

**Policy for Random Drug Testing for Students
Involved in Extracurricular Activities (Grades 9-12)**

1. Mission Statement:

The Board of Education for Beatrice Public Schools values student's participation in extracurricular activities. Such students, as role models for other students, are a key to our goal to provide the best possible educational program for our students. To achieve our goal and to maximize the skills and talents of our students, it is important that each student understands the dangers of drug and alcohol use. This policy statement should qualify our position on student drug and alcohol use. Participation in extracurricular activities is a privilege which can be taken away for failure to comply with this policy. The purpose of this policy is as follows:

1. To provide for the health and safety of all students;
2. To undermine the effects of peer pressure and providing legitimate reason for students to refuse use of illegal drugs and/or alcohol;
3. To identify students who use illegal drugs and/or alcohol; and
4. To encourage students who use illegal drugs and/or alcohol to participate in appropriate treatment programs.

The program is designed to create a safe, drug free, environment for students and assist them in getting the help when needed.

2. Supporting Data:

Random urine drug testing of a public school is legal as determined by the United States Supreme Court in the cases of **Veronia School District 47J (Oregon) v. Wayne and Judy Acton** and **Pottawatomie v. Earls**.

3. Definitions:

Drugs: Any substance considered illegal by Nebraska Statute, i.e., Uniform Controlled Substances Act, section 28-401, 28-405 et seq., or which is controlled by the Food and Drug Administration unless prescribed to the student by any licensed medical practitioner authorized to prescribe controlled substances.

Drug Program Coordinator "DPC": The Drug Program Coordinator shall be the Beatrice High School Principal or the designee.

School Year: From the first day classes commence in the fall, unless the activity begins prior to the first day of classes, in which event it shall include from the first day of practice through and including the last day of classes as well as the last competitive activity in the following spring.

Activity Programs: Any activity that meets the guidelines of an extracurricular activity at Beatrice Public Schools. School sponsored competitive extracurricular activities include, but are not limited to, athletic teams, cheerleading, dance team, band, Student Council, National Honor Society, academic teams, One-Act Play, choir, Speech/Debate Team, musicals, Electric Vehicle Teams, Science Club, Power Lifting Club, Skills USA and Student Council.

Participant: Any student who participates in any extracurricular activity as hereinbefore set forth shall be a participant, and his/her name shall be included in the participant pool. Any student that has been placed in the pool at the request of their parent/guardian shall also be considered a participant.

Sample Collection: Samples will be collected as directed by the Drug Program Administrator on the same day the student is selected for testing, or if the student is absent an alternate will be selected, in sequential order, from an alternate list provided by the Drug Program Administrator. If a urine sample is required, all students providing samples will do so in an individual bathroom or stall with the door closed.

Drug Program Administrator “DPA”: The Board will choose a nationally certified Drug Program Administrator (DPA) for the purpose of determining through random selection the student(s)/participant(s) to be tested. This will be accomplished by the use of a “Student List” identifying the student by number only. The DPA, by the use of a certified laboratory, shall also process sample results and maintain privacy with respect to test results and related matters.

Medical Review Officer “MRO”: Beatrice High School will utilize an MRO to review all laboratory-reported positive tests. The role of the MRO is critical to protecting the interest of the students. The MRO serves a critical role in determining whether the use of a substance identified by the sample analysis is from illicit use or a legitimate medical use. The MRO will demonstrate his/her knowledge by being certified by an MRO Accreditation body. The parent or guardian will be contacted by the MRO or his/her assistant. The MRO will report results of verified positives and or/warrant health and safety issues to the student and to the designated school representative through the DPA.

Scope of Tests: The drug screen tests for one or more illegal drugs and/or alcohol. The DPC shall determine which illegal drugs shall be screened, but in no event shall that determination be made after selection of students for testing. Student samples will not be screened for the

presence of any substances other than an illegal drug or the existence of any physical condition other than drug use.

Non-Punitive Nature of Policy: No student 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, unless otherwise required by law or district policy. 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, the student and the student's custodial parent or legal guardian will be notified as soon as possible by the district.

