

Random Drug Testing Policy

RANDOM DRUG TESTING FOR SPECIFIC GROUPS OF STUDENTS

Cuero ISD encourages students to participate in school-sponsored co-curricular and extracurricular activities and believes that the opportunity to participate in such activities, as well as the opportunity to drive to school and park on school property, and for eligible students to leave campus during lunch-time are privileges offered to students on an equal opportunity basis.

RATIONALE

Cuero ISD believes drug testing student participants in school-sponsored co-curricular and extracurricular activities, as well as students who drive to school and park on school property and/or leave campus during lunch-time serves the important purpose of detecting and preventing illegal drug use among students. Furthermore, implementing this policy shall serve the following objectives:

1. To provide students a deterrent to the use of illegal drugs and alcohol;
2. To give students a valid reason to resist peer pressure to use illegal drugs and alcohol;
3. To prevent injury, illness, and harm as a result of the use of the illegal drugs and alcohol;
4. To maintain a school environment free of drug and alcohol use and its effects; and
5. To educate students as to the serious physical, mental, and emotional harm caused by the use of illegal drugs and alcohol.

“School-sponsored co-curricular or extracurricular activity” shall mean, without limitation, all 7th – 12th grade interscholastic athletics, cheerleading, academic UIL, special interest clubs and organizations, groups that perform musical performances or dramatic productions, student government, and any other activity or group that participates in contests, competitions, or community service projects on behalf of or as a representative of the District.

DRIVING & PARKING

Driving and parking on campus by Cuero ISD students is a privilege and not a right. The privilege of driving and parking on campus is considered similar to the privilege of participating in co-curricular and extracurricular activities and implies its own safety concerns for other students and staff members. Therefore, the district has chosen to include students who drive to school and park on campus in the requirements of the random drug testing policy adopted by the Board. If a student refuses to participate in the random drug testing program, he or she will not be allowed to drive or park on campus.

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| OPEN CAMPUS              | The option to leave campus during lunch-time for 10 <sup>th</sup> -12 <sup>th</sup> grade students (open campus) is a privilege and not a right. The privilege of leaving campus during lunch is considered similar to the privilege of participating in co-curricular or extracurricular activities and implies its own safety concerns for other students and staff members. Therefore, the district has chosen to include 10 <sup>th</sup> – 12 <sup>th</sup> grade students who leave campus during lunch-time in the requirements of the random drug testing policy adopted by the Board. If a student refuses to participate in the random drug testing policy, he or she will not be allowed to leave campus during lunch-time. |
| REQUIRED TESTING         | To be eligible to participate in any school-sponsored co-curricular or extracurricular activity, or to be eligible for parking or open campus lunch privileges, a secondary student must agree to participate in a drug-testing program that includes random testing during the school year  |
| USE OF RESULTS           | The results of any drug test administered under this policy shall be used only to determine eligibility for participation in school-sponsored co-curricular or extracurricular activities, for parking, and/or for open campus privileges. .   |
| CONFIDENTIALITY          | Results shall be kept confidential and shall be disclosed only to the student, his or her parents/guardians, and school officials designated by the Superintendent. Results shall not be placed in students' permanent files with other student records.   |
| PROHIBITED CONDUCT       | Student participants in school-sponsored co-curricular or extracurricular activities, students eligible for parking, and/or students eligible for open campus lunch privileges shall not at any time during the school year use, possess, sell, distribute, or be under the influence of any illegal or dangerous drug.  |
| PARENT / STUDENT MEETING | Parents shall be duly informed of this policy in a timely manner. The drug-testing plan shall be discussed and copies of the policy, procedures, and consent form shall be provided for each participant at that time.   |
| CONSENT FORM             | Student participants shall be required to sign a consent form agreeing to participate in the drug-testing program. The consent form must also be signed by the student's parent or guardian before the beginning of the school year or at the time of enrollment if after the beginning of the school year. Consent forms shall be valid until revoked by the student or parent. If the student participant or his or her parent or guardian declines to sign the  |

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consent form, the student shall not be permitted to participate in school-sponsored co-curricular or extracurricular activities, to be allowed to drive or park on campus, or to leave campus during lunch.

TESTING  
PROCEDURE

A licensed medical facility or third-party administrator, selected by the Superintendent and approved by the Board, shall conduct testing for the presence of drugs or other contraband in student urine samples. The principal or designee shall be the program manager and shall administer the program with the selected drug-testing provider.

Substances specifically tested for may include substances that are illegal to buy, possess, use, sell, or distribute under state or federal law, including prescription drugs and alcohol. These substances include marijuana, cocaine, methaqualone, benzodiazepines, phencyclidine (PCP), methadone, barbiturates, propoxyphene, amphetamines/methamphetamines, opiates, metabolites of any of these substances, and performance-enhancing substances.

Tests may also be run for synthetic marijuana (commonly known as "Spice", "K2", and possibly other names) and other over-the-counter substances that may cause impairment of physical and mental faculties.

Prior to each testing and before students have been selected to be tested, the District shall inform the drug-testing provider of the specific panels of substances to be included in that test. A percentage of student participants shall be selected on a random basis. In addition to the students chosen by random selection, any students who had a prior confirmed positive test result shall be tested according to the Sanctions section of this policy.

Samples shall be taken under conditions that are no more intrusive to students than the conditions experienced in a public restroom. All aspects of the drug/alcohol use testing program shall be conducted in a manner that shall safeguard the personal and privacy rights of students to the maximum degree possible.

