



# **ALEDO ISD ADMINISTRATIVE REGULATION**

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**Board Policy:** FNF

**Administrative Approval Date:** August 14, 2023

**Effective Start Date:** August 14, 2023

**TOPIC:** RANDOM STUDENT DRUG-TESTING PROGRAM

**DEFINITIONS – The District requires the random drug testing of any student in grades 7 - 12 who chooses to participate in UIL and other select extracurricular activities. This Administrative Regulation establishes regulations for the implementation of the District’s random student drug-testing program, which is designed to:**

- Serve as a deterrent to the use of alcohol, nicotine, and illegal drugs among the students;
- Offer students a vehicle by which to resist peer pressure regarding the use of alcohol, nicotine, and illegal drugs;
- Provide a source of support and assistance to students trying to avoid the use of alcohol, nicotine, and illegal drugs;
- Teach students self-responsibility for one’s decisions and actions; and
- Ensure the health and safety of students who might represent the school in an extracurricular activity.

## **Distribution of Policy and Consent**

The District’s drug testing policy and associated administrative regulation shall be available on the District website. In addition, each participant and his or her parent shall be provided with a copy of the District’s drug testing policy and associated administrative regulation as well as drug testing consent form. The consent form shall be signed and dated by the student and parent before the student shall be eligible to practice or participate in any extracurricular program, including out-of-season activities.

## **Use of Results**

Drug test results shall be used only to determine whether a student needs access to drug counseling resources and eligibility for participation in extracurricular competition or performance. Positive drug test results shall not be used to impose disciplinary sanctions or academic penalties.

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

## **CONFIDENTIALITY**

Drug test results shall be confidential and shall be disclosed only to the student, the student’s parent, 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 records. Results shall not be otherwise disclosed except as required by law.

The parent of a student shall be entitled to access the student's file maintained by the District designee.

## **Testing Laboratory**

The District shall contract with a vendor who utilizes a drug-testing laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) to conduct testing of students' urine and hair samples.

The testing laboratory 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**

For the purpose of this administrative regulation, the terms "illegal drugs" and "drugs" shall specifically include, but not be limited to, the following:

- Alcohol (while not an illegal drug, is included since its use or possession by a minor is illegal);
- Amphetamines/Methamphetamines;
- Barbiturates;
- Benzodiazepines;
- Cannabinoids;
- Methadone;
- Nicotine (while not an illegal drug, is included since its use or possession by a minor is illegal);
- Nitres (including niacin and specimen altering drugs);
- Opiates;
- Phencyclidine; and
- Any substance, other than alcohol, having psychological and/or physiological effects on a human being and that is not a prescription or nonprescription medication, including controlled, dangerous substances and controlled substance analogs or volatile substances that produce the psychological and/or physiological effects of a controlled, dangerous substance through deliberate inhalation. This specifically includes controlled substances that are illegal to possess or use pursuant to the Texas Controlled Substance Act.

### **COLLECTION PROCEDURES**

Personnel from the drug-testing laboratory shall collect urine 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 location by a District employee and shall remain under supervision until he or she provides a urine sample. Personnel from the drug-testing vendor and/or a District employee of the same gender as the student shall be present when any samples are collected. Students unable to produce a urine sample within one hour and 30 minutes shall be subject to a hair sample test.

## Testing Procedures

The drug-testing vendor shall provide the personnel to conduct the collecting, transporting, and testing, as well as randomly selecting the students to be tested.

The drug-testing vendor shall use a random selection method to identify students chosen for random testing. Random tests shall be conducted on as many as ten dates throughout the school year. Students shall not receive prior notice of the testing date or time. In addition, a strict chain of custody shall be enforced to eliminate invalid tests or outside influences.

No less than ten percent and no more than 30 percent of the students participating in the program; shall be randomly selected for each random test date. On each given testing date, 50% of randomly selected students shall provide a urine sample to conduct a 5-panel test and 50% of randomly selected students shall provide a urine sample to conduct a single-panel nicotine test.