DRUG SCREENING PROCEDURES:

General Policy: Practical experience and research have proven that even small quantities of narcotics, abused prescription drugs or alcohol can affect judgment and reflexes which can create unsafe conditions for students, especially those involved in any activity covered in this policy. Even when not readily apparent, the effect can have serious results for students engaged in activities. Drug-using students participating in extracurricular activities are a threat to co-participants, other students, and themselves, and may make injurious errors. For these reasons, the Board has adopted a policy that all students participating in extracurricular activities must remain substance-free.

Prohibitions: All students participating in extracurricular activities are prohibited from using, possessing, distributing, manufacturing, or having controlled substances, improperly used medications, or any mind/mood altering or intoxicating substances present in their system.

Alcohol Use/Possession: All students participating in extracurricular activities are prohibited from possessing or using alcohol.

After School Hours Conduct:

After school hours use of drugs, alcohol, or any other prohibited substances is illegal. All students participating in extracurricular activities should realize that these regulations prohibit all illicit drug use during and away from school activities.

Procedure:

1. All Current Students Participating in Extracurricular Activities

A.) Random Testing

The Board authorizes random unannounced screening of all students participating in extracurricular activities. The list of students participating in extracurricular activities contained in the random pool will be updated upon receipt of a signed

consent form. Students participating in extracurricular activities who have been selected will be required to report to the designated collections site for testing.

B.) Consent

Each student wishing to participate in any extracurricular activity, and the students that have voluntarily been placed in the pool at the request of their parent/guardian, shall consent in writing to drug testing pursuant to the district's drug testing program. Written consent shall be in the form attached to this policy as EXHIBIT A. No student shall be allowed to participate in any extracurricular activity absent from such consent.

C.) Removal from the Random Testing List

Students who quit or are cut from an activity, prior to being selected for random testing, may request their name be dropped from the testing list. A request form must be signed by the student and his/her parents to be dropped. * Students may re-enter the testing pool after a period of one (1) calendar year by filling out a new Authorization to Test Form. However, students may, volunteer to remain in the pool even though he/she are not part of the activity.

D.) There is an obligation to continue support for students who test positive.

Drug testing during the summer will provide another reason for a student to refrain from the use of drugs or alcohol. Any student who has tested positive during a random test will to be tested through the summer months. The Drug Program Coordinator will contact the student to establish a location and time for the test to take place.

2.) Testing Procedures

Random Testing

The Board authorizes unannounced screening of all students participating in competitive extracurricular activities or those students that have been voluntarily placed in the pool by their parent/guardian. The list of students that make up the pool will be updated upon receipt of a signed consent form. Students who have been selected will be required to report to the designated collection site for testing.

Consent

Each student participant shall consent in writing to drug testing pursuant to the district's drug testing program. Written consent shall be in the form attached to this policy as EXHIBIT A. No student shall be allowed to participate in any extracurricular activity absent such consent.

General Guidelines

The Board and the DPA shall rely, when practical, on the guidance of the Federal Department of Transportation, Procedures for Transportation Workplace Drug Testing

Programs, 49 C.F.R. Parts 40.1 through 40.39, and on the further guidance of the Omnibus Transportation Employee Testing Act provided in the 49 C.F.R. Parts 382, 391392 and 3995.

Substances included for Testing

Substances that student participants may be randomly tested for: alcohol, amphetamines, cannabinoids, cocaine, opiates and PCP, and other substances, such as but not limited to steroids, barbiturates, and benzodiazepines without advance notice s part of tests authorized by the Board for safety purposes. Such tests will be coordinated with the DPC.

Testing Procedures

The Board reserves the right to utilize breath, saliva or urinalysis testing procedures. Urine and oral fluid samples which screen positive will be confirmed by laboratory testing (GC/MS)

Collection Sites

The DPC will designate a collection site(s) where individuals may provide specimens.

Collection Procedures

The Board and the DPA have developed and will maintain a documented procedure for collecting, shipping and accessing all specimens. The Board and the DPA will utilize a standard Custody and Control Form for all students participating in extracurricular activities testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will be used for specimen transportation. Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure that is reasonable.

