

STUDENT RIGHTS AND RESPONSIBILITIES:
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

STUDENT DRUG TESTING PROGRAM

RATIONALE

The District has determined that the use or misuse of illegal drugs, performance-enhancing drugs, and/or alcohol among students in grades 9-12 is a problem within the schools and community. Information gathered from the student body and from other reliable sources within the community would indicate that such use is prevalent within all segments of the student population, including those who participate in competitive after school extracurricular activities and those who drive to school. The District has determined a need to implement a program of random testing of students in grades 9-12 as a condition of their participation in competitive after school extracurricular activities and/or as a condition of obtaining/maintaining a permit to park on campus. This provision becomes effective the first day of instruction each school year.

OBJECTIVES

The drug testing program is not intended to be a punitive measure. Rather, the following objectives shall serve as the foundation for the program:

1. To promote the health and safety of all students who represent the District in any after school extracurricular activities and students who desire parking permits.
2. To undermine the effects of peer pressure by providing a legitimate reason for students involved in extracurricular activities to refuse to use illegal drugs,
3. To provide a ready resource for support and assistance to any student who may be using illegal drugs, performance-enhancing drugs, and/or alcohol;
4. Eliminate the impact drug and alcohol use has on the learning centers of the brain so that students may achieve their full academic potential.

APPLICABILITY

This policy shall apply to all District students in grades 9-12 as a condition of participation in any competitive after school extracurricular activities as defined in policy FM (legal) and/or as a condition of obtaining/maintaining a permit to park on campus.

STUDENT AND PARENT CONSENT

Before a student may be allowed to participate in any competitive after school extracurricular activities and/or obtain/maintain a permit to park on campus, the student and the parent and/or person otherwise in lawful control of the student must present written consent to the testing. Refusal to submit written consent to testing shall render the student ineligible for participation in any competitive extra-curricular activity or a parking permit.

TESTING

All students in grades 9-12 who intend to participate in competitive after school extracurricular activities and/or obtain/maintain a permit to park on campus during the course of the school year are subject to random drug testing at a frequency and a rate to be determined by the administration. The parent of a student who does not participate in any extracurricular activity and is not a student driver may request in writing that the student participate in the random drug-testing program. Such request may be withdrawn in writing at any time.

TESTING PROCEDURES AND PROTOCOL

The District shall contract for drug-screening services through an independent laboratory that has met all standards for certification as established by the Substance Abuse and Mental Health Services Administration (SAMHSA), and all testing shall be conducted by qualified laboratory personnel in accordance with accepted practices and procedures established by the contracted laboratory. Testing shall be accomplished by urinalysis using accepted immunological screening procedures. Chain of custody documentation shall be maintained throughout the collection and testing procedures.

Any specimens with a positive test result shall be subject to a second test for confirmation utilizing the Gas Chromatography/Mass Spectrometry (GC/MS) testing methodology. All screening shall be performed at District expense.

The vendor with whom the District contracts for drug testing shall provide the services of a medical review officer (MRO) who is certified by the Medical Review Officer Certification Council or by the American Association of Medical Review Officers as having proven by examination to have the appropriate medical training to properly interpret and evaluate the results of any drug testing authorized by the District. The MRO shall, as well, agree to abide by the procedures established by the District for the evaluation and timely reporting of any positive test results.

In the case of a confirmed positive test result, the MRO or an authorized representative shall attempt to contact the parent or person otherwise in lawful control of the student, within one school day of having received the results. Should the MRO be unsuccessful in initial attempts to contact the parent within the time specified, the District shall provide assistance in locating the parent or person otherwise in lawful control of the student. Upon verification of a positive test result, the MRO or representative shall report the result to the Superintendent or designee within one school day after contacting the parent or person otherwise responsible for the student.

CONFIDENTIALITY

The collections and coding of specimen samples shall be executed in a manner that ensures proper identification and confidentiality.

Test results shall be made known to the Superintendent or designee, the student, and the parent or person otherwise in lawful control of the student. Any parties involved in the case of a confirmed positive test result shall be notified only with respect to the level of the offense.

Test results shall be released only upon written request of a parent or person otherwise in lawful control of the student or to a student who is of legal age. Test results shall be destroyed within 60 days of when the participant graduates or is no longer of school age.

