms of these procedures will only be subject to the sanctions contained herein and will not be subject to other Sinton ISD policies.

First Offense

Mandatory Substance Abuse Counseling for students and parents as approved by Sinton ISD. Any cost associated with the Mandatory Substance Abuse Counseling is the parent's/guardian's responsibility.

The student will be suspended from participation in all performances and contests in all activities for 30 calendar days. The suspension will begin after the appeals process has been finalized. The student may begin competing in activities, after the 30-day period, if the most recent tests are negative, and required counseling is completed. Any participant testing positive will be removed from the random testing pool, and will be required to be tested at the time of each random testing, for a minimum period of one calendar and a minimum of six (6) consecutive tests as scheduled.

Second Offense

Mandatory Substance Abuse Counseling for students and parents as approved by Sinton ISD. Any cost associated with the Mandatory Substance Abuse Counseling is the parent's/guardian's responsibility.

The student will be suspended from participation in all performances and contests in all activities for 60 calendar days. The suspension will begin after the appeals process has been finalized. The student may begin competing in activities, after the 60-day period, if the most recent tests are negative, and required counseling is completed. Any participant testing positive will be removed from the random testing pool, and will be required to be tested at the time of each random testing, for a minimum period of one calendar and a minimum of six (6) consecutive tests as scheduled.

Third Offense

Mandatory Substance Abuse Counseling for students and parents as approved by Sinton ISD. Any cost associated with the Mandatory Substance Abuse Counseling is the parent's/guardian's responsibility.

Suspension from participation and practice in all extra-curricular activities will be for one (1) calendar year.

Fourth Offense

Suspension from participation and practice in all extra-curricular activities for the remainder of time the student is enrolled in Sinton ISD schools.

Independent Middle School & High School Tests

Student's drug testing history will start over when they reach the high school. Positive test results will not carry over from the Middle School, all students will start the ninth grade with a clean slate.

Missed Random Test due to Absence

If a student is absent during a random or mandatory testing period, the parent will be notified. The student will then be required to be tested as soon as deemed possible by the principal upon returning to school.

Students Opting out of a Program or Activity

If a student leaves/quits a program/activity, in order to be reinstated he/she must have the permission of the sponsor/coach and principal. He/she will then be administered a test at the next possible testing period and will return to the status they were in when they left the program/activity.

Nicotine Offenses

If a student tests positive for nicotine his/her parents and activity sponsor/coach will be notified.

Contract/Selection for Testing

All extra-curricular participants and their parents/guardians will sign annually a consent form at the beginning of each school year. All extra-curricular participants and their parents/guardians shall be provided with a copy of the "Drug and Alcohol Use Testing Procedure" and a copy of the "Drug and Alcohol Use Testing Consent Form." For the 2019-2020 school year, all participants will take a mandatory drug test, and all participants will be involved in random testing equivalent to the minimum of 20% of the group per every six (6) weeks. In subsequent years, incoming seventh graders will take a mandatory drug test, and all participants, grades seven through twelve, will be involved in random testing equivalent to a minimum of 20% of the group per six (6) weeks. Students entering the

district after the first day will be given the test at the next random testing date. Refusal to take a random test will be considered a positive test.

Students who request to declare their intentions to become participants after their enrollment in school must have an acceptable reason for not doing so at the appropriate time and must be approved by the coach(es) or directors/sponsors of the sport(s) or activities in question, the athletic director, and the principal.

Students declare late will be required to take a test at the first possible random testing date. Participants will then be subject in the random testing program for as long as they participate in the program.

Students whose parents volunteer and request that the student participate in the testing program will constitute a separate pool of candidates and will be tested in the same percentage as the extra-curricular participants.

Students who are selected to be tested during one test period will be eligible for future tests and if selected may be tested in consecutive tests.

Any participants may be required by the principal or designee to submit to a drug or alcohol use test at any time upon reasonable suspicion by school personnel. Reasonable suspicion must be based on specific personal observations concerning the appearance, speech, or behavior of the participant that indicate the effects of drug or alcohol use. Information provided by a reliable source, if based on personal knowledge, may also constitute reasonable suspicion.

Any refusal by the student and/or parent/guardian to sign the consent form or refuse to take a random test will be treated as forfeiture of participation.

Drug Testing Procedures

Testing will be conducted by licensed professionals, and lab work will be done at a government certified lab. Participants will be required to produce a urine sample, which will be divided into two separate bottles and sealed, in the event a confirmation test is needed. Participants and/or parents and guardians will have the opportunity to provide information concerning prescription medication being taken by the participant.

Confirmation of a Positive Test Result

Testing of a drug urine specimen is a two-step process. If the initial screening tests positive, it will be confirmed by a second test, using the gas chromatography/mass spectrometry technique, on the same specimen. A sample shall not be reported as positive unless both tests are positive.

Appeal Process

Parents/guardians of any participants testing positive will have an opportunity to request a second test, using the second specimen bottle originally obtained, within seventy-two hours of the initial test results. If the results of the retest are negative, the participant will remain in good standing. If the retest results are positive, the parents/guardians are responsible for the cost of the retest, and the participant will be subject as per this policy.