Return of Results

The DPA will transmit, by a secure method, the results of all tests to the DPA's MRO. The MRO will be responsible for reviewing positive test results of students. Prior to making a final decision, the MRO shall give the individual an opportunity to discuss the result either face-to-face or over the phone. The DPA shall then promptly tell the principal of the high school which student(s) tested positive.

Request for Retest (Appeal Process)

A split specimen will be collected for all testing methods, with the exception of alcohol testing. A positive alcohol test will be confirmed with an EBT device. Students involved

in the program may, upon a non-negative test result, request that the split sample be tested (within 24 hours of being notified of the final testing result) at a second nationally certified laboratory from a list provided by the MRO. The request for the test must be submitted in writing to the MRO. Student participants are required to pay the associated costs for an additional test in advance. However, the costs will be reimbursed if the result of the split sample test is negative. During the appeal process the student may not participate in school sponsored competitive extracurricular activities.

Positive Results

Refusal to participate in testing when selected is considered a positive test result.

Whenever a student has a confirmed positive test, the custodial parent or legal guardian will be notified and a meeting will be scheduled with the Beatrice High School Principal (Drug Program Coordinator), the student, and the custodial parent or legal guardian.

Consequences:

First Positive Test upon self-admission of lab confirmation:

- DPC and Principal meeting with parent/s and student;
- Exclusion from all covered activities for a minimum of 21 days and must pass a drug test approved by the district prior to being reinstated to participate. Students will be ineligible for a minimum of one contest at their participation level if there is no forfeiture of participation. One contest is equal to one day's events. If the student is not participating at the time of the incident the penalty will carry over to the next season during that year, and the penalty of one contest will apply to participation will apply. Students will not be allowed to suit up or dress out for contests, but may accompany a team, with the coaches/sponsors permission and participate in practices.

Reduction of Exclusion- This exclusion can be reduced to 14 days if the student completes a drug and alcohol assessment by a certified drug counselor or licensed health provider at the student's expense. A district-administered negative test must be provided before the student may return to the activity; and

- Mandatory drug testing, a minimum of once a month, will commence after the first parent meeting for the next 6 months or end upon graduation from Beatrice High School.

Second Positive Test:

- DPC and Principal meeting with parent/s and the student;
- Exclusion from all covered activities for a minimum of 42 days and must pass a drug test approved by the district prior to being reinstated to participate in covered activities. As with the first offense, a student under the exclusion may participate

in practice sessions but will be ineligible for a minimum of 3 contests at their participation level if there is no forfeiture of participation during the suspension. Students will not be allowed to suit up or dress out for contests, but may accompany a team, with the coaches/sponsors permission.

- Students must complete an updated drug and alcohol assessment (if requested by a certified drug counselor or licensed behavioral health provider) at the student's expense within 30 days of the positive test and follow any recommendations made therein for treatment at the student's expense. A district administered negative test must be provided before the student may return to the activity; and
- Mandatory drug testing, a minimum of once a month, will commence after the first parent meeting for the next 12 months or upon graduation from Beatrice High School.

Third Positive Test:

- DPC and Principal meeting with parent/s and the student.
- Suspension of the privilege to participate in practice and all extracurricular activities for 1 year. If the end of the activity precedes the end of the 1 year term and the remaining days will carry over to the next year's activities so the student completes the required number of days; and
- Student must complete an updated drug and alcohol assessment (if requested by a certified drug counselor or licensed behavioral health provider) at the student's expense with 30 days of the positive test and follow any recommendations made therein for treatment at the student's expense. Cooperation with counseling must be documented monthly until such time as the student is successfully discharged by the counselor. A district-administered negative test must be provided before the student may return to the activity; and
- Follow-up drug testing will continue for 12 months from the date of the meeting.

Fourth Positive Test;

- DPC meeting with the parent/s and student.
- Suspension of eligibility to participate in activities for the remainder of the student's time as a student at Beatrice High School.

Self-Report Option: If a student voluntarily reports, **prior to being selected for random testing**, to the coach, sponsor, activities director or principal immediately (the next school day) of the rule violation, the consequence for the first and second violation will be reduced. In the case of the first violation, the suspension would be reduced from 21 days to 14 days and 1 activity. A second violation would be a reduction from 42 days to 35 days. This applies to the first and second offenses only.

