

VERIBEST I.S.D.



DETERRENT TO
ILLEGAL DRUG
AND ALCOHOL USE

2018-2019

Approved by Veribest ISD Board of Trustees
May 15, 2017

PURPOSE/OBJECTIVES

The purpose of the drug testing policy is:

1. To prevent illegal drug and alcohol use.
2. To educate students on the serious physical, mental, and emotional harm caused by illegal drug and alcohol abuse.
3. To alert students with possible substance abuse problems to the potential harms of illegal drug and alcohol abuse.
4. To strive for an environment within the District free of illegal drug and alcohol use and abuse.
5. To prevent injury, illness and harm as a result of illegal drug or alcohol abuse.
6. To give students a valid reason to resist peer pressure to use illegal drugs or alcohol.

GUIDELINES FOR DRUG AND ALCOHOL TESTING

DRUG AND ALCOHOL TESTING

The District shall implement a drug and alcohol testing program. No participant shall be penalized academically for testing positive for using an illegal drug or alcohol. The results of drug tests pursuant to this policy shall not be documented in any student's academic records. Information regarding the results of drug tests shall not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the District shall not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent or guardian shall be notified before the District shall respond.

CODE OF STUDENT CONDUCT

The conduct of a student in extracurricular activities should reflect positively on oneself, community, parents, the District and the activity in which one is participating. The student who participates in extracurricular activities is a role model for the District and fellow students and shall set and uphold the highest standards of conduct. Any action that reflects detrimentally on the District shall not be tolerated.

PARTICIPATION IN SCHOOL ACTIVITIES

Participation in school-sponsored extracurricular activities is a privilege. Extracurricular activities regarding this policy include ALL school-sponsored extracurricular activities, including, but not limited to, participation in any sports or any other individual or team activities, performances, contests, projects, demonstrations or competitions, and parking on District property.

PARTICIPANTS / SELECTION FOR TESTING

All extracurricular participants and their parents/guardians shall annually sign a random drug testing consent form at the beginning of each school year. Any refusal by the parent or the student to sign the consent form shall be treated as a forfeiture of participation in extracurricular activities.

Each student in the Secondary Campus, grades 7–12, participating in extracurricular activities shall be subject to random drug and alcohol testing for the entire school year or until they discontinue participation in extracurricular activities.

A student shall also be required to provide breath, saliva or urine samples (whichever are appropriate) when there is reasonable suspicion that the student is under the influence of illegal drugs or alcohol at school or a school related event, whether such event occurs on or off campus.

CONFIDENTIALITY

All information relating to testing or the identification of persons as illegal drug or alcohol users shall be protected by the District as confidential, unless otherwise required by law or authorized in writing by the student or the student’s parent or guardian. Results of tests shall only be reported to the student, parents/guardians of the student and to the administrator(s) involved. Action shall be taken and activity sponsors and coaches shall be notified of a suspension from activities only after the appeal process is complete or no longer applicable.

SUBSTANCES SUBJECT OF DRUG TESTING

The District shall not test for medical conditions under this policy. Drug testing may screen for any illegal drugs that the District, in its discretion, may choose, including, but not limited to, the following:

1. Marijuana, cocaine, narcotics, amphetamines, methamphetamines, barbiturates, lysergic acid diethylamide (“LSD”), phencyclidine (“PCP”), methaqualone, benzodiazepines, methadone, propoxyphene, opiates, synthetic marijuana (commonly known as “Spice,” “K2,” and other names), any over-the-counter substances that may cause impairment of physical and mental faculties, metabolites of any of these substances;
2. All illegal performance enhancing drugs; and,
3. Alcohol.

*The term “illegal drug” means all drugs that an individual may not buy, use, sell or distribute under Federal or Texas law, including any prescribed medication for which a student does not have a current prescription. The District will determine

which drugs it will screen for prior to identifying the students that are to be tested.

TESTING METHODS

All participants in extracurricular activities and their parents shall receive copies of the Veribest I.S.D. Deterrent to Illegal Drug and Alcohol Use and the consent forms. No student shall be allowed to practice or participate in any extracurricular activity until the student has returned the properly signed “Drug and Alcohol Testing Consent Form.”

