

**POLICY TITLE: Drug and Alcohol
Testing of Students Participating in
Extracurricular Activities**

POLICY NO: 578 PAGE 1 of 10

PHILOSOPHY

Officials representing the Wendell School District have determined a mandatory random drug testing program for all high school students involved in extracurricular activities including Idaho High School Activities Association (IHSAA) is necessary for the following reasons:

- Health and safety of the individual and others – any student participating in a student activity under the influence of an illegal drug or alcohol is a danger to everyone.
- Prevention – many students will be able to say “no” to drugs because they will have a legitimate reason; “I want to participate.”
- Students who publicly represent our school district in various extracurricular activities and who test “drug free” will serve as role models for other students, especially younger students, encouraging those other students to become “drug free” or discouraging those other students from ever experimenting with drugs or alcohol.
- Intervention – students desiring to participate in extracurricular activities will seek professional, clerical, or parental assistance for their drug or alcohol problems.

The Board of Trustees for the Wendell School District #232 believes that this program gives a strong message to the student body and to the community that drugs and alcohol are not acceptable and offers assistance in getting free and staying free from drugs.

This program is not intended to, nor shall be used in any manner which results in the exclusion from participation, or in denial benefits, services, programs, or activities of the District to, or in discrimination against, any qualified individual with a disability, solely on account or by reasons of such disability. This program shall be interpreted and administered in accordance with Title II of the Americans with Disabilities Act (42 U.S.C. 12020ET. Seq.) and Section 504 of the U.S. Rehabilitation Act of 1973 (29 U.S.C. 794).

DEFINITIONS

Activity: This district will test students who participate in extracurricular activities for illegal substance and/or alcohol use by administering urine analysis tests. This policy applies to all students participating in any district-sponsored interscholastic activity that is regulated by the Idaho High School Activities Association (IHSAA), as well as students participating in the following extracurricular activities: music, FFA, Professional Technology, school clubs, academic clubs, etc.

Activity Season: If identified by the IHSAA, the period beginning on the first day of practice allowed by the IHSAA for any activity in which a student participates and ending the last day of competition for the school year..

Alcoholic Beverages or Alcohol: Any beverage that contains alcohol, including but not limited to beer, wine, wine coolers, and liquor.

Student: Any student participating in a district-sponsored, IHSAA-sanctioned or any other extracurricular activity.

Disability: This term shall have the same meaning ascribed in 42 U.S.C. 12020 (2) or as otherwise defined under the U.S. Rehabilitation Act of 1973.

Drug: Any controlled substance as defined in Idaho Code 37-2705 or 37-2707, except those possessed and/or pursuant to a valid prescription.

IHSAA: Idaho High School Activities Association.

Positive Results: Confirmation of a student's random drug test for the presence of alcohol or drugs; a conviction or admittance of the unlawful consumption of alcohol or drugs; or being identified as being present at a place where alcohol and drugs are being consumed provided such student tests positive for drugs and/or alcohol or admits to consuming the same.

Qualified Individual with Disability: An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, meets the essential eligibility requirements for participating in programs or activities provided by the District. The term specifically excludes any person who is currently engaging in the illegal use of drugs or alcoholic beverages when the District acts in the basis of such use.

EFFECTIVE DATE

Wendell School District #232 (the District) will, effective July 21, 2009 begin conducting a mandatory random drug testing program for high school students participating in activities.

WRITTEN CONSENT REQUIRED – SUSPENSION

A participating student and his or her parent/guardian must sign a form consenting to urine analysis testing as described in this policy (see attachment). If the student or parent/guardian refuses to sign the consent form, or if the student refuses to submit to testing, he or she will not be allowed to participate in extracurricular activities. The consent form does not need to be signed every year. Once a form has been completed, it will be in effect for the student's entire enrollment at Wendell High School.

Any student who willfully provides a false urine sample or who otherwise tampers with the urine sample or undertakes any effort to obstruct (as defined in this policy), adulterate, or impair the accuracy of a drug test, shall likewise be prohibited from or suspended from participation in any activity, or until an unadulterated and accurate urine sample is provided. Such options shall be determined solely at the discretion of the superintendent.