Adulteration/Substitution: A participating student found to adulterate/substitute a sample or with paraphernalia that would be used in attempt to adulterate/substitute a specimen will be subject to an offense like a positive test.

Prescription Drug Error: A student that is determined to have a prescription drug without a legal prescription in their name will be given a positive test result by the MRO. If in meeting with the parent/guardian it is determined that this is the result of a parent/guardian error and not an intended abuse of the substance, the following will occur: The parent will submit, in writing to the designated official, an explanation of the error and recognition of the law in regards to prescription drugs. Upon receipt of this document and recognition as a reasonable explanation by the Designated Official, the suspension from activities will be lifted and no assessment or intervention will be required. The student will undergo a follow-up drug screen at the parent's expense to ensure the banned substance(s) are gone or in decay. Upon completion of these requirements, this positive test will be removed from the student's record. This rule may only be applied one time in a student's enrollment with the school district. Further errors ruled positive by the MRO will constitute the actions listed above.

Record Keeping and Confidentiality: All records pertaining to participants shall be kept separate from the student records. The record keeping and results of all testing will be held in the strictest confidence. These records will be accessible only to the Drug Program Coordinator or his designee. Records pertaining to a particular student will be destroyed upon his/her graduation from Beatrice High School, or one year after his/her graduation.

SEVERABILITY:

Should any sentence, clause, provision, or paragraph of this entire policy be deemed unlawful or unconstitutional, it is intended that, insofar as may be practicable, the remaining portions of this policy shall remain in full force and effect.

Office Use

Mandatory Drug Testing Policy for Extracurricular Activities
BEATRICE HIGH SCHOOL
BEATRICE, NEBRASKA

CERTIFICATION OF UNDERSTANDING

I have read and understand the contents of the Beatrice High School’s Mandatory Drug Testing Policy for the Students Involved in Extracurricular Activities. I understand by signing this document that I will abide by the terms and conditions of the Beatrice Public Schools District’s mandatory Drug Testing Policy for Students Involved in Extracurricular Activities.

Student Name PRINTED

Date

Student Signature

Date

Parent or Guardian Signature

Date

(Student Initials Here) _____ I am volunteering to be placed in the testing pool

GENERAL AUTHORIZATION FORM

I understand that my performance as a participant and reputation of my school are dependent, in part, on my conduct as an individual. I hereby agree to accept and abide by the policies, standards, rules and regulations set by the Beatrice Public Schools. I also authorize the Beatrice Public Schools District to conduct a breath, saliva, or urinalysis to test for drugs and/or alcohol use. I also authorize the Beatrice Public Schools District to conduct random tests. I also authorize the release of information concerning the results of such a test to the Beatrice Public Schools District, designated MRO and to the parents or guardians of the student. This shall be deemed a consent pursuant to the Family Education Right to Privacy Act for the release of above information to the parties named below.

Sport(s) and/or Activities _____

Grade _____

Student Name PRINTED

Date

Student Signature

Date

Parent or Guardian Signature

Date

**BEATRICE HIGH SCHOOL
BEATRICE, NEBRASKA**

Activity Drop Form

I, _____ wish to withdraw from _____
_____.

I will submit this form to the Athletic Director. My name will be withdrawn from the testing pool on the date this is received by the Athletic Director.

Completing this form will pertain to all school sponsored competitive extracurricular activities. I understand, by withdrawing, I can no longer participate in any school sponsored competitive extracurricular activities, and I may not receive recognition as a member of these activities or athletic programs. I may re-enter the testing pool after a period of one (1) calendar year by filling out a new Consent to Test form.

I UNDERSTAND THAT I HAVE 15 DAYS TO RECONSIDER THE DECISION AND RE-ENTER THE POOL.

_____ Student Name (print)	_____ Parent or Guardian Name (print)
_____ Student Signature	_____ Parent or Guardian Signature
_____ Date	_____ Date

Athletic Director

Date of Receipt

Policy Approved: 7/10/2017