Drug tests shall be conducted by urinalysis. Alcohol tests may be conducted by urinalysis, breathalyzer or saliva analysis, whichever the District chooses in its sole discretion. All tests shall be conducted in accordance with administrative regulations in a manner that shall safeguard the privacy of the student.

Each student shall be asked if there is any legitimate reason he/she has been in contact with illegal drugs or if there are medications he/she has taken that affect test results. If the student is taking or has recently taken prescribed medication, he/she may be required to provide proof of his/her prescription. The student is not required to disclose any medical condition and any medical information revealed by disclosing use of medication will be kept strictly confidential by the District, unless lawfully compelled to disclose.

SANCTIONS

The principal shall assess the disciplinary sanctions for a student who is found to be under the influence of illegal drugs or alcohol while at school or a school-related activity according to District policy.

All offenses for testing positive for an illegal drug or alcohol are cumulative for the participant’s enrollment in grades 7-8. Once the student has completed the eighth grade, the consequences shall be cumulative in grades 9-12. All students enrolling in the District with no prior enrollment in the District shall begin with a clean record.

Any student who has tested positive for an illegal drug as a result of properly taking prescribed medication shall be deemed to have a negative test.

FIRST OFFENSE

Upon a first offense of receiving a confirmed positive drug test, a student shall be

suspended from any extracurricular activity, and parking on school property, for 20 school days following the date the student and parent are notified of the test results.

During the period of suspension, the student may participate in practices but not in any competitive activities or performances. After serving the required days of suspension, the student may return to participation in extracurricular activities or park a vehicle on school property.

The student shall be subject to mandatory testing for the next three dates of random testing.

SECOND OFFENSE

Upon a second offense of receiving a confirmed positive drug test, a student shall be suspended from any extracurricular activity, and parking on school property, for 40 school days following the date the student and parent are notified of the test results.

During the period of suspension, the student may participate in practices but may not participate in any competitive activities or performances or park a vehicle on school property. After serving the required days of suspension, the student may return to participation in extracurricular activities or park a vehicle on school property.

The student shall be subject to mandatory testing for the next three dates of random testing.

THIRD OFFENSE*

Upon a third offense of receiving a confirmed positive drug test, a student shall be suspended from participation in any extracurricular activity and from receiving parking privileges for one full calendar year following the date the student and parent are notified of the test results.

During the period of suspension, the student may participate in practices but not in any competitive activities or performances.

FOURTH OFFENSE*

Upon a fourth offense of receiving a confirmed positive drug test, a student shall be suspended from participation in any extracurricular activity and from receiving parking privileges for the remainder of the student's enrollment in the District.

During the period of suspension, the student shall not participate in any extracurricular practices or in any competitive activities or performances.

*Seventh and eighth grade students incurring a third or fourth offense and removed from all extracurricular activities in junior high will be allowed to participate in extracurricular activities upon entering high school. Students regaining their high school eligibility after a third or fourth offense in junior high shall be tested at the time of each random testing for a period of one calendar year upon enrollment at the high school campus.

REFUSAL TO BE TESTED

Any refusal by a participant to take a drug test as required under this policy shall have the same effect and consequences as a positive test.

MISSED RANDOM AND / OR MANDATORY TESTING PERIODS

If a student to be tested is absent when urine samples are collected, then such student shall be subject to mandatory testing on the next date of random testing.

STUDENTS OPTING OUT OF PROGRAM / ACTIVITY

If a student who leaves or quits a program activity after testing positive wants to be reinstated, he/she must have the permission of the sponsor/coach and principal and test negative at the next random testing. If these requirements are met, he or she shall be reinstated to the program/activity in the same capacity as when he or she left the program activity and be required to complete any suspension period, if any, still in effect.

SELECTION FOR TESTING

All high school students who will participate in any extracurricular activity during the school year will make up one random testing pool and be eligible for random testing. All junior high students who participate in any extracurricular activity during the school year will make up another random testing pool and be eligible for random testing. All members in either pool shall be involved in random testing equivalent to ten percent (10%) of the pool per random test date and ten percent (10%) of the high school pool per random test date. Random tests will be conducted at least once per six weeks for both the high school and junior high

school pools.

