

EAST TALLAHATCHIE SCHOOL DISTRICT RANDOM DRUG TESTING POLICY

In an effort to protect the health and safety of students involved in extracurricular activities from illegal and/or performance-enhancing drug use and abuse and to curtail the use of such drugs, the Board of Education (the "Board") of the East Tallahatchie School District (the "District") adopts the following policy for random drug testing of all students who participate in extracurricular activities.

STATEMENT OF PURPOSE AND INTENT

Although the Board of Education, administration, faculty, and staff desire that no student use or possess illegal or performance-enhancing drugs; we realize that our power to restrict the possession or use of such drugs is limited. Therefore, this policy governs only the use and possession of performance-enhancing and illegal drugs by students participating in certain extracurricular activities. This policy supplements and complements all other policies, rules, and regulations of the District regarding possession or use of illegal drugs, including, but not limited to, all policies and rules concerning reasonable suspicion of the use or possession of such illegal drugs. The policy also supplements and complements all laws and policies with respect to special education students.

Participation in school-sponsored extracurricular activities in the District is a privilege. Students respect those students who participate in these activities and see them as examples. Participating students represent the District and their community. Accordingly, students in these activities carry a responsibility to themselves, their fellow students, their school, their families, and their community to set the highest possible examples of conduct, sportsmanship, and training, which includes avoiding the use or possession of illegal and performance-enhancing drugs.

The purposes of this policy are six-fold:

1. To educate students about the serious physical, mental and emotional harm caused by illegal drug use.
2. To alert students with possible substance abuse problems to the potential harms that drug use poses for their physical, mental, and emotional well being.
3. To offer students the privilege of competition and participation in extracurricular activities as an incentive to stop using such substances.
4. To ensure that students adhere to a training program or health regimen that prohibits illegal and performance-enhancing drugs.
5. To prevent injury, illness, and harm to students that may arise as a result of illegal and performance-enhancing drug use.
6. To offer students school activities free of the effects of illegal and performance-enhancing drug use.

Illegal and performance-enhancing drug use of any kind is incompatible with the physical, mental, and emotional demands placed upon participants in extracurricular activities and with the positive image these students project to other students and to the community on behalf of the District. To protect the safety, health and well being of all students involved in extracurricular activities, the District adopts this policy for all participants in specified extracurricular activities in grades 7 through 12.

The administration shall adopt regulations to implement this policy.

I. Definitions

“Activity Student” means a member of any middle school or high school sponsored extracurricular organization. This definition includes any student who represents District schools in any extracurricular activity including competition of any kind, such as academic team, band, vocal, choral, cheerleader, and athletics. (See the attached list of activities.)

“Drug test” means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs, or the metabolites thereof, performed by an independent testing laboratory.

“Random selection basis” means a mechanism for selecting Activity Students for drug testing that:

- A. results in an equal probability that any Activity Student from a group of Activity Students subject to the selection mechanism will be selected.
- B. does not give the District discretion to waive the selection of any Activity Student selected under the mechanism, and
- C. is administered by a professional drug testing laboratory employed by the District.

“Illegal drugs” means any substance that an individual may not sell, possess, use, distribute, or purchase under either federal or Mississippi law. *“Illegal drugs”* includes, but is not limited to, all scheduled drugs as defined by Miss. Code Ann. Sections 41-29-113, 41-29-115, 41-29-117, 41-29-119, and 41-29-121, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose.

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

“Positive” when referring to a drug test administered under this policy means a toxicological test result that 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 test.

II. Procedures

Each Activity Student shall be given a copy of this policy and of the Student Drug Testing Consent. Both the student and the student's parent or custodial guardian must read, sign, and date the Student Drug Testing Consent. No student shall be allowed to practice or participate in any extracurricular activity to which the policy applies unless the student has returned the fully executed Student Drug Testing Consent. The District reserves the right to supplement and modify the extracurricular activities to which the policy applies.

Each semester, principals and a representative of the independent testing laboratory will present an informational session to students to educate them about the sample collection process, privacy arrangements, drug testing procedures, the consequences of positive drug tests, and related procedures and practices. The purpose of the session is to reassure the Activity Student, to avoid embarrassment or uncomfortable³ feelings about the drug testing process, and to give notice of the consequences of drug use.

