



SAN MARCOS C.I.S.D.

RANDOM DRUG TESTING PROGRAM POLICY

The District has determined that the use of illegal drugs and alcohol among students in the grades 7-12 is a problem of increasing proportions. Disciplinary incidents and information gathered from students and from other reliable sources within the schools and community indicates that such use is prevalent within this segment of the student population. The District has attempted other less intrusive methods to prevent and deter drug and alcohol use, but these methods have shown to be mostly ineffective. Consequently based on the disciplinary incidents involving drugs or alcohol, the information gathered on the prevalent use of illegal drugs and alcohol by students, failure of prior methods to prevent and deter drug and alcohol use, the threat to student health and safety illegal drug or alcohol use poses, and the District's continued desire to prevent and deter drug use among its students, the District has determined that a random drug testing program should be implemented for this school year. Continuation of the program after the school year shall be determined by the Board after consideration of the effectiveness of the program, including but not limited to, achievement of objectives, reliability of testing, input from students, faculty and parents, and the costs involved.

OBJECTIVES

The drug-testing program shall not be designed as a punitive measure with the intent of identifying and criminally or academically punishing those who may use illegal drugs and alcohol. Rather, the following objectives shall serve as the basis for implementing the program:

1. To prevent and deter the use of illegal drugs and/or alcohol among the student body.
2. To offer students a credible means through which to resist peer pressure as it relates to the use of illegal drugs and/or alcohol.
3. To protect the health and safety of students.
4. To provide a ready resource for support and assistance to any student who may be using illegal drugs and/or alcohol.

APPLICABILITY

The random drug testing program shall apply to all District students in grades 9-12 who may choose to participate in a competitive athletic extracurricular activity. "Competitive athletic extracurricular activity" means a student extracurricular activity (1) which is sanctioned by the Texas University Interscholastic League; or (2) which otherwise has its own rules and requirements for participating students which do not apply to the student body as a whole, has a coach monitoring the students for compliance with various rules dictated by the clubs and activities, and, in relation to competition with other schools or districts, involves occasional off-campus travel and communal undress.

STUDENT CODE OF CONDUCT

The random drug testing program is not intended to abridge or interfere with the application of the Student Code of Conduct. However, the consequences set forth in the Student Code of Conduct for the possession, use, selling, delivering, giving or being under the influence of illegal drugs or alcohol shall not be invoked on the basis of a positive test result under this program.

VOLUNTARY PARTICIPATION

Any student in grades 9-12 to whom the random drug testing program does not apply as specified above shall be allowed to participate voluntarily in the program.

STUDENT AND PARENT CONSENT

Before a student may be allowed to participate in any competitive athletic extracurricular activity, the student and the student's parent or person having lawful control of the student must consent in writing to the testing. This requirement shall also apply to a student who chooses to participate in the program on a voluntary basis.

TESTING REQUIREMENTS

All students in grades 9-12 who participate in a competitive athletic extracurricular activity or who may choose to participate voluntarily in the student drug-testing program shall be subject to random testing.

TESTING PROCEDURE AND PROTOCOL

The District shall contract for drug screening services through an independent laboratory which has met all standards for certification as established by the Substance Abuse and Mental Health Services Administration (SAMHSA), and all testing shall be conducted by qualified laboratory personnel and/or District designee in accordance with accepted practices and procedures as may established by the contracted laboratory. Testing shall be accomplished by urinalyses using accepted immunological screening procedures, and chain of custody documentation shall be maintained throughout the collection and testing processes.

Specimen samples shall be collected under conditions which are not more intrusive to students than the conditions experienced in a public restroom. The Superintendent, with cooperation of the testing laboratory, shall develop regulations for the collection and testing of specimen. The regulations shall be approved by the Board.

The laboratory providing drug screening services shall also provide the services of a Medical Review Officer (MRO) who is certified by the Medical Review Officer Certification Council or by the American Association of Medical Review Officers as having proven by examination to have had appropriate medical training to accurately interpret and evaluate the results of any drug testing as authorized by the District. The MRO shall agree to abide by the procedures established by the District for the evaluation and timely reporting of any positive drug tests.

In the event of a positive test result, the MRO or an authorized representative shall attempt to contact the parent or other person otherwise in lawful control of the student, within one school day of having received the result. Should the MRO be unsuccessful in initial attempts to contact the parent or other person having lawful control of the student within the time specified, the District shall provide assistance in locating the parent or person having lawful control of the student. Such contact should only be assumed to be for the purposes of responding to routine questions associated with the follow-up of a positive test result and inquiring on any medication ingested by the student. Verification of the positive result shall be done by a second test of the original specimen. Upon verification by a second positive test, the MRO or an authorized representative shall report the result to the Superintendent or designee within one school day after confirmation with the parent or other person having lawful control of the student.

CONFIDENTIALITY

The collection and coding of specimen samples shall be executed in a manner to ensure proper identification and confidentiality.

Test results shall be reported to the Superintendent or designee, the student, and the parent or other person having lawful control of the student. Other District personnel shall be notified only on a need to know basis.

