

**JDDAA Student Activity Drug/Alcohol Testing Policy**

**JDDAA**

(See JDDA and JDD)

In an effort to protect the health and safety of its student activity participants from illegal and/or performance-enhancing drugs and/or alcohol use and abuse and injuries resulting from the use of drugs and alcohol, the USD 248 Board of Education adopts the following policy for drug and alcohol testing of students participating in extracurricular and/or cocurricular activities.

**Statement of Purpose and Intent**

It is the desire of the Board of Education, administration, and staff that every student in the district refrains from using, possessing, or distributing illegal or performance-enhancing drugs and/or alcohol. The disciplinary actions triggered by this policy relate solely to limiting the opportunity of any student in violation of this policy to participate in extracurricular and/or cocurricular activities. This policy is intended to supplement and complement all other policies, rules, and regulations of the district regarding possession and/or use of illegal drugs and alcohol and does not limit the district's authority to enforce the provisions of other relevant policies or take disciplinary actions authorized thereby.

Participation in school sponsored extracurricular and cocurricular activities at the district is a privilege. Accordingly, students in such activities carry a responsibility to themselves, their fellow students, their parents, and their school to conduct themselves in accordance with a high standard of conduct, which requires avoiding the use or possession of illegal or performance-enhancing drugs and alcohol.

The purposes of this policy are to prevent illegal or performance-enhancing drug and alcohol use; to educate student participants regarding serious physical, mental, and emotional harm caused by drug and alcohol use; to prevent injury, illness, and harm that is a potential result of drug and alcohol use; and to strive within the district for an environment free of such use and abuse.

The sanctions of this policy solely limit the opportunity of any student found to be in violation of this policy to participate in extracurricular and cocurricular activities. There will be no academic sanction for violation of this policy except to the extent that a violation of this policy would also constitute a violation of other district policies and/or state or federal law.

The district has adopted this policy for use by all students participating in extracurricular and/or cocurricular activities in grades 7-12. Violations under this drug testing policy are cumulative throughout this grade span, and consequences do not start over with each new school year.

#### Definitions

“Extracurricular activities” means those school sponsored student activities that take place outside the regular course of study in school. Such activities include all district sponsored activities including, but not limited to, school dances and prom, interscholastic sports teams, cheerleading, dance team, and school-sponsored dances.

“Cocurricular activities” are school sponsored activities, clubs, and organizations offered as part or supplement to district curriculum. Examples

include, but are not limited to, speech, debate, forensics, drama, band, choir, FCCLA, FFA, Student Council, and National Honor Society.

“Drug Use Test” means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs, alcohol, or the metabolites thereof in a person’s urine, saliva, hair, or breath.

“Illegal Drugs” means any controlled substance which an individual may not legally sell, possess, use, distribute, or purchase under either Federal or Kansas Law. For the purposes of this policy, “illegal drugs” includes, but is not limited to, all scheduled drugs as defined by Kansas Law, all prescription drugs obtained or used without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose.

“Performance-Enhancing Drugs” includes anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed, or other athletic ability. The term “Performance-Enhancing Drugs” does not include dietary or nutritional supplements such as vitamins, minerals, and proteins that can be lawfully purchased in over-the-counter transactions.

“Alcohol” means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic methyl alcohol.

“Positive” when referring to a drug test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal or a performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory

administering the drug use test. “Positive” when referring to an alcohol test administered under this policy means a breathalyzer test result that is considered to demonstrate the presence of alcohol in a student participant's system.

“Reasonable Suspicion” means a school employee's suspicion based on specific personal observations concerning the appearance, speech, or behavior of a participating student, and reasonable inferences drawn from those observations in the light of experience. Information provided by a reliable source, if based on personal knowledge, shall constitute reasonable suspicion. In the context of performance-enhancing drugs, reasonable suspicion could also be based on unusual increases in size, strength, weight, or other athletic abilities. All observations, sources, and personal information will be weighed by school employees on a case-by-case basis.

“Random Selection” regards the process used by the laboratory conducting drug use tests to select participants to be tested, involving the chance selection of drug test numbers assigned to each participant.

“School Days” are days that school is actually in session at USD 248.

“KSHSAA” is the Kansas State High School Activities Association of which the district is a participating member.

