

# Bellville ISD Random Drug Testing Policy

## **Why did Bellville ISD institute a drug-testing policy?**

Bellville ISD is concerned about the academic, physical, and emotional well-being of all its students and believes it has a responsibility to assist students in dealing with a variety of issues including drug and alcohol use. 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/concern within the schools and community. Information gathered from the student body, district personnel, law enforcement, and from other reliable sources within the community indicates that such use is prevalent within all segments of the student population, including those students who participate in competitive after school extracurricular activities and those who drive to school.

The District has therefore 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. The District's drug-testing program is designed to identify students in need of help and provide them and their parents/guardians with the necessary resources to deal with substance abuse and other issues. The drug testing program is not intended to be a punitive measure. This provision becomes effective the first day of instruction each school year. The drug-testing program is only one part of a comprehensive Safe and Drug Free Schools and Community program.

## **What are the overall objectives of the drug-testing program?**

1. To prevent injury, illness, and harm resulting from the use of illegal drugs or alcohol;
2. To help insure a drug-free educational environment and eliminate the impact drug and alcohol use has on the learning centers of the brain so that students may achieve their full academic potential;
3. To deter student use of illegal drugs or alcohol;
4. To offer students a means to resist peer pressure as it relates to the use of illegal substances by providing a legitimate reason for students involved in extracurricular activities to refuse to use illegal drugs; and
5. To provide a ready resource for support and assistance to any student who may be using illegal drugs, performance-enhancing drugs, and/or alcohol.

## **To whom does the drug-testing program apply?**

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

## **What is the definition of a school-sponsored extracurricular activity?**

In keeping with local guidelines, school-sponsored extracurricular activities are defined as school-sponsored competitive activities, athletic and nonathletic. Testing will also include students who accept the privilege of driving on campus.

## **What method of drug testing will be used?**

Urinalysis will be the method used. This method, which is the most commonly used for drug testing, is recommended because of its accuracy and reliability.

# Bellville ISD Random Drug Testing Policy

## **What does the drug-testing process include?**

The drug-testing procedures include a four-step process: collection, screening, confirmation, and review. All students in grades 9-12 who participate in extracurricular activity(ies) or purchase parking permits will be subjected to mandatory random drug testing throughout the school year and will be required to provide the District with written consent signed by both the student and a parent/guardian. The laboratory used by the District will be certified to administer drug testing by the Substance Abuse and Mental Health Services Administration (SAMHSA). The vendor will determine the students to be tested for each testing occurrence by use of a computerized method that insures randomization. Under no circumstances will human interference be allowed to alter the randomized nature of student selection.

Through the use of urine samples, the drug testing vendor will be able to detect the presence of drugs taken prior to the test. If a student has been taking medication, he/she will be given the opportunity to indicate the type of medication being taken. A “chain of custody” procedure will be used to monitor the identity and integrity of the sample throughout the collection, transportation, and testing process. The drug testing vendor will provide the personnel to conduct the collecting, transportation, and testing as well as randomly selecting the student participants to be tested. 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 percentage of students to be tested will vary between 10-40% of the student testing population. Results from the testing laboratory will be available no later than 4:00 p.m. on the third day after samples are collected.

## **How often will drug testing be done?**

Drug testing will take place periodically throughout the school year.

## **Can a student be chosen for drug testing more than once?**

Yes. Because selection for drug testing is random, a student may be selected for drug testing more than once during the year.

## **What if my child ends his/her participation in the extracurricular activity in the middle of the year/season? Will he/she still be included in the drug-testing pool?**

Random drug testing is not required of students who no longer participate in extracurricular activities and have not purchased a parking permit; however, a student will remain in the drug-testing pool until a parent/guardian provides the school a withdrawal of consent form. To re-enter the random student drug-testing pool, the student will be required to test on the next testing date.

## **Do parents/guardians have to sign a consent form for their child’s testing?**

Yes. Both the student and the parent or guardian must sign the consent form authorizing the student’s participation in the District’s drug-testing program.

## **If a parent/guardian does not consent to his/her child being tested, will the student still be eligible to participate in extracurricular activities or have driving privileges?**

No. In order to participate in a school-sponsored extracurricular activity or have driving privileges, both the parent/guardian and the student must consent to drug testing.

# Bellville ISD Random Drug Testing Policy

## **Can a student voluntarily participate in the drug testing program?**

The parent or guardian 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.

## **Where on campus will the samples be collected?**

Samples will be collected in a suitable restroom collaboratively chosen by the campus principal or designee and a representative from the drug testing vendor.

## **How will students be selected for drug testing?**

Selection for drug testing is random. Students who are identified for inclusion for drug testing will be placed in a pool from which the random selections will be made. The vendor chosen to conduct the drug testing will be responsible for randomly selecting students from established pools using electronic methods.

## **What happens if a student is selected for drug testing and refuses to be tested?**

Students who are selected for drug testing and refuse to participate will be treated as if they received a positive result.