Students who request to become a participant in an extracurricular activity after the school year begins must obtain permission from the coach or director/sponsor of the sport or activity in question, the athletic director (if applicable), and the principal. Students who declare late shall be placed in the appropriate pool and be subject to the next date of random testing.

Students who are selected for testing during one random test date shall be eligible for future random tests and, if selected, may be tested in consecutive tests.

VOLUNTARY STUDENT TESTING

Any parent/guardian whose minor student in the Secondary Campus, grades 7–12, is not subject to the District’s mandatory drug-testing program for extra-curricular activities and/or parking permits may request that his or her child be tested under the District’s drug-testing program. The cost of the testing under this program shall be the responsibility of the parent/guardian.

To register for the program, the parent/guardian shall submit to the Superintendent or designee a written request and signed acknowledgment and consent forms. The District shall include such a student in the random testing pool in the same manner as other students in the program and shall apply the same testing procedures.

A student subject to this voluntary testing program shall remain in the random testing pool for his or her grade level for the remainder of the school year or until the student withdraws.

If a student who is subject to the drug-testing program by parent/guardian request refuses to be tested when selected, the District shall report the refusal to the parent/guardian.

DRUG TESTING PROCEDURES

Students selected for testing shall be accompanied to a restroom by a monitor. The monitor will give the student a form where the student may list any medication he/she is taking or explain any legitimate reason for having been in contact with illegal drugs. The monitor shall not observe the student while the sample is being

produced, but shall stand outside the restroom and listen to guard against a sample being tampered with and to ensure the proper chain of custody.

All urine samples shall be identified with a random number assigned to the student, sealed and submitted to a laboratory for testing. The sample shall be divided into two separate bottles, in the event a test for an appeal is needed. If at any time a sample is being collected the monitor has reason to believe that a student is tampering with a sample, the monitor will inform the appropriate administrator who will determine if a new sample is needed.

Any laboratory chosen by the District conducting drug tests shall have a detailed, written procedure to assure proper chain of custody and security of the samples, proper laboratory controls and use specifically validated testing methods.

CONFIRMATION OF A POSITIVE TEST RESULT

Testing a urine sample is a two-step process. If the initial test is positive, it will be confirmed by a second test on the same sample. A sample shall not be reported as positive unless both tests are positive. The laboratory will return the test results of all students tested to the District as soon as possible. If a test result is positive, the appropriate Principal will immediately contact the student and the student's parents/guardians.

APPEAL PROCESS

Within seventy-two hours of being notified of a test result, parents/guardians of any participant testing positive shall have an opportunity to schedule a conference with the Principal, at which time the student or parents/guardians may offer an explanation of the positive result. Parents/guardians may provide any doctor's prescriptions of any drugs that the student was taking that might have affected the outcome of the test and may request a retest. Upon such a request, the urine sample from the second bottle originally obtained shall be retested by the same lab and method as the previous test. If the retest is negative, the participant will remain in good standing. If the retest is positive, the parents/guardians are responsible for the cost of the retest, and the participant shall be subject to consequences under this policy. If a parent fails to make a request for a retest within 72 hours of receiving notice of a positive test result, the appeals process will be waived and the second sample will not be tested.

As per District policy FNG(LOCAL), "Student Rights & Responsibilities: Student

and Parent Complaints/Grievances” an appeal/complaint may be pursued for a complaint other than for a positive result under this policy.

REASONABLE SUSPICION TESTING

Any student may be required to submit to a drug or alcohol test at any time upon reasonable suspicion by the principal or designee that the student is under the influence of a drug or alcohol while at school or a school-related activity. Reasonable suspicion shall be based on specific personal observation concerning the appearance, speech, or behavior of the student that indicates the effects of drug or alcohol use. Information provided by a reliable source, if based on personal knowledge, may also constitute reasonable suspicion.

A student reasonably suspected of being under the influence of illegal drugs or alcohol shall be required to provide a urine, breath and/or saliva sample for testing, whichever is/are determined appropriate by the District. The procedures for collecting and testing urine samples and for reporting positive test results shall be as described in this policy.

Any refusal by a student to take a drug or alcohol test based on reasonable suspicion for being under the influence of alcohol or illegal drugs shall have the same effect and consequences as testing positive for drugs or alcohol and the Student will be subject to discipline according to District policy.

