

# **EARLY ISD ALCOHOL AND DRUG TESTING POLICY**

**Revised 7/18/11**

## **INTRODUCTION**

Early Independent School District is committed to providing our youth a safe and drug free environment in which to grow and flourish. Because of this commitment, Early ISD has implemented an alcohol and drug-testing program for all students in grades 7 through 12 participating in extra-curricular activities, as well as students in grades 9 through 12 who receive a parking permit allowing them to park their vehicles on school property during the school day. Research shows that people who make it through their teenage years without using tobacco, alcohol, or drugs are much less likely to start them when they are older. If testing can keep students off drugs, if it can help free young minds for learning and allow growing bodies to escape the devastating cycle of dependence or addiction, it will be a valuable and important tool against drugs.

Early ISD has not implemented an alcohol and drug-testing program to identify and punish students who have made bad decisions about drugs. This program has been established to give students who face daily pressure from their peers to experiment with alcohol and drugs a good reason not to. If a student has already made a bad decision about alcohol or drugs, this program will allow us to begin an intervention program that can be implemented to prevent future alcohol and drug use.

## **PURPOSE OF THE ALCOHOL AND DRUG TESTING PROGRAM**

Early ISD has a vital interest in maintaining a positive learning environment that is safe and healthy for all students. To fulfill that purpose and as a proactive measure to keep our schools alcohol and drug free, the District is adopting a random alcohol and drug testing policy for: (1) students participating in school-sponsored extracurricular activities, and (2) students wishing to park their vehicles on school property.

By adopting a random alcohol and drug testing policy, the District desires to: 1.) prevent injury, illnesses, and harm resulting from the use of illegal and performance-enhancing drugs or alcohol; 2) help enforce a drug-free educational environment; 3) deter student use of illegal and performance-enhancing drugs or alcohol; and 4) educate students regarding the harm caused by the use of illegal and performance-enhancing drugs or alcohol.

## **STUDENTS SUBJECT TO THE ALCOHOL AND DRUG TESTING PROGRAM**

### **A. Students Participating in Extracurricular Activities**

Since alcohol and drug use can increase the risk of injury to students participating in school-sponsored extracurricular activities and since these students are often role models to other students, the District shall require all students in grades 7 through 12 who participate in school-sponsored extracurricular activities to consent to random alcohol drug testing. The following activities are identified as school-sponsored extracurricular activities:

Athletics - all UIL recognized activities, including:

- Basketball
- Baseball
- Cross Country
- Football
- Golf
- Power Lifting
- Softball
- Tennis
- Track
- Band
- Cheerleading

Choir  
Drill Team  
Debate  
Family Career and Community Leaders of America (FCCLA)  
Future Farmers of America (FFA)/4H  
National Honor Society  
One Act Play (Drama Club)  
Student Council  
UIL - Academic and Literary Contest  
Yearbook

Any other school-sponsored extracurricular activity.

Participation includes involvement in events of extracurricular activities. Participation does not include attendance at school events such as athletic contests, drama productions, or social functions.

### **B. Students Parking on School Property**

Since alcohol and drug use can increase the risk of injury to students driving to and from school, the District shall require all students in grades 9 through 12 who receive a parking permit allowing them to park their vehicles on school property during the school day to consent to random alcohol and drug testing.

### **C. Voluntary Alcohol and Drug-Testing**

With prior written parental or guardian consent, students in grades 7 through 12 may participate in the random alcohol and drug-testing program at any time at no cost to the student. Students participating voluntarily shall be included in the same pool for random testing under the same procedures as students participating in the mandatory program. Students may withdraw from the voluntary alcohol and drug-testing program at any time upon presentation of a completed written withdrawal statement signed by the parent or legal guardian. If the student is of legal age (age 18 or older), he or she may withdraw upon completing a withdrawal statement. The parent or guardian shall be notified of the student's withdrawal from the voluntary alcohol and drug-testing program.

Test results for voluntary participants shall be provided to the parents or guardians by the testing entity. The District shall also be informed of the test results for individual voluntary participants. In addition, the testing entity shall notify parents or guardians when a student refuses or fails to take a scheduled alcohol and drug test.

### **D. Self-Referral (Cannot be a Self-Referral on Random Test Day)**

Any student asking for assistance with a substance abuse problem will be considered a positive test. The self-referral must be made to a sponsor, coach, or school administrator, and it cannot occur on a Random Test Day. The voluntary admittance of a substance abuse problem will result in the individual having the following consequences:

- Student must show written proof of receiving drug counseling, completed at his or her own cost within thirty (30) days.
- Suspension from participation in all extracurricular activities for five (5) calendar days.
- Mandatory testing at the end of thirty (30) days with mandated random testing for one (1) calendar year.
- Self-Referral shall not be considered as a first offense or subsequent offence, and the student shall not suffer any additional consequences unless he/she tests positive on a subsequent test as set forth under this self-referral provision. A positive test thereafter shall result in the consequences as stated on this policy.
- However, if written proof is not provided within thirty (30) days, the self-referral automatically becomes a first offense.