Activity Students will be chosen on a random selection basis from a list of all Activity Students, no matter if the activities are off-season or in-season. The District will determine the number of names to be drawn at random for drug testing. An independent testing laboratory will select the names of the Activity Students at random and will perform the drug testing. Any Activity Student selected at random must give a urine specimen for testing.

A professional testing laboratory chosen by the District will administer the drug testing. The testing laboratory must use scientifically validated toxicological testing methods, have detailed, written specifications to assure chain of custody of the specimens, and use proper laboratory control and scientific testing. A medical review officer of the testing laboratory shall review all positive test results.

The testing laboratory shall conduct all aspects of the drug-testing program, including the taking of urine specimens, so as to safeguard the student's personal and privacy rights to the maximum degree practicable. The test specimen shall be obtained in a manner designed to minimize intrusiveness to the student. If at any time during the sampling procedure the testing laboratory employee has reason to believe or suspect that a student is tampering with the specimen, the testing laboratory employee may stop the procedure to determine if a new sample should be obtained.

The testing laboratory employee must give each student a form on which the student may list any legally prescribed medications that the student has taken in the preceding thirty days. The student's parent or legal guardian shall be able to confirm the medication list submitted by the student during the twenty-four hour period following

any drug test. The medication list shall be submitted to the laboratory in a sealed and confidential envelope so that District employees shall not see the confidential medication list. If test results are positive for use of prescription drugs that the student did not list, the testing laboratory will contact directly the student's parents or guardian to obtain a list of all prescription medications that the student is taking or has taken for the preceding thirty days and to require the parent or guardian to product verification of prescriptions for the student's prescription medications within 24 hours. If the parents or guardian do not respond to the testing laboratory's calls within 48 hours of its first attempt to contact, the testing laboratory shall have no further duty to attempt to contact the parents or guardian.

If the testing laboratory reports a positive test result for prescription medications to a student's parent or guardian, an Activity Student or his/her parent or guardian may submit additional information to the testing laboratory within 24 hours of notification of the student of the positive test results. The Activity Student will remain eligible for participation in extracurricular activities until the testing laboratory has completed its review of the additional information and made a report of positive test results to the principal and Superintendent.

The professional testing laboratory shall confirm an initial positive test result by a second test of the same specimen by another independent laboratory before a report is made to the District. The laboratory will inform the principal of the school and the Superintendent or his designee of the positive test results. After a report of positive test results is made to the District, the principal will schedule a conference with the student and parent or guardian about he positive drug test results. The principal shall encourage, but not require, the student and his/her parent or guardian to seek drug counseling for the student at the expense of the parent or guardian.

Any student who receives a positive test that is reported to the District must be re-tested within twenty-eight (28) days.

III. Confidentiality

The testing laboratory will notify the principal of the school that the Activity Student attends and will also notify the Superintendent or his designee of any positive test results. To keep positive test results confidential, the principal will notify only the student, the student's parent or guardian, and the coach/sponsor of the activity or activities in which the student participates of the test results. Test results will be kept in files separate from the student's other educational records, shall be disclosed only to those school personnel who have a need to know, and will not be turned over to any law enforcement authorities.

IV. Consequences

Any Activity Student who tests positive in a drug test under this policy shall be subject to the following consequences:

- A. Immediate removal from activities for twenty-eight (28) calendar days. During this 28-day period, the student must submit at least once, or more often as required, to mandatory drug testing at times determined by the testing laboratory. During the 28-day period, each student is required to be re-tested at least once by the testing laboratory.
- B. If at the end of the 28-calendar-day removal period the testing laboratory determines that the student does not test positive for drugs, the student shall be reinstated in the extracurricular activities.
- C. If the student tests positive at any time during the 28-day removal period, the student shall be recommended for immediate placement in the Alternative School for one calendar year.
- D. If the student is re-instated, but at a later date in another random selection during the same school year tests positive, the student shall be recommended for immediate placement in the Alternative School for one calendar year.
- E. If the student is re-instated, but at a later date in another school year in another random selection tests positive, the student will be removed from the extracurricular activities for a calendar year.

