

Malakoff ISD Student Drug Testing Policy

The District requires drug testing of any student in grades 9–12 who chooses to participate in school-sponsored extra-curricular activities. Starting the 2021-2022 school year, 8th graders will be tested on a “hold harmless” basis. The student and parent will be required to meet with the principal and counselor on any positive test.

Covered Activities

School-sponsored extra-curricular activities for which testing is required include all school-sponsored campus and student organizations and extra-curricular activities. Students who receive a parking permit will also be required to be in the program.

Purpose

The purposes of the drug-testing program are to help enforce a drug-free educational environment; deter student use of illegal drugs, and; educate students regarding the harm caused by the use of illegal drugs.

Distribution of Policy

The District's drug-testing policy shall be available on the District website. Students will also receive a paper copy.

Consent

Before a student is eligible to participate in extra-curricular activities, the student shall be required annually to sign a consent form agreeing to be subject to the rules and procedures of the drug-testing program. If the student is under the age of 18, the student's parent or guardian shall also sign a consent form. If appropriate consent is not given, the student shall not be allowed to participate in extra-curricular activities.

Use of Results

Test results shall be used only to determine eligibility for participation in extra-curricular activities and driving and parking privileges on District property

Confidentiality

Drug-testing results shall be confidential and shall be disclosed only to the student, the student's parents, and designated District officials who need the information in order to administer the drug-testing program. Drug test results shall not be maintained with a student's academic record. Results shall not be otherwise disclosed except as required by law.

Testing Laboratory

The Board shall contract with a certified drug-testing laboratory to conduct testing of students' samples.

Testing laboratories shall not release statistics regarding the rate of positive drug tests to any person or organization without consent of the District.

Substances for Which Tests Are Conducted

Drugs eligible for testing are as follows, but not limited to: alcohol, steroids, phencyclidine, barbiturates, amphetamines, methamphetamines, tetrahydrocannabinols (THC), benzodiazepine, marijuana/synthetic marijuana, cocaine, methadone, propoxyphene, methaqualone, bath salts, opiates – codeine, heroin, morphine, papaverine, and performance enhancing drugs.

Collection Procedures

Taking of specimens will be conducted so as to safeguard the personal and privacy right of the student to the maximum degree possible. Personnel from the drug-testing laboratory shall collect urine samples under conditions that are no more intrusive than the conditions experienced in a public restroom. When selected for testing, a student shall be escorted to the school's testing site by a District employee and shall remain under employee supervision until the student provides a sample. A student shall produce a sample within a closed restroom stall. A District employee of the same gender as the student shall be present when any samples are collected, in accordance with administrative procedures.

Random Testing

Every participating student shall be eligible for random testing during the entire school year. A predetermined number of participating students' names shall be randomly selected. Participating students may be required to submit a urine sample, other bodily fluid sample, or hair follicle sample to the designated individual or independent drug testing provider immediately upon request. Students shall not receive prior notice of the testing date or time.

In addition to the drug tests required above, any student may be required at any time to submit to a test when there is reasonable suspicion of drug use. 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 an offense under the policy, and will be required to re-test as would a student who has tested positive and complete 4 counseling sessions with the school counselor.

Refusal to Test or Tampering

Noncompliance by any participating student with the testing procedures outlined in this policy, including a refusal to be tested, attempting to falsify or alter the collection shall be subject to sanctions as if testing positive.

If a student is absent on the day of the random test, a sample shall be collected on the next random testing date.

Confirmation of Positive Results

An initial positive test will be subject to confirmation by a second test of the same specimen.

Upon receiving results of a positive drug test, the District shall schedule a meeting with the student, the student's parent/guardian if the student is under the age of 18, a campus administrator (or

designee), and the coach or sponsor of the extra-curricular activity, as applicable, to review the test results and discuss consequences.

The student or parent shall have two school days following the meeting to provide a medical explanation for a positive result.

Retesting

Students who have tested positive shall then be retested on all random test dates for one calendar year so long as the student wishes to participate in school-sponsored extra-curricular activities.

Consequences

A student who participates in school-sponsored extra-curricular activities and has a confirmed positive drug test shall be subject to the following consequences. All offenses shall be cumulative for the participating student's enrollment and/or re-enrollment in the District. Furthermore, any participating student who tests positive during or at the end of his or her suspension shall be deemed to have committed an additional offense and shall be subject to the appropriate consequences.

First Offense

Upon a first offense of receiving a confirmed positive drug test, the parent/guardian will be contacted immediately, and a private conference will be scheduled to present the test results. The student shall be suspended from any extra-curricular activity for seven calendar days following the date the student and parent are notified of the test results and miss a minimum of one regular season event. The student will also meet with the school counselor for two sessions. The student will not be allowed to participate in contest until the counseling is completed.

During the period of suspension, the student may participate in practices but not in any competitive activities or performances. If the offense occurs while an activity is not in season, the student will miss a minimum of one regular season event.

Second Offense

Upon a second offense of receiving a confirmed positive drug test, a student shall be suspended from any extra-curricular activity for 30 calendar days following the date the student and parent are notified of the test results. The student must also successfully complete four hours of substance abuse counseling provided by the district counselor. The student will not be allowed to participate in contest until the counseling is completed.

During the period of suspension, the student may participate in practices but not in any competitive activities or performances. If the offense occurs while an activity is not in season, the student will miss a minimum of the first two regular season events.

Third Offense

Upon a third offense of receiving a confirmed positive drug test, a student shall be suspended from participation in any extra-curricular activity for 90 calendar days following the date the student and parent are notified of the test results. The student must also receive drug counseling from a qualified drug treatment program or counseling entity. The parent/guardian or adult student is responsible for

seeking counseling and submitting proof. The student will not be allowed to participate in contest until the counseling is completed.

During the period of suspension, the student shall not be permitted to participate in practices or other activities associated with the school-sponsored extra-curricular activity. His or her class schedule may be adjusted as necessary. If the offense occurs while an activity is not in season, the student will miss a minimum of the first three regular season events.

Fourth Offense

Upon a fourth offense of receiving a confirmed positive drug test, a student shall be suspended from participation in any extra-curricular activity for one calendar year following the date the student and parent are notified of the test results. The student must also receive drug counseling from a qualified drug treatment program or counseling entity. The parent/guardian or adult student is responsible for seeking counseling and submitting proof. The student will not be allowed to participate in contest until the counseling is completed. Any additional offense will result in permanent removal from all extra-curricular activities, including practicing with teams or organizations, for the remainder of the student's enrollment in the District.

During the period of suspension, the student shall not be permitted to participate in practices or other activities associated with the school-sponsored extra-curricular activity. His or her class schedule may be adjusted as necessary.

Appeals

A student or parent may appeal a decision made under this policy in accordance with FNG(LOCAL). The student shall be ineligible for participation in extra-curricular activities while the appeal is pending.

Volunteer Testing

Students who do not participate in extra-curricular activities, but whose parents wish them to be drug tested, may participate in the District's voluntary random drug-testing program. A parent must make a request to the appropriate administrator, and the parent and student must both sign the drug-testing consent form. Students who voluntarily participate shall be placed in the testing pool and shall be tested in the same manner as students who participate in extra-curricular activities. Should the student participate in school-sponsored extra-curricular activities, consequences will apply the same as the mandatory testing.