The vendor, laboratory, and MRO shall be prohibited from releasing any statistical information relating to the nature or rate of any positive test results from the testing program to any person, organization, news publication, or the media without the expressed written consent of the District. The vendor shall, however, provide the District with a report, at least once per semester, that includes the number of tests performed during the specified period, the rate of both positive and negative results, and a list of the substances identified from any positive specimens.

SCREENING PARAMETERS

For the purpose of this policy, the term drug shall be defined as any substance considered illegal by either federal or Texas law or that is controlled by the United States Food and Drug Administration including, but not limited to the following:

1. Alcohol
2. Amphetamines/methamphetamines (speed, uppers, diet pills)
3. Anabolic steroids (performance-enhancing drugs)
4. Barbiturates (downers, sleeping pills)
5. Benzodiazepines (Valium, Librium)
6. Cannabinoid (marijuana)
7. Cocaine metabolites
8. Hallucinogens (LSD)
9. MDMA (Ecstasy)
10. Methadone
11. Nicotine
12. Opiates (heroin, morphine, codeine)
13. Phencyclidine (PCP, angel dust)
14. Propoxyphene (Darvon)

The District shall reserve the right to test for any and all illegal or controlled substances as determined at the discretion of the District.

SANCTIONS

FIRST OFFENSE

For a first positive test result during a random screening, the following consequences shall be imposed:

Notification: The student, parent, or person otherwise in lawful control of the student shall be notified by the MRO or authorized representative to determine whether there is an alternative medical explanation for the positive test result. If not, the positive result shall stand.

Conferencing: The student and parent or person otherwise in lawful control of the student shall be given an opportunity to participate in a conference with the principal or designee and any sponsors deemed appropriate to discuss the conditions for continued participation in after school extracurricular practices, performances, competitions, and activities and/or parking permit privileges.

Counseling: The student shall be required to participate in a District-provided counseling program or show proof of external counseling. Any costs associated with private drug abuse counseling shall be the responsibility of the student and/or parent/guardian.

Suspension: The student testing positive in a random screening shall be suspended from participation in any competitive after school extracurricular practices, performances, competitions, and/or activities and/or parking permit privileges for 15 school days. During this period, the student shall be required to continue to practice his or her related activity in the class period allotted and shall undergo drug testing weekly. If the results of the weekly tests are negative, the student shall be eligible to practice and participate in performances, competitions, and/or activities and/or resume parking permit privileges after completing the 15 school day suspension. If the student has a second or subsequent positive result(s) in the weekly testing, the campus designee shall be notified to determine the frequency of additional testing and when the student can regain eligibility.

SECOND OFFENSE

For a second positive test result during a random screening, the following consequences shall be imposed:

Notification: The student, parent, or person otherwise in lawful control of the student shall be notified by the MRO or authorized representative to determine whether there is an alternative medical explanation for the positive test result. If not, the positive result shall stand.

Conferencing: The student and parent or person otherwise in lawful control of the student shall be given an opportunity to participate in a conference with the principal or designee and any sponsors deemed appropriate to discuss the conditions for continued participation in after school extracurricular practices, performances, competitions, and activities and/or parking permit privileges.

Counseling: The student shall be required to participate in a District-provided counseling program or show proof of external counseling. Any costs associated with private drug abuse counseling shall be the responsibility of the student and/or parent/guardian.

Suspension: The student testing positive in a random screening shall be suspended from participation

in any competitive after school extracurricular practices, performances, competitions, and/or activities and/or parking permit privileges for 30 school days. During this period, the student shall be required to continue to practice his or her related activity in the class period allotted and shall undergo drug testing weekly. If the results of the weekly tests are negative, the student shall be eligible to practice and participate in performances, competitions, and/or activities and/or resume parking permit privileges after completing the 30 school day suspension. If the student has a second or subsequent positive result(s) in the weekly testing, the campus designee shall be notified to determine the frequency of additional testing and when the student can regain eligibility.

THIRD OFFENSE

For a third positive test result during a random screening, the following consequences shall be imposed:

Notification: The student, parent, or person otherwise in lawful control of the student shall be notified by the MRO or authorized representative to determine whether there is an alternative medical explanation for the positive test result. If not, the positive result shall stand.