## **If a student is chosen for drug testing, but is absent that day, will he/she be tested upon returning to school?**

Students who are not present on a day they are selected for drug testing will be included on the next random testing date. Any student who has been notified that he/she is selected for random testing but who, because of illness or any other legitimate reason, leaves school before the test is performed, shall be included in the next random drug testing. A student who is truant after being notified that he/she has been selected for drug testing will be considered as having tested positive. Refusal on the part of any student to participate in a scheduled or random drug test shall be considered as having tested positive.

## **Who will oversee the sample collection process?**

Employees of the vendor chosen to conduct the drug testing will oversee the collection of samples for testing.

## **How will the student's privacy be ensured during collection?**

To maintain the integrity of the sample collection process, testing will be conducted in a restroom with a drug-testing vendor employee of the same gender present; however, the monitor will be positioned in a way as to give the student his/her privacy. Students will be prohibited from taking any of their personal belongings into the stall while producing urine samples. Students will be allowed to enter a stall and close the door for privacy. Students will also be allowed to witness the validation, marking, and sealing of the specimens.

## **Where will the test results be kept, and who will have access to the results?**

Test results will be kept in separate, confidential files from the students' other educational records. Test results are confidential and, unless required by court order, may be disclosed only to the student, the parent/guardian, and the superintendent or designee. 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 will not be turned over to law enforcement or used for discipline or academic purposes. Test results shall be

# Bellville ISD Random Drug Testing Policy

released only upon written request of a parent/guardian or to a student who is of legal age. Test results shall be destroyed within 60 days or 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.

## **For what substances will students be tested?**

For the purpose of this program, 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. Amphetamines/methamphetamines (speed, uppers, diet pills)
2. Cannabinoid (Marijuana)
3. Cocaine metabolites
4. Hallucinogens (LCD)
5. MDMA (Ecstasy)
6. Opiates (Heroin, Morphine, Codeine)
7. Phencyclidine (PCP, Angel Dust)
8. Propoxyphene (Darvon)

***The District shall reserve the right to test for any and all illegal or controlled substances.***

## **What happens if a student tests positive for drugs/alcohol?**

If a student tests positive, the vendor then will first further test the specimen using Gas Chromatography/Mass Spectrometry (GC/MS) methodology. If the specimen still tests positive, the MRO (Medical Review Officer) will contact the school district. The Superintendent or designee will contact the student's parent/guardian to determine whether there is an alternative medical explanation for the positive test result. Parents/guardians may choose to have the remaining portion of the sample taken during collection sent to a Substance Abuse and Mental Health Services Administration (SAMHSA) certified lab mutually agreed upon by the parent/guardian and the vendor for independent testing. All costs associated with testing the second half of the sample will be the responsibility of the student and parent/guardian.

# Bellville ISD Random Drug Testing Policy

## CONSEQUENCES

### What sanctions are imposed for a positive test?

The District policy imposes the following sanctions for a first, second, and third offense:

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

**Notification:** The student and his or her parent/guardian shall be notified by the school designee 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 his or her parent/guardian 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 participate in a substance abuse education or counseling program. The District shall provide the student and his/her parent/guardian with a list of suggested counseling programs from which the student and his or her parent/guardian may choose. The student shall enroll in a counseling program within 14 calendar days of a confirmed positive result. All costs associated with private drug abuse counseling shall be the responsibility of the student and/or parent/guardian. The student shall provide written confirmation to the District that the counseling requirement was completed. Failure to do so may result in restrictions to parking privileges and/or participation in extracurricular activities.

**Consequences:** There will be no restrictions from extracurricular activities or parking privileges for the first positive test after the student completes a counseling program and after a conference with his or her Principal or designee. The student shall undergo drug testing during each testing opportunity for one calendar year.

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

**Notification:** The student and his or her parent/guardian shall be notified by the school designee 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 his or her parent/guardian 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.

# Bellville ISD Random Drug Testing Policy

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**Suspension:** The student testing positive in a random screening shall be suspended from participation in any competitive after school extracurricular performances, competitions, and/or activities and 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 after school as scheduled. The student shall undergo drug testing during each testing opportunity for one calendar year.

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

**Notification:** The student and his or her parent/guardian shall be notified by the school designee 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 his or her parent/guardian 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 participate in a substance abuse education or counseling program. The District shall provide the student and his/her parent/guardian with a list of suggested counseling programs from which the student and his or her parent/guardian may choose. The student shall enroll in a counseling program within 14 calendar days of a confirmed positive result. All costs associated with drug abuse counseling shall be the responsibility of the student and/or parent/guardian. The student will provide written confirmation to the District that the counseling requirement was completed. Failure to do so may result in additional restrictions to parking privileges and/or participation in extracurricular activities.

**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; however, participation in after-school activities/practices is prohibited. The student shall consent to a drug test at the end of the year of suspension in order to regain parking privileges and eligibility to participate in extracurricular activities.