#### Education

The district shall provide an educational session concerning this policy to applicable students within one week of the policy's implementation or substantial revision. The session will include a detailed explanation of the policy. In addition, it is recommended that each coach/sponsor conduct a play

and parent meeting that will include information about the impact of the drug testing policy on participants. Parental attendance is strongly encouraged at each session. Each applicable student will be provided a copy of the policy and a consent form.

Procedure

Each student in extracurricular and/or cocurricular activities shall receive copies of the Student Drug/Alcohol Testing Consent Form, which shall be read, signed, and dated by the student, parent, and/or guardian. Students must turn in a completed consent form to the school office before the student will be allowed to practice or participate in any extracurricular and/or cocurricular activities. Any student who does not turn in the required form within the aforementioned timeframe will not be eligible to participate in any extracurricular or cocurricular activities. Transfer students will be allowed to complete the aforementioned form at the time of enrollment and will be placed in the testing pool within one week of their enrollment date.

Students will be required to provide urine, saliva, or breath samples for the purpose of drug and/or alcohol testing as follows:

1. On a random selection basis, from a list of all students in the testing pool, numbers of at least 2 middle school students and 8 high school student extracurricular and/or cocurricular activity participants will be drawn at random to provide a urine, saliva, and/or breath sample approximately twice per month during the school year. Names previously chosen will be placed back in the pool for the possibility of random selection at a later time.

2. At any time requested by the administration, based on reasonable suspicion that the student currently participating in extracurricular and/or cocurricular activities is under the influence of, using, distributing, selling, or in possession of illegal or performance-enhancing drugs and/or alcohol.

Any drug use test required by the district under the terms of this policy will be administered by or at the direction of a professional laboratory chosen by the district, using scientifically validated toxicological methods. The professional laboratory shall be required to have detailed written specifications to assure chain of custody of the specimens, proper laboratory control, and scientific testing.

Students attending extracurricular and/or cocurricular activities may be required to submit to an alcohol breathalyzer test prior to entry to such activity to determine the presence of alcohol or at any time during participation requested by administration and based on reasonable suspicion. Any breathalyzer machine utilized under authority of this policy shall be frequently recalibrated and will be administered either by a school employee trained in the machine's use or a law enforcement officer at the request of the district administration.

All aspects of the drug use-testing program, including the taking of samples, will be conducted so as to safeguard the personal and privacy rights of students to the maximum extent possible. The test sample shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the sample must be collected in a restroom or other private facility. The

student will empty his/her pockets and remove his/her coat and other excess clothing prior to entering the restroom or other private facility. The principal shall designate a drug laboratory employee, a coach, or school employee of the same gender as the student to accompany the student to a restroom or other private facility for collection of the sample. The monitor shall not observe the student while any urine sample is being produced, but the monitor shall be present outside the stall to listen for the normal sounds of urination in order to guard against tampered samples and to ensure an accurate chain of custody. If at any time a student is found to be tampering with the sample, the monitor may stop the procedure and inform the principal, who will then determine if a second urine or a saliva sample should be obtained as well. The monitor will be present to collect the sample along with the student and one other witness.

If the initial drug test (taken by method other than by breathalyzer) is positive, the initial test result will then be subject to confirmation by a second and different test of the same sample. In order to keep the results of the initial testing confidential, the school district may also choose a certain number of samples for a conformation test. A specimen shall not be reported positive unless the second test run results in a positive reading for the presence of an illegal or performance-enhancing drug, alcohol, or the metabolites thereof.

If the second test for any student has a positive result, the laboratory will report the results to the designated employee representative. The school will then be responsible for contacting the parents of the student with the results and will solicit information regarding any medications the student may be taking which would create a positive result. If needed, the school wil

contact a certifying scientist at the laboratory regarding any drug interactions. If requested, a medical review officer is available to confirm the results and report the findings to the designated employee representative.

Once a second positive result is determined, the student will become ineligible to participate, travel, or compete in extracurricular and/or cocurricular activities for a duration specified as follows.