STUDENT SELECTION

The District shall take all reasonable steps to assure the integrity, confidentiality, and random nature of the selection process including, but not necessarily limited to:

- Ensuring that the names of all students are in the appropriate pool.
- Ensuring that the person drawing names has no way of knowingly choosing, or failing to choose, particular students for the testing.
- Ensuring that the identity of students drawn for testing is not known by the person making the selection or by persons involved in the laboratory analysis of urine specimens.
- Ensuring direct observation of the selection process by at least two (2) adults.

At the option of the District, all students may be tested for drug or alcohol use at the beginning of any activity season. In addition, random testing may be conducted during the activity season on a weekly basis or any other frequency determined by the District. Selection for random drug testing will be by lottery drawing from a “pool” consisting of all students participating in an IHSAA sanctioned or other extracurricular activities.

PROCEDURES FOR RANDOM DRAWING

Prior to the start of practice for a particular activity, all students who plan to participate in such activity shall submit a signed and notarized consent form (see attachment).

Throughout the school year, at least ten percent (10%) of the total number of students involved will be tested each week. To assure that anonymity of the participants, each student will be assigned a number at the beginning of the school year. These numbers and the identity of the student to whom the number is assigned will be known only to the student and the superintendent or his/her designee. The superintendent or his/her designee will keep the number lists in a secure place where access is limited only to the superintendent or his/her designee. All lists will be destroyed within thirty (30) days after the end of the school year (except for the numbers for students who have tested positive for use of illegal drugs or alcohol may be kept until the student is eligible to participate in IHSAA – sanctioned or other extracurricular activities).

After all the numbers are drawn for a particular week, they will immediately be returned to the pool of numbers for that activity in order to assure randomness of draw. It is possible that the number of student may be drawn several times during the season, school year, or not drawn at all.

URINE SAMPLING PROCEDURE

On the day the numbers are drawn, those students selected will be notified and must promptly report to the designated place to produce a urine sample. They will be given a sample collector and will be ushered to a private bathroom stall located in a public restroom where they will produce the urine sample. All students providing urine samples will do so alone in the bathroom stall with an adult monitor to permit aural monitoring. Adult monitors are assigned to listen for unusual sounds other than normal urination while outside the privacy area.

Adult monitors and other persons collecting or assisting in the collection of the urine sample (i.e., testing official) shall be of the same gender of the student giving the urine sample. All excess clothing, coats, extra shirts (and other garments or clothing accessories) will be removed before entering the stall. Students may be asked to empty their pockets and surrender purses, wallets, backpacks or other bags, sacks, or pouches. These precautions are necessary to prevent adulteration or tampering with the sample collection process; however, full body “pat downs”, body cavity searches or strip searches are absolutely prohibited. The testing official collecting the urine will color water in the commode before the student enters. After the urine sample is given, it will be checked for temperature and signs of tampering. The urine sample container will then be sealed with the number of the student printed clearly on the outside.

Urine samples will be collected at a mutually convenient time on the same day the student is selected for testing or, if the student is absent on that day, on the day the student returns to school. If a student is unable to produce a urine sample at any particular time, the student will be allowed to return later the same day to provide the sample.

PRESCRIPTION MEDICATION

Students who are taking prescription medication must provide a copy of the prescription of a doctor’s verification in a sealed envelope to the coach at the time a urine sample is collected or within seventy-two (72) hours after the urine sample is taken. The sealed envelope will be forwarded, unopened, to a testing lab with instructions for the lab to consider the student’s use of such medication in conducting its analysis. Prescription information provided by the student will not be disclosed to any school official. Students who refuse or fail to provide timely verification of prescriptive drug use and who test positive will be subject to the action specified below for “positive tests”, irrespective of their prescription medication.

SCOPE OF TESTS

The testing device is designed to test for one or more controlled substances or for alcohol. Urine samples will not be screened for the presence of any substance other than any illegal drugs or alcohol, nor for the purpose of identifying the existence of any disability or physical condition.

ACCESS TO RESULTS

The testing official or official at the testing lab will be authorized to report results only to the

superintendent or to such other adult person(s) as the superintendent may designate. Test results may be provided to the superintendent or his/her designee by telephone provided the superintendent or his/her designee recites predetermined code designed to uniquely identify his/her person. Test results shall be destroyed at the expiration of one year after the last day of the activity season for the school year, except with respect to students who have tested positive.