Conferencing: The student and parent or person otherwise in lawful control of the student shall be given an opportunity to participate in a conference with the principal or designee and any sponsors deemed appropriate to discuss the conditions for continued participation in after school extracurricular practices, performances, competitions, and activities and/or parking permit privileges.

Counseling: The student shall be required to participate in a District-provided counseling program or show proof of external counseling. Any costs associated with private drug abuse counseling shall be the responsibility of the student and/or parent/guardian.

Suspension: The student testing positive for the third time in a random screening shall be suspended from all competitive after school extracurricular activities and/or parking permit privileges for a period of one calendar year from the date of the confirmation of the third positive test. The student shall also be required to continue to practice his or her related activity in the class period allotted and shall consent to a drug test at the end of the year of suspension in order to regain eligibility.

FAILURE OR REFUSAL TO SUBMIT TO DRUG TESTING

A student identified for random testing on a given date that, because of illness or any other legitimate reason, leaves school before the test is performed shall be included in the next random screening. Refusal on the part of any student to participate in a scheduled or random drug test shall be considered to have tested positive.

STUDENT SUPPORT SERVICES

The District shall support and assist any student who may desire to participate in a District-provided counseling program. The District shall also provide information regarding external agencies that provide substance abuse education or counseling upon request. Any cost of such external services, however, shall be the responsibility of the student and/or parent or person otherwise in lawful control of the student.

SUSPENSION

For purposes of this policy, any suspension from competitive after school extracurricular activities and/or parking permit privileges that is not completed during the course of the school year shall be extended to the following year. During the period of a suspension, the student involved in competitive after school extracurricular activities must still attend practice, though participation is not permitted.

APPEALS PROCEDURE

Should a student and/or parent or person otherwise in lawful control of the student elect to appeal a positive test result, the second half of the specimen in question may be tested by a laboratory mutually agreed upon by the student/parent and District. In such cases, the student and/or parent or person otherwise in lawful control of the student shall assume responsibility for payment of all fees related to the second test. A written request to appeal a positive test result must be submitted to the Superintendent or designee within three days of receiving oral notice from the MRO or authorized representative of the results.

A student and/or parent or person otherwise in lawful control of the student may appeal a suspension under this policy to the Superintendent's designee by filing a written complaint according to the provisions and time lines as set forth in policy FNG(LOCAL) as related to STUDENT AND PARENT COMPLAINTS.



Brazosport Independent School District

2006-2007

Student Consent and Parent Authorization

For

Participation in District Drug/Alcohol Screening Program



Please Print Student's Name: _____
(last) (first) (middle)

Student's ID #: _____

List All Participating Activities (i.e. Parking Permit, Football, Band, Drill Team etc.):

- 1. _____ 2. _____ 3. _____
- 4. _____ 5. _____ 6. _____

For Student

I hereby acknowledge that I have received and read a copy of District Policy FNF (LOCAL) as related to the STUDENT DRUG TESTING PROGRAM. I further acknowledge that I understand the provisions of the policy, and I hereby consent to any such testing as may be authorized by the District in accordance with said policy. I further understand that, because the tests are to be conducted on a random basis, I may be selected for testing more than once each year, and that refusal to submit to such tests may be grounds for action as specified in the policy.

Student's Signature: _____ Date: _____

For Parent or Guardian

I hereby acknowledge that I have received and read a copy of District Policy FNF (LOCAL) as related to the STUDENT DRUG TESTING PROGRAM, and I do hereby consent that my child may participate in any such testing as may be authorized by the District in accordance with said policy. I understand that I may withdraw the authorization for testing at any time upon submission of written notice to the school Principal. I further understand and accept that, upon such withdrawal, my child will become ineligible to participate in any of the activities as may be specified in the policy until such time as authorization to test is restored. Further, I hereby release and hold harmless the Brazosport Independent School District and the Testing Service, and their trustees, officers, employees, agents, and representatives from any and all liability, claims, damages and costs that may arise as a result of any action as may be taken relative to a positive drug/alcohol test.

Parent/Guardian Signature: _____ Date: _____

Parent Contact Information

Please provide telephone numbers at which you may be contacted during the day or evening hours:

Home () _____ - _____ Work () _____ - _____ Cellular () _____ - _____