### POSITIVE TEST

In the event a test is positive, the following procedures shall be followed:

- If the initial screening test of a urine sample is positive, it shall be subject to a Gas Chromatography/Mass Spectrometry (GC/MS) test to determine specific levels of the illegal substance found in the specimen. The drug testing company shall preserve any urine specimen that tests positive.
- The positive test result shall be turned over to a medical review officer (MRO). The MRO shall notify the District designee concerning the positive test. The District designee shall notify the parent. In the event the parent is inaccessible upon the initial phone call, the District designee shall continue to contact the parent daily, over a period of three business days.
- Upon contact, the parent shall have 48 hours from the date of notification of a positive drug test to provide a copy of any prescription to the MRO, through the District designee, that may influence a positive drug test. The MRO shall review the student's prescription and make a final determination concerning the status of the tested specimen.
- If the parent refuses to provide a copy of the prescription, the student's test shall be confirmed to be positive. The drug-testing vendor shall contact the District's designee concerning the positive test.
- Within two school days from receiving a confirmation of a positive test from the testing vendor establishing contact with the parent, the District designee shall set up a joint meeting between the District designee, the parent, and the student to discuss the consequences of the positive test.
- If a student or parent disagrees with the positive test results, they may request at their own expense to submit a retest to a District-approved testing laboratory for further consideration. To exercise the option of retesting, a sample must be submitted within 48 hours of the phone call by the District designee to request a joint meeting to discuss the consequences of the positive drug test. Based on the initial positive drug test the District designee shall inform the parent which options are available to the parent for retest.
  - Hair test sample – This option is available if the student initially tested positive for one or more of the following illegal substances;
    - Amphetamines/Methamphetamines
    - Cannabinoids

- Opiates
- Phencyclidine
- Urine sample – This option is available if the student initially tested positive for any of the drugs listed under this policy at SUBSTANCES FOR WHICH TESTS ARE CONDUCTED. The original urine specimen provided by the student and preserved by the drug-testing laboratory shall be provided to another SAMHSA certified drug-testing laboratory for testing.

#### DILUTED ADULTERATE TEST RESULT or TAMPERING or REFUSAL TO TEST

A diluted drug test result shall be referred to the MRO for clarification. The result may be that the student shall retest at the request of the MRO. A nitrite drug test result shall be considered a positive drug test result. An adulterated test sample shall be considered a positive drug test. The student shall be subject to the appropriate consequences depending on previous positive test results, if any.

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

#### CONSEQUENCES

Consequences of positive 5-panel test results shall be cumulative through the student's enrollment in the District.

##### *First Offense*

- Upon receiving results of a positive drug test, the District designee shall schedule a joint meeting with the student and the student's parent to review the test results and discuss consequences.
- Upon first offense of receiving a confirmed positive drug test, the student shall be suspended for 30 percent of the extracurricular contests as defined by the schedule of competitive events (EXHIBIT A). The suspension shall be effective immediately if the student is participating in an activity that is in competitive season. If the student's activity is in competitive season and the time of suspension is not completed by the end of the competitive season or if a student tests positive outside of his/her competitive season, the student has two options to complete his or her suspension:
  - The suspension time shall carry over into the student's next competitive season; or
  - If the student only participates in one extracurricular activity, the suspension shall be completed during the competitive season of the following school year.
- The student shall participate in a drug assistance program at the parent's expense or the District's drug assistance program.
- In order to be eligible to return to extracurricular competition upon completion of the suspension, the student and parent must, within ten school days of the joint meeting, show proof that the student is participating in drug counseling from a qualified drug treatment program or counseling entity.
- The student shall be required to participate in all random test dates for one calendar year.

If the student and parent decide not to participate in a drug assistance program, the student shall be suspended from extracurricular activities for one calendar year. The student must continue to participate in all random test dates for one calendar year to be eligible for consideration of re-entry into any extracurricular program. If the student refuses to participate in the random drug-testing dates, the student shall not be allowed to participate in any extracurricular activities for the remainder of his or her UIL eligibility.

#### *Second Offense*

- Upon receiving results of a second positive drug test, the District designee shall schedule a joint meeting with the student and the student's parent to review the test results and discuss consequences.
- The student shall be suspended from participation in extracurricular activities for one calendar year and shall retest before returning to extracurricular activities.
- The student shall participate in a drug assistance program at the parent's expense or in the District's drug assistance program. In order to be eligible for future participation in extracurricular competition, the student's parent must, within ten school days of the joint meeting, show proof that the student is participating in a drug-counseling program from a qualified drug assistance program or counseling entity.
- The student shall be required to participate in all random test dates for one calendar year to be eligible for consideration of re-entry into any extracurricular program. If the student refuses to participate in the random drug testing dates, the student shall not be allowed to participate in any extracurricular activities for the remainder of their UIL eligibility.

#### *Third Offense*

- Upon receiving results of a third positive drug test, the District shall schedule a meeting with the student and the student's parent to review the test results and discuss consequences.
- The student shall be suspended from participation in extracurricular activities for the remainder of his or her UIL eligibility.
- The student shall be encouraged to participate in a drug assistance program at the parent's expense or in the District's drug assistance program.

