

## **DRUG TESTING PROGRAM**

The Wendell School District has established a drug testing program for students because it recognizes that the problem of illegal drug and alcohol use presents a continuing challenge in its schools and is a clear danger to the student population as a whole. The district's commitment to maintaining athletics and extracurricular programs in a safe, healthy and secure educational environment requires a clear policy and supportive programs relating to the detection and prevention of substances use by the students involved in athletics and extracurricular activities.

The district shall endeavor to locate free and low-cost counseling/assistance program options for the consideration of parents whose child tests positive.

## **ELIGIBILITY FOR TESTING**

Participation in the student drug testing program shall include all students participating in any district-sponsored interscholastic activity that is regulated by the Idaho High School Activities Association (IHSAA). This includes all athletes and competitive extracurricular activities regulated by IHSAA. Students participating in the following extracurricular activities are also subject to this policy: \_\_\_\_\_

\_\_\_\_\_. Participation in athletics and extracurricular activities is a privilege. Student participants, by virtue of their voluntary decision to participate in these athletic and extracurricular activities, and because of their position as school leaders and role models in the school community, have a heightened responsibility to be drug and alcohol free.

## **DEFINITIONS**

“Alcohol” means beer, wine, and distilled liquors.

“Controlled substances” includes those defined by Idaho Code §37-2732C and includes, but are not limited to, opiates, opium derivatives, hallucinogenic substances, including cocaine, and cannabis and synthetic equivalents of the substances contained in the plant, any material, compound, mixture, or preparation with substances having a depressant effect on the central nervous system, and stimulants.

“Drug” includes any alcohol or malt beverage, any tobacco product, any controlled substance, any illegal substance, any abused substance, any substance which is intended to alter mood, and any medication not prescribed by a physician for the student in possession of the medication.

“Extracurricular activity” means any activities which are sponsored or approved by the district but are not offered for credit toward graduation.

## **CONSENT FORM**

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.

## **VERIFICATION OF LEGAL DRUG USE**

Participants who are drug tested under this policy will be given a reasonable opportunity to submit verification of prescription drug use. At the time of testing, each student will be given written notice that he or she has seventy-two (72) hours to submit verification of any prescription drug use by providing a copy of the prescription to the building principal in a sealed envelope. The principal will submit the sealed envelope, unopened, to the testing laboratory for consideration in making an analysis. The information regarding the use of prescription drugs is confidential and will not be shared with any school official. If the student fails to provide timely verification of legal drug use, and tests positive, he or she will be subject to retesting.

## **CONSEQUENCES AND PENALTIES**

A student will be considered to have violated this policy if (1) the student attempts to alter or substitute a testing sample; or (2) if a testing sample is confirmed positive as described in Policy 578P1 – Procedures for Drug and Alcohol Testing of Students Participating in Extracurricular Activities. Students who test positive for any prescription drug must have a prescription in their name for the drug. It is illegal and a violation of this policy for a student to take a drug prescribed to another person, including a parent or other family member. Verification of prescription drug use must be provided within the time period prescribed in this policy.

### **First Confirmed Positive Test:**

The first time a student's test results are confirmed positive, the student's parent/guardian will be notified, and the principal will convene a meeting with the student and parent/guardian. At that meeting, the student will be required to choose one of the following options:

1. Suspension from the team and/or other extracurricular activities for a minimum period of one week; participation in a drug assistance program acceptable to the district (with costs to be paid by the student or student's family); and undergo weekly drug testing for a period of time as specified in approved administrative procedures; or
2. Suspension from participation in all athletics and extracurricular activities for a period of one (1) month from the date of the confirmed positive drug test.

If the student fails to select an option within seventy-two (72) hours after notification of the test results, he or she will be deemed to have selected option number two (2).

### **Second Confirmed Positive Test:**

For a second confirmed positive test, the student and his/her parent or guardian shall choose one of the following options:

1. Suspension from participation for a minimum of one (1) month; participation in a substance abuse evaluation and follow any recommendations made by the evaluator, which evaluation must be performed by a state certified chemical dependency counselor (with cost to be paid by the student or student's family); and undergo weekly drug testing for a period of time as may be designated in approved administrative procedures; or
2. Suspension from participation in all athletics and extracurricular activities for a period of one (1) year from the date of the most recent confirmed positive test.

The suspension applies to student participants who have tested positive in this school district's drug testing program and to student participants enrolled in this district who have previously tested positive in another district with a similar drug testing program.