V. Refusal to Submit to Drug Use Test

If an Activity Student refuses to submit to a drug test, the Activity Student shall be considered in violation of his/her consent agreement and shall be barred from the specified extracurricular activities for one calendar year. If, however, the Activity Student reconsiders his/her refusal and submits to a drug test, consisting of a sample of his/her hair, within 24 hours of the initial refusal, the Activity Student may remain eligible for participation in extracurricular activities. In this event, the Activity Student and his/her parents or guardian will bear responsibility for contacting the testing laboratory used by the District and arranging for the laboratory to test the Activity Student's hair sample within the 24-hour period from the time the student initially refused to submit to the initial test. If the testing laboratory has reason or suspicion to believe that the sample taken from such Activity Student has been adulterated or has been tampered with so as to affect test results, the testing laboratory shall deem it a refusal to submit to a drug test.

VI. Appeal

The District will rely solely on the opinion of the independent testing laboratory to determine whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug. There shall be no appeal of the test results of the professional testing laboratory to a principal, the Superintendent, or the Board of Education

If, however, the Activity Student has tested positive for a second time so that the student will be transferred to the Alternative School, the student may appeal his/her transfer to alternative school to the Superintendent. The Superintendent shall make a determination, which the student may appeal to the Board of Education of the District. The decision of the Board of Education shall be final.

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East Tallahatchie School District is committed cooperating with parents/guardians in an effort to help students avoid illegal drug use. The East Tallahatchie School District believes accountability is a powerful tool to help students avoid using drugs and that early detection and intervention can save lives.

East Tallahatchie School District Student Drug Testing Consent Form

Statement of Purpose and Intent

Participation in school-sponsored extracurricular activities in the schools of the East Tallahatchie School District is a privilege. Activity Students have a responsibility to themselves, their fellow students, their schools, their families, and their community to set the highest possible examples of conduct by avoiding the use or possession of illegal or performance-enhancing drugs.

Drug use of any kind is incompatible with participation in extracurricular activities in the East Tallahatchie School District. For the safety, health, and well being of all students, the East Tallahatchie School District has adopted a policy of using an independent testing laboratory to conduct random drug testing of all students at Charleston Middle School and Charleston High School who participate in certain extracurricular activities, whether or not the activity is in off season or in season. (an "Activity Student").

Participation in Extra-Curricular Activities

Each Activity Student shall be given a copy of the Activity Student Random Drug Testing Policy and Student Drug Testing Consent. Both the student and the student's parent or legal guardian must read, sign, and date the Student Drug Testing consent before the student shall be eligible to practice or participate in the listed extracurricular activity. To be eligible to participate in or practice with certain extracurricular activities, the consent shall be (a) to give a urine sample; (b) if chosen on a random selection basis; or (c) at any time requested based on reasonable suspicion of the use or possession of illegal or performance-enhancing drugs. No student shall be allowed to practice or participate in any activity governed by this policy unless the student has returned the properly signed Student Drug Testing Consent.

Copy of Consent Form:

Student's Last Name

First Name

Middle Name

I have read the "Student Activity Drug Testing Policy" and "student Drug Testing Consent", and I understand that, out of care for my safety and health and the health and safety of others, the East Tallahatchie School District enforces the rules applying to the use or possession of illegal and performance-enhancing drugs. As a member of my school's extracurricular activity, I realize that the personal decision that I make daily about the use or possession of illegal or performance-enhancing drugs may adversely affect my health and well being, possibly endanger those around me, and reflects poorly upon any organization with which I am associated. If I choose to violate this policy regarding the use or possession of illegal or performance-enhancing drugs at any time, whether during in-season or off-season, I understand upon determination of that violation I will be subject to the restrictions on my participation and practice as outlined in the Policy.

Signature of Student

Date

We have read and understand the East Tallahatchie School District "Activity Student Random Drug Testing Policy" and "Student Drug Testing Consent". We desire that the student named above participate in the extracurricular activities of the East Tallahatchie School District, and we hereby voluntarily agree that our child or ward and us are subject to terms of the Activity Student Random Drug Testing Policy. We accept the method of obtaining urine samples, testing and analysis of such specimens, and all other aspects of the policy. We further agree and consent to the disclosure of the sampling, testing and results as provided in the policy and any regulation adopted by the administration of the District.

Signature of Parent or Custodial Guardian

Date