The principal will contact the superintendent, assistant principal, head coach/sponsor, student, and parent/guardian to schedule a conference. At the conference the principal will solicit any explanation of the positive result. If the student asserts the positive test results are caused by something other than the consumption of an illegal drug, performance-enhancing drug, or alcohol, the student will be given the opportunity to present evidence of such to the principal, athletic director, and head coach/sponsor. The school district will rely upon the professional opinion of the laboratory that performs the confirmation test in determining whether the positive test result was produced by something other than the consumption of an illegal drug, performance-enhancing drug, or alcohol. The principal, superintendent, assistant principal, and coach/sponsor will make the decision within three working days.

This decision may be appealed in writing to the USD 248 superintendent within three working days. The superintendent will then make a written decision within three working days. During the time of this appeal, the student will not be eligible to attend, participate in, or compete in extracurricular and/or cocurricular activities.



The superintendent's decision may be appealed in writing to the USD 248 Board of Education within three working days. During the time of this appeal, the student will not be eligible to attend, participate in, or compete in extracurricular and/or cocurricular activities.

A student that has tested positive for illegal or performance-enhancing drugs will be required to undergo one or more additional drug use tests to confirm that the student is no longer using illegal drugs or performance-enhancing drugs before he/she may rejoin an activity. The district will rely on the opinion of the laboratory that performed or analyzed the additional drug use test in determining whether a positive result in the additional drug test was produced by illegal or performance-enhancing drugs used by the student that caused the first positive result or by more recent use. A student will need to pass a second test within two months of the suspension to maintain participation privileges. The cost of the retest will be the obligation of the student or the parent/guardian.

All parents or guardians of students who test negative for illegal drugs or performance-enhancing drugs in the initial screening will be contacted by personnel of the district within ten working days after testing.

#### Violation

Any student who tests positive in a drug/alcohol use test under this policy shall be subject to the following restrictions:

For the first offense, the student shall be suspended from participation in all extracurricular and/or cocurricular activities, including all performances, events, and competitions, for twenty (20) school days, which shall include

suspension from any activities falling on evenings of such school days or weekends falling between schools days in which a suspension is to be served. During this time, it is recommended that the parent/guardian obtain a substance abuse evaluation and education/counseling for the student. If the student and/or parent/guardian provides proof of enrollment and regular attendance at a school-approved substance abuse program, the suspension will be reduced to ten (10) school days. Local law enforcement shall be notified as appropriate.

For the second offense, the student shall be suspended from participation in all extracurricular and/or cocurricular activities including all practices, meetings, performances, activities, and competitions for ninety (90) school days, which shall include suspension from any activities falling on evenings of such school days or weekends falling between schools days in which a suspension is to be served. If the student and/or parent/guardian can provide proof of enrollment and regular attendance at a school approved substance abuse program, the suspension will be reduced to fifty (50) school days. Local law enforcement shall be notified as appropriate.

For the third and subsequent offenses, the student shall be suspended from participation in all extracurricular and/or cocurricular activities including all meetings, practices, performances, and competitions for one hundred and eighty (180) school days, which shall include suspension from any activities falling on evenings of such school days or weekends falling between schools days in which a suspension is to be served. Local law enforcement shall be notified as appropriate.

Note: Any student who is found to have interfered with, falsified, and/or circumvented their drug test will be given an automatic positive test result and will be subject to discipline, including out of school suspension.

**Self-Reporting**

Any student who has not previously tested positive for prohibited substances under this policy in a first offense and who ‘self-reports’ the use of drugs or alcohol prior to any testing, shall be suspended from participation in activities or travel for five (5) school days, which shall include suspension from any activities falling on evenings of such school days or weekends falling between schools days in which a suspension is to be served. The principal will notify parents and appropriate sponsors of such suspension of eligibility.

**Refusal to Submit to Drug Use Test**

If an extracurricular and/or cocurricular participant refuses to submit to a drug or alcohol use test authorized under this policy, such refusal shall be considered a “positive” result for drugs or alcohol and subject to the appropriate suspension as stated herein.

**Disclaimer**

This policy shall not supersede any state and/or federal law or KSHSAA policy on this topic. This policy similarly does not supersede other board policy or handbook language related to Girard High School or Girard Middle School with regard to students found to be in possession of, using, selling, distributing, or being under the influence of illegal substances or alcohol while at school, on or in school property, at a school sponsored activity, program, or event. Therefore, a student who violates the policy as set

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forth in other relevant board policy or handbook language should expect further consequences as deemed appropriate by the building principal.

Approved: 7/16/15

KASB Recommendation – 2/14