

MALAKOFF INDEPENDENT SCHOOL DISTRICT ACTIVITY STUDENT DRUG TESTING POLICY

The Malakoff Board of Education in an effort to protect the health and safety of its extra-curricular activities students from illegal and/or performance-enhancing drug use and abuse, thereby setting an example for all other students of the Malakoff Independent School District, proposes to adopt the following policy for drug testing of activity students.

STATEMENT OF PURPOSE AND INTENT

Although the Board of Education, administration, and staff desire that every student in the Malakoff Independent School District refrain from using or possessing illegal drugs, district officials realize that their power to restrict the possession or use of illegal and performance-enhancing drugs is limited. Therefore, this policy governs only performance-enhancing and illegal drug use by students participating in certain extra-curricular activities. The sanctions imposed for violations of this policy will be limitations solely upon limiting the opportunity of any student determined to be in violation of this policy to a student's privilege to participate in extra-curricular activities. No suspensions from school or academic sanctions will be imposed for violations of this policy. This policy supplements and complements all other policies, rules, and regulations of the Malakoff Independent School District regarding possession or use of illegal drugs.

The District's philosophy regarding prevention is to educate its students about the dangers of drug use. The intent of the mandatory drug-testing policy is to send a clear and consistent message to all activity students regarding the potential dangers of use and abuse of alcohol and other drugs. The goal of the policy is to reduce the risk of physical harm, to raise the level of awareness, and to provide preventative education and intervention in order to promote a healthy and substance-free activity student program.

The use of alcohol and other drugs interferes with a student's physical and behavior development. Use of alcohol and other drugs is illegal and presents a significant threat to a student's health and to the safety of others. Parents and educators share the responsibility for providing the safest and healthiest environment for all children.

This policy is an outgrowth of the District's comprehensive community and school-based substance prevention programs. The policy is not expected to be either a quick fix or a magic wand; it is the District's strategy to make its schools free from substance abuse and, thus, a safer and healthier place to learn.

This policy is not intended to be unjust to any student nor is it intended to cause harm to the family or parents. It is designed to keep District activity student safe and drug-free.

Participation in school-sponsored interscholastic extra-curricular activities at the Malakoff Independent School District is a privilege. Students who participate in these activities are respected by the student body and are representing the school district and the community. Accordingly, students in extra-curricular activities carry a responsibility to themselves, their fellow students, their parents and their

school to set the highest possible examples of conduct, sportsmanship, and training, which includes avoiding the use or possession of illegal drugs.

The purposes of this policy are five-fold:

1. To educate students of the serious physical, mental and emotional harm caused by illegal drug use.
2. To alert students with possible substance abuse problems to the potential harms that drug use poses for their physical, mental, and emotional well-being and offer them the privilege of competition as an incentive to stop using such substances.
3. Ensure that students adhere to a training program that bars the intake of illegal and performance-enhancing drugs.
4. To prevent injury, illness, and harm for students that may arise as a result from illegal and performance-enhancing drug use.
5. To offer students practices, competition and school activities free of the effects of illegal and performance-enhancing drug use.

Illegal and performance-enhancing drug use of any kind is incompatible with the physical, mental, and emotional demands placed upon participants in extra-curricular activities and upon the positive image these students project to other students and to the community on behalf of the Malakoff Independent School District. For the safety, health and well-being of students in extra-curricular activities the Malakoff Independent School District has adopted this policy for use by all participants in interscholastic extra-curricular activities in grades 6-12. (9-12)

The administration may adopt regulations to implement this policy.

I. Definitions

"Activity Student" means a member of any middle school or high school Malakoff Independent School District sponsored extra-curricular organization, which participates in interscholastic competition. This includes any student that represents Malakoff Schools in any extra-curricular activity in interscholastic competition, such as but not limited to, FFA, FHA, Academic Team, Band, Vocal, Pom Pom, Drama, Academic U.I.L., Cheerleader and Athletics.

"Drug use test" means a scientifically substantiated method to include hair, saliva, and urine test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person's urine.

"Random Selection Basis" means a mechanism for selecting activity students for drug testing that:

- A. results in an equal probability that any activity student from a group of activity students subject to the selection mechanism will be selected, and
- B. does not give the School District discretion to waive the selection of any activity student selected under the mechanism.