## **INFORMED CONSENT FOR TESTING**

### **A. Students Participating in Extracurricular Activities**

Written parental or guardian consent to random alcohol and drug testing must be completed before a student is allowed to participate in a practice or competition. No student may participate in a practice or competition until the consent form is executed and on file with the designated school official. If the student

is of legal age (age 18 or older), he or she must also sign the permission form. Consent forms are valid for the students' entire school career at Early ISD.

Because participation in extracurricular activities is a privilege and not a right, refusal to consent to random alcohol and drug testing will result in the denial of participation in the identified extracurricular activities.

#### **B. Students Parking on School Property**

Written parental or guardian consent to random student alcohol and drug testing must be completed before a student is issued a parking permit and allowed to park his or her vehicle on school property. No student may receive a parking permit or park on school property until the consent form is executed and on file with the designated school official. If the student is of legal age (age 18 or older), he or she must sign the permission form. Consent forms are valid for the students' entire school career at Early ISD. Because parking on school property is a privilege and not a right, refusal to consent to random alcohol and drug testing will result in the denial of parking privileges.

#### **C. Distribution of Policy**

The District shall provide each parent or guardian and student a copy of the alcohol and drug-testing policy and consent form prior to the student's participation in an affected activity.

#### **D. Orientation Meetings**

The District shall conduct meetings with parents and interested student participants during student or parent orientation meetings.

District employees shall explain the alcohol and drug-testing program and review the policy and consent form. An educational presentation on the harmful effects of alcohol and drug abuse shall be provided.

### **TESTING PROCEDURES**

#### **A. Frequency**

Each school year the Board of Trustees or its designee will determine the number or percentage of students to be tested. Based on the number participants; the Board of Trustees or its designee may determine that no less than 5% and no more than 75% of the students participating in the program shall be randomly selected for each test date.

The testing entity will select the dates for conducting the random drug test; the selection of dates will not follow any recognizable pattern. Random tests shall be conducted on as many as 10 dates throughout the school year.

#### **B. Random selection of students**

The District will provide the testing entity with a list of all identified extracurricular activity participants and students who have a parking permit. Students will be chosen for testing by random selection conducted by the testing entity. The random selection process is intended to eliminate subjective factors from playing a role in the selection of the student to be tested.

#### **C. Testing standards**

Testing will be conducted through accepted scientific means using approved practices and procedures established by the testing laboratory selected by the District. The testing parameters shall be set at industry standards as defined by the National Institute for Drug Abuse. The testing laboratory will be certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and have greater than five (5) years experience in toxicology testing and chain-of-custody procedures.

The alcohol and drug test is performed by urinalysis. The specimen is analyzed using immunoassay methodology. All presumptive positive results are confirmed by a second test of the same specimen using a gas chromatography/mass spectroscopy methodology.

#### **D. Collection of the sample**

Upon the testing entity's arrival at school, the randomly selected student names will be given to the designated school official, who will arrange for these students to report to the collection area. The names of selected students will not be called over the public address system. Students will be tested in an isolated facility under the supervision of a school official of the same sex who will assist the testing entity representative. Students will provide a urine sample in a restroom or other private facility behind a closed

stall. Neither the supervising school official nor the testing entity representative will directly observe the students providing their urine sample. Facilities are secure with only one student testing at a time to assure security and confidentiality. The urine sample will be collected in a specimen collection container provided by the testing entity. The student will provide the collected sample to the testing entity representative and the supervising school official will confirm that the student's identification information on the sample is correct. The specimen collection container will be sealed and witnessed by the student. The testing entity representative will take all specimens to the laboratory for analysis.

#### **E. Refusal to Test or Tampering**

Refusal to provide a sample or noncompliance with the testing procedures by any student will be considered a positive test result and will be reported to the appropriate school representatives. Similarly, a student who is determined to have tampered with a sample shall be deemed to have a positive test result and shall be subject to the appropriate consequences depending on previous positive test results, if any.

#### **F. Substances**

The District reserves the right to test for Alcohol, Performance enhancing substances, including anabolic steroids, Marijuana, Cocaine, Methaqualone, Benzodiazepines, Phencyclidine (PCP), Methadone, Barbiturates, Propoxyphene, Amphetamines, Opiates, Metabolites of any of these substances.

### **TEST RESULTS**

#### **USE OF RESULTS**

Alcohol and drug test results shall be used only to determine eligibility for participation in extracurricular activities. Positive alcohol and drug test results shall not be used to impose disciplinary sanctions or academic penalties.