#### APPEAL

A student or parent may appeal a decision made under this policy in accordance with FNG (LOCAL). The District shall not accept for any part of its drug-testing program, including for purposes of an appeal of a positive test, any test results submitted by a parent or student from drug tests not performed by a District-approved testing laboratory. The student shall be ineligible for participation in extracurricular activities while the appeal is pending.

Consequences of positive nicotine test results shall be cumulative through the student's enrollment in the District and shall apply to all students eligible for inclusion in the testing pool, regardless of date of birth.

#### *First Offense*

- Upon receiving results of a positive nicotine test, the District designee shall schedule a joint meeting with the student and the student's parent to review the test results and discuss consequences.
- Upon first offense of receiving a confirmed positive nicotine test, the student shall receive a written warning they are in violation of the district's student drug testing program. The warning shall state that any subsequent positive nicotine tests will lead to suspension from extracurricular activities
- The student shall participate in a drug assistance program at the parent's expense or the District's drug assistance program.
- The student and parent must, within ten school days of the joint meeting, show proof that the student is participating in drug counseling from a qualified drug treatment program or counseling entity or the District's drug assistance program.
- The student shall be required to participate in all nicotine test dates for one calendar year.

If the student and parent decide not to participate in a drug assistance program, the student shall be suspended from extracurricular activities for 10% of competitions. The student must continue to participate in all nicotine test dates for one calendar year to be eligible for consideration of re-entry into any extracurricular program. If the student refuses to participate in the random nicotine-testing dates, the student shall not be allowed to participate in any extracurricular activities for one calendar year.

#### *Second Offense*

- Upon receiving results of a second positive nicotine test, the District designee shall schedule a joint meeting with the student and the student's parent to review the test results and discuss consequences.
- The student shall be suspended from participation for 10 percent of the extracurricular contests as defined by the schedule of competitive events (EXHIBIT A) and shall retest before returning to extracurricular activities.
- The student shall participate in a drug assistance program at the parent's expense or in the District's drug assistance program. In order to be eligible for future participation in extracurricular competition, the student's parent must, within ten school days of the joint meeting, show proof that the student is participating in a drug-counseling program from a qualified drug assistance program or counseling entity.
- The student shall be required to participate in all random nicotine test dates for one calendar year to be eligible for consideration of re-entry into any extracurricular program. If the student refuses to participate in the random drug testing dates, the student shall not be allowed to participate in any extracurricular activities for one calendar year.

### *Third Offense*

- Upon receiving results of a third positive nicotine test, the District shall schedule a meeting with the student and the student's parent to review the test results and discuss consequences.
- Upon third offense of receiving a confirmed positive nicotine test, the student shall be suspended for 30 percent of the extracurricular contests as defined by the schedule of competitive events (EXHIBIT A). The suspension shall be effective immediately if the student is participating in an activity that is in competitive season. If the student's activity is in competitive season and the time of suspension is not completed by the end of the competitive season or if a student tests positive outside of his/her competitive season, the student has two options to complete his or her suspension:
  - The suspension time shall carry over into the student's next competitive season; or
  - If the student only participates in one extracurricular activity, the suspension shall be completed during the competitive season of the following school year.
- The student shall participate in a drug assistance program at the parent's expense or the District's drug assistance program.

### APPEAL

A student or parent may appeal a decision made under this policy in accordance with FNG (LOCAL). The District shall not accept for any part of its drug-testing program, including for purposes of an appeal of a positive test, any test results submitted by a parent or student from drug tests not performed by a District-approved testing laboratory. The student shall be ineligible for participation in extracurricular activities while the appeal is pending.

EXHIBIT A

**Length of Suspension Due to Positive Drug Test or Positive Nicotine Test**

Drug Test: "First Offense" 30% Suspension

Nicotine Test: "Second Offense" 10% Suspension

Nicotine Test: "Third Offense" 30% Suspension

**Athletics**

For athletics, total days of suspension for a positive drug test are determined based on number of games in the season X 30%. Total days of suspension for a positive nicotine test are determined based on number of games in the season X 10%. The number of playoff games are unpredictable for each season so they are not included in the calculation of total games suspended for each sport. However, if a student tests positive and their suspension time is not complete prior to any playoff games, the student will miss the appropriate number of playoff games in order to complete their suspension.

**Non-Athletics**

For non-athletic activities, total days of suspension for a positive drug test are determined based on number of competitions/performances in the competitive/performance season X 30%. For non-athletic activities, total days of suspension for a positive nicotine test are determined based on number of competitions/performances in the competitive/performance season X 10%. The number of post-district competitions/performances are unpredictable for each activity and they are not included in the calculation of total length of suspension for each. However, if a student tests positive and their suspension time is not complete prior to any post-district competition/performance, the student will miss the appropriate number of competitions/performances in order to complete their suspension.