A staff member shall be designated to accompany the student to a restroom or other private area where the urine sample is to be produced under the supervision of a designated health care professional. The monitor(s) shall not observe the student while the sample is being produced, but shall remain within hearing distance in order to guard against tampered samples and to ensure an accurate chain of custody of the sample.

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If at any time during the sampling procedure, a monitor has reason to believe that a student is tampering with the sample, it shall be determined if a new sample should be obtained.

The principal or designee, in cooperation with the selected drug-testing provider, shall develop administrative regulations for collection and testing.

Any student who refuses to be tested or who tampers with, or assists others in tampering with, any sample shall be removed from all co-curricular and/or extracurricular activities and/or have parking and/or open campus privileges taken away for the period of time specified in the "Sanctions" section of this policy. Such a violation shall be counted as a positive result.

TESTING  
SCHEDULE

Random tests shall be conducted and may occur at any time. Students shall not be notified in advance of any drug test. If a student is in school and fails to report for testing at the appointed time, he or she shall be removed from all co-curricular or extracurricular activities and/or will have parking and/or open campus privileges taken away for the period of time specified in the "Sanctions" section of this policy. Failure to report for testing shall be counted as a positive result. Refusal to test shall be counted as a positive result.

Any participant testing positive shall be tested during each testing session for a calendar year following the date of the positive result.

POSITIVE TEST  
RESULTS

Initial results will be reported to the school principal by the testing service provider. When there is an initial positive test result, the following steps shall be taken

1. An initial positive test shall be confirmed by a second test of the same specimen.
2. If a confirmed positive test is received, the principal shall notify the student, the student's parent or guardian if under 18, and the sponsor or coach of the affected activity. The principal shall schedule a meeting or phone conference with the student and the student's parent or guardian if under 18 for the purpose of developing a plan of assistance for the student.
3. At the meeting or phone conference, the principal shall give to the student and the student's parent or guardian if under 18 a copy of the test results and provide them an opportunity to offer an explanation for the results.

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4. Any explanation for the presence of a prescription drug must be accompanied by a valid prescription in the student's name at the time of the positive test.

SANCTIONS

The following sanctions shall be imposed:

After the first confirmed positive test result,

1. The student shall be restricted from any extracurricular or co-curricular activities, and/or from driving and parking on campus, and/or from open campus lunch privileges for a period of 15 calendar days. The restriction begins upon receipt of confirmation and notification to the superintendent.
2. The student shall complete a drug-counseling program approved by the District at the student's and parent's expense. The student shall show proof that the student has started drug counseling within ten days of the student/parent meeting and must show proof of successful completion of the program. If the student refuses counseling, the consequences of a second confirmed positive drug test shall be imposed.
3. The student shall be retested at each random testing date for one calendar year.

After the second confirmed positive test result,

1. The student shall be restricted from any extracurricular or co-curricular activities, and/or from driving and parking on campus, and/or from open campus lunch privileges for a period of 90 calendar days. The restriction begins upon receipt of confirmation and notification to the superintendent.
2. The student shall complete a drug-counseling program approved by the District at the student's and parent's expense. The student shall show proof that the student has started drug counseling within ten days of the student/parent meeting and must show proof of successful completion of the program. If the student refuses counseling, the consequences of a third confirmed positive drug test shall be imposed.
3. The student shall be retested at each random testing date for one calendar year.

After the third confirmed positive test result, the student shall be permanently restricted from all co-curricular and/or extracurricular activities. For students who drive and/or park on campus or leave campus for lunch, the student's parking and/or open campus privileges will be revoked permanently.

Test results shall be cumulative from grade 7 through grade 8, and suspensions from activities and privileges carry over from season to season and from school year to school year. Test results shall be cumulative from grade 9 through grade 12, and suspensions from activities and privileges carry over from season to season and from school year to school year.

During the period of sanctions, the student shall be permitted to continue full participation in practices or rehearsals, except for the period following a third confirmed positive test result.

#### REINSTATEMENT

A student who chooses to cease all participation in co-curricular or extracurricular activities or who chooses to not drive and park on campus, or who chooses not to participate in the open campus lunch privilege after a positive drug test may later seek reinstatement to any or all of the activities in which the student formerly participated. Conditions for reinstatement shall include the following:

1. The student must receive the written permission of the principal and coach/sponsor to return to the activity.
2. The student must first participate in the next random testing opportunity and produce a negative result.
3. The student must complete any remaining counseling and the suspension from activities as of the date the student withdrew from participation in the activities.

One calendar year following the third positive test, a student may appeal to the Board for reinstatement in co-curricular or extracurricular activities and/or for the return of his or her parking and/or open campus privileges. To be eligible to appeal, the student and his or parent shall be required to sign a voluntary consent for the student to participate in a full-year drug-testing program at the parent's expense. During this interim calendar year, the student must not have a positive drug test result. Financial provisions can be made to pay for the required drug-testing for a student who is economically disadvantaged.

Upon appeal, the Board shall determine whether the student has satisfied the requirements necessary to warrant reinstatement. If the student is granted reinstatement and then receives another positive drug test, the student shall be permanently removed from all co-curricular and/or extracurricular activities, as well as have all parking and open campus privileges suspended with no further option for reinstatement.

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EFFECT OF  
DISCIPLINE POLICY

Nothing in this policy shall limit or prohibit the application of Board policies providing for disciplinary action for students using, being under the influence of, possessing, selling or distributing illegal drugs or alcohol on school property or at school events.