Nevertheless, nothing in this policy shall limit or affect the application of state law, local policy, or the Student Code of Conduct. A student who commits a disciplinary offense shall be subject to consequences in accordance with the Student Code of Conduct.

#### **CONFIDENTIALITY**

Alcohol and drug-testing results shall be confidential and shall be disclosed only to the student, the student's parents or guardian, and designated District officials who need the information in order to administer the alcohol and drug-testing program. Alcohol and 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 alcohol and drug-testing laboratory to conduct testing of students' urine samples.

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

#### **POSITIVE TEST RESULTS**

An initial positive test shall be confirmed by a second test of the same specimen before being reported as positive.

Upon receiving results of a positive alcohol and drug test, the District shall schedule a meeting with the student, the student's parent or guardian if the student is under the age of 18, and the coach or sponsor of the extracurricular activity to review the test results and discuss consequences.

The student, parent or guardian shall have five school days following the meeting to provide a medical explanation for a positive result. However, the appropriate suspension will begin immediately following the meeting with the parent/guardian.

A student who has a confirmed positive alcohol or drug test shall be subject to the following consequences:

### **CONSEQUENCES**

Consequences of positive test results shall be cumulative through the student's enrollment in middle school and shall begin anew for high school.

### **FIRST OFFENSE**

Following the date the student and parent or guardian are notified of the test results, the student shall be suspended from any extracurricular activity and/or have his or her parking privileges suspended for 30 school days, including extracurricular participation days.

During the period of suspension, the student may participate in practices but not in any activities, and shall complete four (4) hours of community service approved and supervised by the principal, counselor, program's sponsor, or other designee..

### **RETESTING**

The student shall be retested on every random test date for the remainder of the school year.

### **DRUG ABUSE PREVENTION**

The District shall notify the parent or guardian and student of alcohol and drug abuse prevention resources available in the area.

### **SECOND OFFENSE**

Following the date the student and parent or guardian are notified of the test results, the student shall be suspended from any extracurricular activity and/or have his or her parking privileges suspended for 90 school days, including extracurricular participation days.

The District shall again notify the parent or guardian and student of alcohol and drug abuse prevention resources available in the area.

The student shall complete eight (8) hours of community service approved and supervised by the principal, counselor, program's sponsor, or other designee.

### **THIRD OFFENSE**

Following the date the student and parent or guardian are notified of the test results, the student shall be suspended from participation in any extracurricular activity and/or have his or her parking privileges suspended for 177 school days, including extracurricular participation days.

### **END-OF-SEMESTER SUSPENSIONS**

If a student's suspension from participation is not completed by the end of the semester, the student shall complete the assigned period of suspension during the following semester or during the first semester of the following school year.

### **ACADEMICALLY NON-PUNITIVE**

A positive alcohol or drug test will not affect the student's grade in any curricular class associated with the extracurricular activities. However, if participation in the extracurricular activities is required for the class or affects the student's grade, the student may be required to satisfy participation requirements in alternative ways as approved by the sponsor and the campus administrator. The result of the alcohol and drug tests will not be documented in the student's academic records.

### **APPEALS**

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

**EARLY INDEPENDENT SCHOOL DISTRICT**  
**ALCOHOL AND DRUG TESTING POLICY: ACKNOWLEDGEMENT AND CONSENT FOR BIOLOGICAL TESTING**

As parent or guardian of a student enrolled in Early ISD Middle School / High School, my child and I hereby agree to the following:

- I have read and clearly understand the school district’s policy regarding illegal substance abuse.
- I clearly understand that it is the practice of the school district to conduct drug tests for the purpose of carrying out this policy.
- I clearly understand that a student cannot be compelled to give a biological specimen.
- I clearly understand that if a student gives a biological specimen, it will be tested for drugs.
- I clearly understand that the giving of a biological specimen, when requested by the school district, is a condition of a student’s continued participation in certain Middle School or High School extra/co-curricular activities as well as on-campus parking.
- I clearly understand that if a test of a student’s specimen reveals an unexplained presence of drugs, the school district will implement the procedure outlined in the Early ISD Drug Deterrence Policy.
- I clearly understand the agents of Early ISD will communicate among themselves, for official purposes, student’s drug test results, both orally and in writing. I also authorize the above agents continued access to student’s biological specimens for the purpose of further analysis or study that may be necessary.
- I clearly understand that my consent for biological testing as outlined by district policy is valid for the duration of my child’s enrollment in Early Independent School District.

These are prescription drugs that my student is currently being prescribed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***At this time, we hereby agree to student giving a biological specimen.***

\_\_\_\_\_  
Student Name (PLEASE PRINT CLEARLY)

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent Name (PLEASE PRINT CLEARLY)

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date