ADDITIONAL COVERAGE OF POLICY

In addition to the mandatory random drug testing procedures explained below, it shall also be a violation of this policy if any student:

1. Is convicted or admits to unlawfully consuming alcoholic beverages and/or illegal drugs;
or
2. Is identified as being present at a site where alcohol and/or illegal drugs are being consumed, provided such student tests positive for such drugs and/or alcohol; or such student admits to the consumption of drugs and/or alcohol.

In the even a student is found to have violated this Policy as set forth above, such violations shall be subject to the same consequences as if a “positive result” had occurred.

PROCEDURES IN THE EVENT OF A POSITIVE RESULT

Whenever a student’s test result indicates the presence of an illegal drug or alcohol, the following procedures shall be followed:

- The student’s participation in all activities, as defined in this policy, shall be suspended until it is confirmed that such test does or does not constitute a positive result, as defined in this policy.
- The urine sample will then be sealed and immediately sent to an outside toxicology laboratory for final possible confirmation **in the presence of a witness.**
- If the laboratory tests negative for the presence of illegal drugs or alcohol, the student will be notified and no further action will be taken.

CONSEQUENCE OF A POSTIVE RESULT (FIRST OFFENSE)

In the event a student tests positive or admits and/or is found guilty for the use of alcohol or the unauthorized or illegal use of a drug or drugs, the student will be given the option of:

- Submitting to a weekly urinalysis for the rest of the activity season; and
- The student will be suspended from participating in extracurricular competition/activities (not including practices) for one week. Suspension from competition will occur immediately following confirmation of a positive result. Minimum suspension guidelines are:

Cheerleading - two (2) events; Volleyball - two (2) matches; Soccer - two (2) games; Cross Country - one (1) meet; Football - one (1) game; Girls' and Boys' Basketball - two (2) games; Wrestling - one (1) match/date; Baseball - two (2) games; Softball - two (2) games; Golf - one (1) meet; Track - one (1) meet; Bowling – one (match).

Anything beyond the minimum suspension guidelines requires mutual consent between the coach and the athletic director and principal.

Or

- Suspension from participation in all IHSAA – sanctioned or other extracurricular activities for the remainder of the activity season.

CONSEQUENCE OF POSITIVE RESULT (SECOND OFFENSE)

If any student tests positive a second time, while enrolled at Wendell High School or any other high school which conducts a similar drug testing program, the student will be given the option of:

- Participating in a district approved drug assistance/prevention program, including submission to a weekly urinalysis; and
- The student will be suspended from participating in extra-curricular competition (not including practices) for 45 calendar days for **their current or next extracurricular activity they participate in.** The building administrator will begin the forty-five day count as soon as he/she is notified that the urine sample is positive.

School holidays and breaks will be included as part of the forty-five days. Consequences for positive results may overlap from one school year to the next. Summer vacation days do not count as penalty days.

Or

- Suspension from participation in all IHSAA-sanctioned or other extracurricular activities in which the student was participating and the two ensuing activity seasons for which the student is eligible to participate.

CONSEQUENCE OF POSITIVE RESULT (THIRD OFFENSE)

If any student tests positive a third time while enrolled at WHS or any other high school which conducts a similar drug testing program, the student will:

- Be suspended from participation for the next twelve calendar months. The building administrator will begin the twelve-month count as soon as he/she is notified that the urine sample is positive. Summer vacation days count as penalty days for the third positive result.

CONSEQUENCES OF POSITIVE RESULT (FOURTH OFFENSE)

If any student tests positive a fourth time while enrolled at WHS or any other high school which conducts a similar drug testing program, the student will:

- Be suspended from participation for the remainder of his/her high school career.

QUITTING AN ACTIVITY TO AVOID CONSEQUENCE

The student may quit the activity in which he/she is participating realizing that the penalties will be applied to the next activity in which he/she participates.

Consequences for students who are members of Wendell High School Extracurricular organizations and who test positive for illegal substance and/or alcohol use are:

National Honors Society

1st Offense – Termination of membership

INL Quiz Bowl Team

1st offense – suspended from next meet

2nd offense – suspended from the team for the remainder of the year

3rd offense – permanently suspended from the team

Natural Helpers

1st offense – the student can attend the training, but may no longer be a peer leader for the entire year

Student Council

1st offense – suspended for two weeks

2nd offense – suspended for entire year

3rd offense – permanently ineligible to run for any student council office

Reading Club

1st offense – not eligible for a reading club scholarship, can not attend field trips

2nd offense – suspended from the club for the remainder of the year

3rd offense – permanently suspended from the club

B.E.S.O.