# Bellville ISD Random Drug Testing Policy

## **Is there an appeals process?**

Yes. A student and/or parent/guardian may choose to have the second half of the sample (Sample B) taken during collection sent to a lab mutually agreed upon by the student and/or parent/guardian and the vendor for independent testing. The filing of an appeal does not suspend imposition of the sanction. A sanction may only be lifted after a successful appeal in favor of the student.

All costs associated with testing the second half (Sample B) of the sample will be the responsibility of the student and parent/guardian. 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 school designee. A student and/or parent/guardian may appeal a suspension under the drug-testing Policy FNF (Local) by filing a written complaint according to the provisions and timelines as set forth in Board Policy FNG (Local) as related to STUDENT AND PARENT COMPLAINTS.

## **Are there disciplinary consequences for testing positive?**

No. The drug-testing policy is intended to identify those students in need of assistance in dealing with drug and alcohol issues. Positive test results will not be used for disciplinary or academic purposes. The result of testing positive for drugs or alcohol is the loss of school-sponsored extracurricular activity privileges and/or driving privileges as previously described, and/or referral to a substance abuse counseling program.

## **Does a student testing positive provide “reasonable suspicion” to conduct a backpack or vehicle search?**

No. The only consequences from testing positive are those listed for participation in school-sponsored extracurricular activities and/or loss of driving privileges as previously described, and/or referral to a substance abuse counseling program.

# Bellville ISD Random Drug Testing Policy

## DEFINITIONS

### **“Confirmation Test”**

A drug test conducted to substantiate the results of a prior drug test on the same specimen. The confirmation test must use an alternative method of equal or greater sensitivity than that used in the previous drug test.

### **“Consent”**

All students desiring to participate in the District’s extracurricular programs will be required to provide the Bellville Independent School District with written consent signed by both the student and his or her parent/guardian. If the student or his or her parent/guardian refuse to provide written consent to be tested, the student will be denied the privilege of driving on campus and/or participating in the District’s extracurricular programs. A student who provides written consent, but then refuses to participate in a scheduled or random drug test, shall be considered as having tested positive.

### **“District”**

The Bellville Independent School District, including any authorized representative acting on its behalf.

### **“Drug”**

1. Drugs that an individual may not buy, possess, use, sell, or distribute under either federal or Texas law. Such drugs may include, *but are not limited to*: ethanol (alcohol), amphetamines/methamphetamines (speed, uppers, diet pills), cannabinoid (marijuana), cocaine metabolites, hallucinogens (LCD), MDMA (ecstasy), opiates (heroin, morphine, codeine), phencyclidine (PCP, angel dust), and propoxyphene (darvon);
2. All prescription drugs upon reasonable suspicion that they were obtained without authorization;
3. All prescription and over-the-counter drugs upon reasonable suspicion that they are being used in an abusive manner.

### **“Drug Test”**

A chemical test administered for the purpose of determining the presence or absence of a drug or metabolite in a person’s urine.

### **“Medical Review Officer”**

A Medical Review Officer (MRO) is a licensed physician who has additional training and certification in the area of drug testing. Specifically, they have detailed knowledge in how drug testing is done, how testing is affected by foods and medications, and the various methods used to adulterate specimens to give a false negative result. The medical review services of the drug testing vendor will be used.

### **“Prescription or Non-Prescription Medication”**

A drug prescribed for use by a duly licensed physician, dentist, or other medical practitioner licensed to issue prescriptions or a drug that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

### **“Random Testing”**

Between 10-40% of eligible students involved in the extracurricular programs will be selected for testing each testing period. The students selected for each testing occurrence will be determined by use of a



# Bellville ISD Random Drug Testing Policy

computerized method that insures randomization. Participating students will be divided into 2 pools; one pool for students not yet tested (pool A) and another pool for students that have been tested at least once (pool B). The student selection process will be designed to create the likelihood that all students are tested at least once each school year. Testing may be conducted up to 15 times per year. The superintendent or his designee will determine the percentage of students to be tested from each pool. The superintendent or designee will provide a list of available testing dates for selection by the contracted service provider.

## **“Specimen”**

A product of human physiology chemically capable of revealing the presence of drugs in the human body. As referred to in this procedure, the product will be urine.

## **“Student Participating in Extracurricular Activities”**

A student enrolled in the Bellville Independent School District who is participating in any extracurricular activity as defined previously in these procedures. Drug testing is mandatory for all students participating in extracurricular activity(ies), whether the student is in the period of participation for his/her activity or in the off season of his/her activity. Also, students in grades 9-12 competing for future offices, positions, or team/squad memberships shall be considered students participating in extracurricular activity(ies).

## **“Suspension”**

For purposes of this program, 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 extracurricular activities must continue to practice in the class period allotted, but may only participate in after school practices/activities if the student has obtained no more than two positive results in a drug screening and/or the conditions for regaining eligibility following a third positive result have been completed.