DEFINITIONS

Extracurricular Activities:

Extracurricular activities regarding this policy include band, athletic programs, cheerleading, literary activities, One Act Play, or any other school-sponsored program, club, team, or organization that participates in performances, contests, projects, demonstrations or competitions.

Clubs and organizations that may meet on school property but are not sponsored by the school are not within the scope of this policy. Also, clubs or organizations that do NOT participate in performances, contests, projects, demonstrations or competitions are not within the scope of this policy, even if such clubs are sponsored by the school.

Drug Testing:

For this plan, the scientific analysis of urine, breath or saliva for the purpose

of detecting an illegal drug or alcohol.

Good Standing

Having met requirements in order to be able to pursue all educational and extra-curricular activities as are available, with no restrictions or consequences.

Illegal Drug:

Any drug which is not legally obtainable; any drug which is legally obtainable, but has not been legally obtained; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs include, but are not limited to: Marijuana, cocaine, narcotics, amphetamines, methamphetamines, barbiturates, lysergic acid diethylamide (“LSD”), phencyclidine (“PCP”), methaqualone, benzodiazepines, methadone, propoxyphene, opiates, synthetic marijuana (commonly known as “Spice,” “K2,” and other names), any over-the-counter substances that may cause impairment of physical and mental faculties, metabolites of any of these substances, and so-called “designer drugs”; all illegal performance enhancing drugs; and alcohol.

Premises of Veribest I.S.D.

All property of the school district, including, but not limited to, the facilities and surrounding areas on district-owned or leased property, parking lots, and storage areas. The term also includes school district owned, leased, or used vehicles and equipment wherever located.

Random Drug Testing:

A testing process in which selection for testing is made by a method employing objective, neutral criteria, which ensures that every person subject to testing has a substantially equal statistical chance of being selected. This method does not permit subjective factors to play a role in selection.

Reasonable Suspicion:

Based on specific personal observation concerning the appearance, speech, or behavior of the student that indicates the effects of drug or alcohol use. Information provided by a reliable source, if based on personal knowledge, may also constitute reasonable suspicion.

Under the Influence:

A condition in which a person is affected by a drug or alcohol in any detectable manner.

**VERIBEST INDEPENDENT SCHOOL DISTRICT
STUDENT ACKNOWLEDGEMENT FORM**

I have received and read a copy of the Veribest I.S.D. Drug Deterrent Policy. I understand that this policy is part of the school district's rules, and that it applies to all Veribest I.S.D. Secondary Campus students, grades seven through twelve, who participate in extracurricular activities or who participate in the Veribest ISD Voluntary Random Drug Testing Program.

Print Name

Social Security Number

Student Signature

Date

Parent/Guardian Signature

Date

**VERIBEST
INDEPENDENT SCHOOL DISTRICT
PARENTAL CONSENT FOR RANDOM DRUG TESTING PROGRAM
FOR EXTRACURRICULAR ACTIVITIES
AND THE VOLUNTARY DRUG TESTING PROGRAM**

I, _____ as a parent or guardian of _____,
a student enrolled in the Veribest Secondary Campus, hereby agree to the following:

I understand the school district's policy regarding substance abuse. I understand that it is the practice of the District to conduct random and reasonable suspicion drug and alcohol tests for the purpose of carrying out this policy.

I understand that my child cannot be compelled to give a urine, breath or saliva sample (hereafter "sample"). I understand that if he/she gives a sample, it will be tested for illegal drugs and/or alcohol. I understand that as a condition of my child's participation in Secondary Campus extracurricular activities and to be in good standing, my child must give a sample when requested by the District. If my child is not involved in extracurricular activities, I hereby request that my child be allowed to participate in Veribest ISD's Voluntary Random Drug Testing Program and waive his/her rights to the extent needed for Veribest ISD to conduct drug testing under its Voluntary Drug Testing Program. I understand that if my child fails to provide a sample or his or her sample reveals an unexplained presence of an illegal drug and/or alcohol, the District will implement the steps associated with the random drug testing policy, student handbook, and student code of conduct, if applicable.

Prescription drugs currently being taken as prescribed:

Comments:

At this time, I hereby agree to my child giving a urine, breath or saliva sample.

Parent/Guardian Signature

Date

Printed Name

Witness