### **Third Confirmed Positive Test:**

For a third offense, the student shall be suspended from all high school athletics or extracurricular activities for a period of one (1) year from the date of the most recent confirmed positive test. The suspension applies to student participants who have tested positive in this district's drug testing program and to student participants enrolled in this district who have previously tested positive in another district with a similar drug testing program.

### **Fourth Confirmed Positive Test:**

For a fourth offense, the student shall be suspended from all high school athletics or extracurricular activities for the remainder of his/her high school career. The suspension applies to student participants who have tested positive in this district's drug testing program and to student participants enrolled in this district who have previously tested positive in another district with a similar drug testing program.

Any student refusing a test or refusing permission is not eligible to participate in athletics or extracurricular activities. Any student who is found to have altered or tampered with a testing sample shall be subject to the same consequences as if the student had a confirmed positive result.

### **Post-Suspension Eligibility**

Students who test positive and are suspended from extracurricular activities must be retested and test negative prior to being allowed to participate in any extracurricular activities. If the suspension terminates during a sports season, or after an enrollment period for any other

extracurricular activity has expired, the student is not eligible to participate until the next enrollment or try-out period occurs.

### **DUTIES OF SUPERINTENDENT OR DESIGNEE**

The superintendent or designee will implement and oversee appropriate procedures for a lottery drawing for random urine analysis testing. Selection for random testing will be by lottery drawing from a “pool” of all participating students in the district at the time of the drawing. The superintendent will take all reasonable steps to accomplish the following:

1. Assure the integrity, confidentiality and random nature of the selection process including, but not necessarily limited to, assuring that the names of all participating students are in the pool;
2. Assure that the person drawing names has no way of knowingly choosing or failing to choose particular students for the testing;
3. Assure that the identity of students drawn for testing is not known to those involved in the selection process;
4. Assure direct observation of the selection process by at least two (2) adults.

The superintendent or designee will also implement and oversee appropriate procedures for gathering specimens and approving illegal substance and alcohol abuse assistance programs.

### **GENERAL PROVISIONS**

1. The results of the tests will be disclosed only to the student and parent/guardian, and those school personnel who have a need to know.
2. The test results will be kept for only one (1) year.
3. If it is reasonably suspected that a student participant is using drugs or alcohol, this district’s policy on student drug and alcohol use will be followed.
4. The district will pay any costs associated with gathering samples and testing by an independent laboratory, as well as all administrative fees necessary to implement this policy. The district will not pay the costs of any substance and alcohol abuse program or ongoing urinalysis testing for a student who has a confirmed positive test.

### **NON-PUNITIVE NATURE OF POLICY**

Detection of illegal substance or alcohol use obtained pursuant to this policy will not be used as a basis to discipline a student or penalize him or her academically. Such detection will not be made a part of a student’s permanent record, and does not constitute reasonable suspicion, pursuant to Idaho Code §33-210. 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, which the district will not solicit.

**LEGAL REFERENCE:**

Idaho Code §33-512(12) – Governance of Schools (extracurricular activities)

*Vernonia School Dist. 47J v. Acton*, 515 U.S. 646, 115 S. Ct. 2386 (1995)

*Todd v. Rush County Schools*, 133 F.3d 984 (7<sup>th</sup> Cir. 1998), *reh'g en banc denied*, 139 F.3d 571 (1998)

*Board of Ed. of Independent School Dist. v. Earls*, 536 U.S. 822, 122 S. Ct. 2559 (2002)

*State v. Lindsey*, 881 N.W.2d. 411 (2016)

Adopted: November 17, 2009

Amended: November 19, 2021

**ATTACHMENT:** Drug Testing Policy General Authorization and Consent Form

**Note:** This policy is based on the drug testing policy at issue in *Vernonia School Dist. 47J v. Acton*, 515 U.S. 646, 115 S. Ct. 2386 (1995), and *Board of Ed. of Independent School Dist. v. Earls*, 536 U.S. 822, 139 F.3d 571 (2002). The U.S. Supreme Court ruled that the policy dealing with drug and alcohol testing of students participating in extracurricular activities in *Earls* and student athletes in *Vernonia* did not violate students' rights. The *Vernonia* case dealt only with testing student athletes. The U.S. Supreme Court determined in the *Earls* case that a like analysis applied to all extracurricular activities of students if there are any indicia of substance abuse issues in the school community.

**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 (FERPA), 20 U.S.C. §1232g and 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