Test results shall be kept in confidential files separate from the student's other education records. Such files shall be release or disclosed to District personnel only on a need to know basis as determined by the Superintendent or designee.

Test results shall be released to persons outside the District only upon written request of a parent or person otherwise having lawful control of the student, or to the student who is 18 year or older. Test results and files related to drug testing and consequences shall be destroyed when the student is no longer of school age or as otherwise permitted by applicable law.

The contracted laboratory and MRO shall be prohibited from disclosing or releasing any information relating to the testing or results unless otherwise specifically permitted herein. The contracted laboratory and MRO shall be prohibited from releasing any information, including statistical information, relating to the testing without the express written consent of the District. The contracted laboratory and/or MRO shall, however, provide the Superintendent a report, at least quarterly, which shall include the number of tests performed during the specified period, the rate of positive and negative results, and a list of substances identified from any positive results.

SCREENING PARAMETERS

For purposes of this policy, the term "drugs" shall be defined as any substance defined as prohibited by either federal or Texas law for use or for use by students, including but not limited to, the following:

- Amphetamines/methamphetamines (e.g. speed, uppers, diet pills)
- Barbiturates (e.g. downers, sleeping pills)
- Cannabinoid (marijuana)
- Cocaine metabolite
- Ethanol (alcohol)
- Hallucinogens (e.g. LSD)
- Opiates (heroin, morphine, codeine)
- Phencyclidine (e.g. PCP, angel dust)
- Steroids

FAILURE OR REFUSAL TO SUBMIT TO DRUG TESTING

Any student who may be identified for random testing but who may, because of illness or any other legitimate reason, leave school during the day the test is performed shall be included in the next random screen. Refusal by a student participating in the program to submit a specimen in accordance with collection and testing protocol, or intentionally submitting a specimen not in accordance with collection and testing protocol, shall be considered to be a positive test result.

STUDENT SUPPORT SERVICES

The District shall support and assist any student who may be required to participate in a substance abuse education and/or counseling program with identification of and referral to reputable social service agencies as may be appropriate. Any cost of such services, however, shall be the responsibility of the student and/or parent or other person having lawful control of the student unless the student is "educationally disadvantaged" as defined by Texas Educ. Code section 5.001. The District shall provide, or otherwise arrange, appropriate substance abuse education and/or counseling to educationally disadvantaged students.

APPEALS

Should a student and/or parent or other person having lawful control of the student elect to appeal a positive test result, a third test of the specimen in question may be requested by the student and/or parent or other person having lawful control of the student within 48 hours to be conducted by a laboratory mutually agreed upon by the District and the student and/or parent or other person having lawful control of the student. In such event, the

student and/or the student's parent or other person having lawful control of the student shall assume responsibility for payment of all fees related to the third test unless the student is "educationally disadvantaged" as defined by Texas Educ. Code section 5.001. The District shall pay the fees related to the third test for educationally disadvantaged students.

A student and/or parent or other person having lawful control of the student may appeal a decision made under this policy by filing a written complaint in accordance with policy FNG. Such complaint shall commence at the Superintendent's level, and any suspensions imposed on the student must be followed until the appeal process is completed.

CONSEQUENCES

Consequences for positive test results shall be cumulative throughout the extracurricular career of the student while enrolled in the District.

POSITIVE TEST RESULT

the following consequences shall be imposed:

CONSEQUENCE: Will not be tolerated. All student-athletes at the high school level may be randomly tested once a month throughout the school year. First offense will result in dismissal from organized competitive play for one calendar year with return to practice in athletics/afterschool after 10 calendar days if in good standing with school citizenship and grades. There will be an additional conditioning period for missed workouts. The athlete will be required to submit to drug testing for the entire year of suspension. First offense option: Student Athlete submits to 13 week "Project Hope" outpatient treatment program with the Hays Caldwell Council. Practice in athletics/afterschool after 10 calendar days. After five weeks of treatment (5 treatment sessions) student-athlete may return to competitive play. Student-Athlete may only continue competitive play as long as treatment is continued to certification of 13 week program. NO treatment, NO play. The athlete will be required to submit to drug testing for the entire school year. Once the 13 week program is completed student-athlete may return to competition without limitations. Second offense will result in dismissal from all organized S.M.C.I.S.D athletic teams for the remainder of your career in S.M.C.I.S.D. There is no second offense option. Abusing prescription drugs will be considered a drug violation or using masking agents at time of drug testing. Pictures/videos of student-athletes in the act of taking/using/possessing paraphernalia and/or drugs could be considered an offense after validating, whether it is by the parent's permission or not and within school year. Jr. High athletics drug policy will be enforced with the district school code of conduct.

*All suspensions prior to the 2016-17 school year will be upheld.

NOTIFICATION: The student, parent, or other person having lawful control of the student shall be promptly notified of the test result and a conference shall be scheduled to discuss the test results.

ADDITIONAL TESTING: The student shall be required to submit to testing for the remainder of their suspended period.