"Illegal drugs," means any substance, which an individual may not sell, possess, use, distribute or purchase under either Federal or Texas law. "Illegal drugs" includes, but is not limited to, all scheduled drugs as defined by the Texas Controlled Dangerous Substance Act, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. "Illegal drugs" shall also include alcohol and tobacco.

"Performance-enhancing drugs" include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other athletic ability. The term "performance-enhancing drugs" does not include dietary or nutritional supplements such as vitamins, minerals and proteins, which can be lawfully purchased in over-the-counter transactions.

"Positive" when referring to a drug use test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal or a performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug use test.

"Reasonable suspicion" means a suspicion of illegal or performance-enhancing drug use based on specific observations made by coaches/administrators/sponsors of the appearance, speech, or behavior of an activity student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by an activity student supplied to school officials by other students, staff members, or patrons.

II. Procedures

Each activity student shall be provided with a copy of the "Student Drug Testing Consent Form" which shall be read, signed and dated by the student, parent or custodial guardian and coach/sponsor before such student shall be eligible to practice or participate in any extra-curricular activities. The consent requires the activity student to provide a urine sample: sample collection shall be done by testing all eligible students at the beginning of the year or at the beginning of the practice season in which they participate (whichever comes first), followed by random tests throughout the school year. Students who test positive shall be tested again during the next random testing period; (a) when the activity student is selected by the random selection basis to provide a urine sample; (b) at any time when there is reasonable suspicion to test for illegal or performance-enhancing drugs; and (c) students who do not declare at the beginning of the school year their intent to participate in extracurricular activities shall be tested at the time they so declare. No student shall be allowed to practice or participate in any extra-curricular activities involving interscholastic competition unless the student has returned the properly signed "Student Drug Testing Consent Form."

Prior to the commencement of drug testing each year an orientation session will be held with each Activity Student to educate them of the sample collection process, privacy arrangements, drug testing procedures and other areas which may help to reassure the activity student and help avoid embarrassment or uncomfortable feelings about the drug testing process.

Each Activity Student shall receive a copy of the Activity Student Drug Testing Policy. The head coach or sponsor shall be responsible for explaining the Policy to all prospective students, and for preparing an educational presentation to acquaint the student with the harmful consequences of drug and alcohol use and abuse.

All Activity Students will be required to turn in their signed "Student Drug Testing Consent Form" before the student may participate in an extra-curricular activity covered under this policy. A student who moves into the district after the school year begins will also have their signed Consent Form on file before they will be eligible for participation.

Drug use testing for Activity Students will also be chosen on a random selection basis from a list of all Activity Students who are involved in off-season or in-season activities. The Malakoff Independent School District will determine the number of student names to be drawn at random to provide a urine sample for drug use testing for illegal drugs or performance-enhancing drugs.

In addition to the drug tests required above, any Activity Student may be required at any time to submit to a test for illegal or performance-enhancing drugs, or the metabolites thereof when an administrator, coach, or sponsor has reasonable suspicion of illegal or performance-enhancing drug use by that particular student.

Any drug use test will be administered by or at the direction of a professional laboratory chosen by the Malakoff Independent School District. The professional laboratory shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and proper laboratory control and scientific testing.

All aspects of the drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen must be collected in a restroom or other private facility behind a closed stall. The principal/athletic director shall designate a coach, sponsor, or school employee of the same sex as the student to accompany the student to a restroom or other private facility behind a closed stall. The monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall to listen for the normal sounds of urination in order to guard against tampered specimens and to insure an accurate chain of custody. The monitor shall verify the normal warmth and appearance of the specimen. If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure and inform the principal/athletic director who will then determine if a new sample should be obtained. The monitor shall give each student a form on which the student may list any medications legally prescribed for the student he or she has taken in the preceding thirty (30) days. The parent or legal guardian shall be able to confirm the medication list submitted by their child during the twenty-four (24) hours following any drug test. The medication list shall be submitted to the lab in a sealed and confidential envelope and shall not be viewed by district employees.

An initial positive test result will be subject to confirmation by a second and different test of the same specimen. The second test will use the gas chromatography/mass spectrometry technique. A specimen shall not be reported positive unless the second test utilizing the gas chromatography/mass spectrometry procedure is positive for the presence of an illegal drug or the metabolites thereof. The unused portion of a specimen that tested positive shall be preserved by the laboratory for a period of six (6) months or the end of the school year, whichever is shorter. Student records will be retained until the end of the current school year.