1st offense – not eligible for a club scholarship, can not attend field trips

2nd offense – suspended from the club for the remainder of the year

3rd offense – permanently suspended from the club

Pep Band

1st offense – suspended for one game

2nd offense – suspended for the remainder of the sports season

3rd offense – suspended for the entire year

FFA

1st offense – suspended from the next competition for the individual student

2nd offense – suspended from the State Competition

3rd offense – suspended for the entire year

T.S.A.

1st offense – suspended from the State meet

2nd offense – permanently suspended from T.S.A.

NON-PUNITIVE NATURE OF POLICY

No student shall be penalized academically for testing positive for use of illegal drugs or alcohol, nor shall any student be denied any benefits of services, other than the district sponsored athletic and co-curricular programs as outlined above. The results of drug tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of drug tests will be custodial parent or legal guardian, and the student.

In particular, test results will not be disclosed to law enforcement or juvenile authorities absent a valid and binding subpoena or other process issued by a court of competent jurisdiction. In the event of service of any such subpoena or legal process, the student's custodial parent or legal

Guardian will be notified in writing as soon as reasonably possible, but in no event less than seventy-two (72) hours before a response is made by the district unless a response is due tithing a shorter time frame. Notification shall be made in writing and shall be deemed complete upon the deposit thereof in the U.S. Mail, postage prepaid, addressed to the last know address of the student of his/her custodial parent or legal guardian or upon personal service upon the student's custodial parent or legal guardian. Verbal notification may be given, if time does not permit written notification within the seventy-two (72) hour time frame.

VOLUNTARY TESTING PROGRAM

The Wendell Public School is truly concerned and committed to helping students who are encountering drug or alcohol problems. The district recognizes that a student with a drug dependency or use problem is not able to work to his/her fullest potential and stands a greater chance of coming into contact with law enforcement personnel due to increased exposure to criminal activity. To assist in the ultimate goal of drug-free schools and drug-free student, the District will provide voluntary drug testing (urinalysis) to any student whose parents request the testing be done.

The procedure for sampling and testing of urine samples shall be conducted under substantially the same procedure as set forth above, provided, however, immediate on-site results may be given to the student's custodial parent or legal guardian. The testing will be provided at no cost to parents and will be kept absolutely confidential, except for the superintendent or his/her

designee, parent/guardian, student and test laboratory personnel. No legal or criminal actions will be taken by the District based upon such test results and no discipline by District officials will
Drug and Alcohol Testing of Students Participating in Extracurricular Activities—*cont.* pg. 9 of 10

result from such voluntary testing. No record will be kept of such voluntary test results. This service is offered solely for the information of the parent(s) and is ultimately their decision what to do with the information. The results of a positive test result obtained pursuant to a positive drug test will not be used as a basis to determine eligibility to participate in district sponsored athletics and other extracurricular activities. Notwithstanding the foregoing, voluntary drug testing will not be allowed for any student between the time when he or she has been selected for a random drug test and until the test results therefore have been determined positive or negative

LEGAL REFERENCE:

Idaho Code Section 33-512(12)

Adopted: November 17, 2009

DRUG TESTING POLICY GENERAL AUTHORIZATION AND CONSENT FORM

I understand that my performance in Idaho High School Activities Association (IHSAA) sponsored events and other competitive extracurricular events, and the reputation of my school are dependent, in part, on my conduct as an individual. I hereby agree to accept and abide by the standards and regulations set forth by Wendell School District No. 232 Board and the sponsors for the activity in which I participate.

I also authorize Wendell School District No. 232 to conduct a test on a urine specimen, which I provide, to test for drugs and/or alcohol use. I also authorize the release of information concerning the result of such a test to the Wendell School District No. 232 and to the parent/legal guardians of the students.

Pursuant to the Family Education Right of Privacy Act 34, C.F.R. Part 99, this form Will be deemed a consent for the release of the above information to the parties named above.

Student Signature

Date

Parent/Guardian Signature

Date