III. Confidentiality

The laboratory will notify the principal/athletic director or designee of any positive test. To keep the positive test results confidential, the principal/athletic director or designee will only notify the student, the head coach/sponsor, and the parent or custodial guardian of the student of the results. The principal/athletic director or designee will schedule a conference with the student and parent or

guardian and explain the student's opportunity to submit additional information to the principal/athletic director or to the lab. The Malakoff Independent Public School District will rely on the opinion of the laboratory, which performed the test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.

Test results will be kept in files at the Central Office separate from the student's other educational records, shall be disclosed only to those school personnel who have a need to know, and will not be turned over to any law enforcement authorities.

IV. Appeal

An Activity Student who has been determined by the principal/athletic director (or designee) 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. The consequences of a student requesting a review will not be suspended pending outcome of the appeal. 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.

V. Consequences

Any Activity Student who tests positive in a drug test under this policy shall be subject to the following restrictions: These steps are continuous and do not start over annually.

A. For the First Offense:

The parent/guardian will be contacted immediately and a private conference will be scheduled to present the test results to the parent/guardian. A meeting will then be set up with the student, parent/guardian, athletic director, and principal (or designee) concerning the positive drug test. In order to continue participation in the activity the student and parent/guardian must, within five (5) days of the joint meeting, show proof that the student has received drug counseling from a qualified drug treatment program or counseling entity. Additionally, the student must voluntarily submit to drug testing each month for one calendar year in accordance with the testing provisions of this policy. The student will also miss one week of activities and a minimum of one regular season event.

Should the parent/student not agree or not respond to these provisions the consequences listed in this policy for the second offense will be imposed.

B. For the Second Offense:

Suspension from participation in all activities covered under this policy for (30) school days, and successful completion of four (4) hours of substance abuse education/counseling provided by the school. The student may not participate in any meetings, practices, scrimmages or competitions during this period. If the offense occurs while an activity is not in season, the student will miss a minimum of the first two regularly scheduled activities. The student will be tested monthly for one calendar year. The time and date will be unknown to the student and determined by the principal/athletic director or designee.

These restrictions and requirements shall begin immediately, consecutive in nature, following receipt of a positive test. A student who on his or her own volition informs (self-refers) the athletic director, principal, or coach/sponsor of usage before being notified to submit to a drug use test will be allowed to remain active in all activities covered under this policy. Such student will however, be considered to have committed his/her second offense under the policy, and will be required to re-test as would a student who has tested positive.

C. For the Third Offense:

Complete suspension from participation in all extra-curricular activities including all meetings, practices, performances, and competition for one calendar school year from the date of the third positive test. Students will continue to be tested during the one year suspension. Any additional offense will result in permanent removal from all extra-curricular activities.

VI. Refusal to Submit to Drug Use Test

A participating student, who refuses to submit to a drug test authorized under this policy, shall not be eligible to participate in any activities covered under this policy including all meetings, practices, performance and competitions for the remainder of the school year. Additionally, such student shall not be considered for any interscholastic activity honors or awards given by the school.

VII. Voluntary Alcohol and Drug-Testing Program

As part of the overall District strategy to reduce the risk of use and abuse of illegal substances among students and as a resource to parents, the District shall offer a voluntary drug-testing program free to high school (and middle school) students. The policy shall be in effect each year from the first day of August through the last scheduled day of school. The voluntary program shall use both hair and urine testing methods. Each voluntary participant shall be tested at the time of enrollment in the program and shall then be on the list for random testing during the school year.

The District's philosophy regarding prevention is to educate its students about the dangers of drug use. The intent of the voluntary drug-testing policy is to send a clear and consistent message to all students regarding the potential dangers of use and abuse of alcohol and other drugs. The goal of the policy is to raise the level of awareness and to provide preventative education and intervention in order to promote a healthy and substance-free lifestyle for all students.

The Board has reviewed the following information regarding percentages of students nationally who are using the following:

Alcohol	54%
Cigarettes	28%
Marijuana	14%
Cocaine	2%
Steroids	1%
Stimulants	4%
Sedatives	2%
Hallucinogens	2%

The use of alcohol and other drugs interferes with a student's physical and behavior development. Use of alcohol and other drugs is illegal and presents a significant threat to a student's health and success in life. Parents and educators share the responsibility for providing the safest and healthiest environment for all children.

This policy is an outgrowth of the District's comprehensive community- and school-based substance prevention programs. The policy is not expected to be either a quick fix nor a magic wand; it is the District's strategy to make its schools free from substance abuse and, thus, a safer and healthier place to learn.

This policy is not intended to be punitive nor unjust to any student nor is it intended to cause harm to the family or parents. It is designed to educate the student and family.

The District encourages every student and parent to become involved in this partnership and participate in the drug-testing program.

The Procedure used for testing will be the same as used for the Activity Student.

Positive Test Under Voluntary Program

After the first positive test result:

- 1) The student's parent or guardian shall be notified of the results and may have a second confirmation test performed by the drug-testing laboratory at the parent or guardian's expense.
- 2) A confidential meeting with the parent or guardian and the student with a District administrator shall be required. At the meeting, the administrator shall:
 - a) Explain the drug-testing policy.
 - b) Explain future drug testing procedures.
 - c) Provide a list of available resources, if requested.
- 3) The student shall be subject to testing on three subsequent testing dates.

After the second positive test result:

1. The parent shall be notified of the results and may have a second confirmation test administered by the drug-testing laboratory at the parent's request and expense.
2. A confidential meeting with the parent or guardian and the student with a District administrator shall be required.
3. The student shall be subject to three subsequent test dates thereafter.
4. The student shall provide verification of attendance at six sessions of Alcoholics Anonymous or chemical dependency counseling.

CONSEQUENCES FOR REFUSAL TO TAKE TEST

Any student who has signed an authorization agreement regarding the voluntary drug-testing program who refuses to take a drug test shall be subject to the consequences specified for positive test results under the voluntary program.

Malakoff Independent Schools is committed to cooperating with parents/guardians in an effort to help students avoid illegal drug use. The Malakoff Independent School District believes accountability is a powerful tool to help some students avoid using drugs and that early detection and intervention can save lives.

Malakoff Independent School District Student Drug Testing Consent Form

2017-2018

Statement of Purpose and Intent

Participation in school sponsored extra-curricular activities at the Malakoff Independent School District is a privilege. Activity Students carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible examples of conduct, which includes avoiding the use or possession of illegal drugs.

Drug use of any kind is incompatible with participation in extra-curricular activities on behalf of the Malakoff Independent School District. For the safety, health, and well-being of the student of the Malakoff Independent School District, the Malakoff Independent School District has adopted the attached Activity Student Drug Testing Policy and the Student Drug Testing Consent for use by all participating students at the middle school and high school levels.

Participation in Extra-Curricular Activities

Each Activity Student shall be provided with a copy of the Activity Student Drug Testing Policy and Student Drug Testing Consent, which shall be read, signed and dated, by the student, parent or custodial guardian, and coach/sponsor before such student shall be eligible to practice or participate in any interscholastic activities. The consent shall be to provide a urine sample: a) sample collection shall be done by testing all eligible students at the beginning of the year or at the beginning of the practice season in which they participate (whichever comes first), followed by random tests throughout the school year. Students who test positive shall be tested again during the next random testing period; b) as chosen by the random selection basis; and c) at any time requested based on reasonable suspicion to be tested for illegal or performance-enhancing drugs. No student shall be allowed to practice or participate in any activity governed by the policy unless the student has returned the properly signed Student Drug Testing Consent.

Student's Last Name

Date

I understand after having read the "Student Activity Drug Testing Policy" and "Student Drug Testing Consent," that, out of care for my safety and health, the Malakoff Independent School District enforces the rules applying to the consumption or possession of illegal and performance-enhancing drugs. As a member of a Malakoff extra-curricular interscholastic activity, I realize that the personal decision that I make daily in regard to the consumption or possession of illegal or performance-enhancing drugs may affect my health and well-being as well as the possible endangerment of those around me and reflect upon any organization with which I am associated. If I choose to violate school policy regarding the use or possession of illegal or performance-enhancing drugs any time while I am involved in in-season or off-

season activities, I understand upon determination of that violation I will be subject to the restrictions on my participation as outlined in the Policy.

Signature of Student Date

We have read and understood the Malakoff Independent School District "Activity Student Drug Testing Policy" and "Student Drug Testing Consent." We desire that the student named above participate in the extra-curricular interscholastic programs of the Malakoff Independent School District and we hereby voluntarily agree to be subject to its terms. We accept the method of obtaining urine samples, testing and analysis of such specimens, and all other aspects of the program. We further agree and consent to the disclosure of the sampling, testing and results as provided in this program.

Signature of Parent or Custodial Guardian Date

Signature of Extracurricular Sponsor Activity