MITCHELL PUBLIC SCHOOLS Policy #506.11
Mitchell, Nebraska

MANDATORY DRUG TESTING POLICY FOR STUDENTS INVOLVED IN COMPETITIVE EXTRACURRICULAR ACTIVITIES OR STUDENTS THAT HAVE VOLUNTARILY BEEN PLACED IN THE POOL AT THE REQUEST OF THEIR PARENT/GUARDIAN – Senior High School

MISSION STATEMENT

The Board of Education for Mitchell Public Schools values students' participation in extracurricular activities. Such students, as role models for other students, are a key to our goal to provide the best possible educational program for our students. To achieve our goal and to maximize the skills and talents of our students, it is important that each student understands the dangers of drug and alcohol use. This policy statement should qualify our position on student drug and alcohol use. Participation in extracurricular activities is a privilege which can be taken away for failure to comply with this policy. The purpose of this policy is as follows:

1) To provide for the health and safety of all students;
2) To undermine the effects of peer pressure by providing a legitimate reason for students to refuse use of illegal drugs and/or alcohol;
3) To identify students who use illegal drugs and/or alcohol; and
4) To encourage students who use illegal drugs and/or alcohol to participate in appropriate treatment programs.

DEFINITIONS

DPA: A national certified Drug Program Administrator, which shall use a certified laboratory in testing of samples.

Drugs: Any substance considered illegal by Nebraska Statute, i.e., Uniform Controlled Substances Act, section 28-401 et seq., or which is controlled by the Food and Drug Administration unless prescribed to the student by any licensed medical practitioner authorized to prescribe controlled substances. For purposes of this policy, drugs shall include the illegal use of alcohol.

Drug Program Coordinator: The Drug Program Coordinator shall be the Mitchell High School Principal/Activities Director or the designee.

MRO: Medical Review Officer.

School Year: From the first day classes commence in the fall, unless the activity begins prior to the first day of classes, in which event it shall include from the first day of practice through and including the last day of classes in the following spring.

Activity Programs: Any activity that meets the guidelines of a competitive extracurricular activity at Mitchell Public Schools, which shall include the following:
All State Band/Choir - Band/Chorus *(Off Campus Events)* - Basketball - Cheerleading - Cross Country - ESports - Football - Golf - Honor Bands/Choirs - Jazz Band - FFA - FBLA - Marching Band *(Off Campus Events)* - One Act Play - Quiz Bowl - Track - Show Choir - Speech - Volleyball - Wrestling -

Participant: Any student who participates in any competitive extracurricular activity as herein before set forth shall be a participant, and his/her name shall be included in the participant pool. Any student that has voluntarily been placed in the pool at the request of their parent/guardian shall also be considered a participant. A participant shall enter the participant pool upon signing the attached consent form EXHIBIT A and returning said signed consent form to the High School Principal. A participant shall remain in the selection pool for an entire year (365 days) from the date the consent form is returned to the High School Principal. A participant may be subject to testing at any time during said 365 day period. Any student who tests positive will continue to be tested through the summer months (Page 3, Procedure, 1.d). A student will be removed from the testing pool if he/she has quit or been cut from an activity with a written request from the student and a parent. Quitting the activity must occur prior to being selected for testing to be removed from the testing pool of students. A student who has been selected for testing and quit the activity prior to testing will be ineligible to participate in competitive extracurricular activities for twelve (12) months following the quit.

Sample Collection: Student participants will be selected for testing on a random basis to be established by the Drug Program Administrator. Samples will be collected as directed by the Drug Program Administrator on the same day the student is selected for testing, or if the student is absent an alternate will be selected, in sequential order, from an alternate list provided by the Drug Program Administrator. If a urine sample is required, all students providing samples will do so alone in an individual bathroom or stall with the door closed.

Drug Program Administrator: The Board will choose a nationally certified Drug Program Administrator (DPA) for the purpose of determining through random selection the student(s)/ participant(s) to be tested. This will be accomplished by the use of a “Student List” identifying the student by number only. The DPA, by use of a certified laboratory, shall also process sample results and maintain privacy with respect to test results and related matters.

Medical Review Officer "MRO": Mitchell High School will utilize an MRO to review all laboratory-reported positive tests. The role of the MRO is critical to protecting the interest of the students. The MRO serves a critical role in determining whether the use of a substance identified by the sample analysis is from illicit use or a legitimate medical use. The MRO will demonstrate his/her knowledge by being certified by an MRO Accreditation body. The parent or the guardian will be contacted by the MRO or his/her assistant. The MRO will report results of verified positives and/or health and safety issues to the student and to the designated school representative through the DPA.

Scope of Tests: The drug screen tests for one or more illegal drugs and/or alcohol. The Drug Program Coordinator shall determine which illegal drugs shall be screened, but in no event shall that determination be made after selection of students for testing. Student samples will not be screened for the presence of any substances other than an illegal drug or alcohol or for the existence of any physical condition other than drug use.

Non-Punitive Nature of Policy: No student shall be penalized academically for testing positive for illegal drugs or alcohol. The results of drug tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of drug tests will 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 legal guardian will be notified as soon as possible by the district.

DRUG SCREENING PROCEDURES

General Policy: Practical experience and research have proven that even small quantities of narcotics, abused prescription drugs or alcohol can affect judgment and reflexes which can create unsafe conditions for students, especially those involved in sports or any activity covered in this policy. Even when not readily apparent, the effect can have serious results for students engaged in activities. Drug-using students participating in extracurricular activities are a threat to co-participants, other students, and themselves, and may make injurious errors. For these reasons, the Board has adopted a policy that all students participating in extracurricular activities must remain substance-free.

Prohibitions: All students participating in extracurricular activities are prohibited from using, possessing, distributing, manufacturing, or having controlled substances, improperly used medications, or any mind/mood altering or intoxicating substances present in their system.

Alcohol Use / Possession: All students participating in extracurricular activities are prohibited from possessing or use of alcohol. After School Hours Conduct: After-school-hours use of drugs, alcohol, or any other prohibited substances is illegal. All students participating in extracurricular activities should realize that these regulations prohibit all illicit drug use during and away from school activities.

Procedure:

1. All Current Students Participating in Extracurricular Activities or Students That Have Voluntarily Been Placed In The Pool At The Request Of Their Parent/Guardian

A. Random Testing

The Board authorizes random unannounced screening of all students participating in competitive extracurricular activities or those students that have been voluntarily placed in the pool by their parent/guardian. The list of students that make up the pool will be updated upon receipt of a signed consent form. Students who have been selected will be required to report to the designated collection site for testing.

B. Consent

Each student participant shall consent in writing to drug testing pursuant to the district's drug testing program. Written consent shall be in the form attached to this policy as EXHIBIT A. No student shall be allowed to participate in any extracurricular activity absent such consent.

C. Removal From the Random Testing List

Students who quit or are cut from an activity, prior to being selected for random testing, may request their name be dropped from the testing list. A request form must be signed by the student and his/her parents to be dropped. However, students may volunteer to remain in the pool even though he/she is not part of the activity. Students that have submitted at least 2 negative test results without any positive results may be dropped from the testing list.

D. There is an obligation to continue support for students who test positive. Drug testing during the summer will provide another reason for a student to refrain from the use of drugs or alcohol. Any student who has tested positive during a random test will continue to be tested through the summer months. The Drug Program Coordinator will contact the student to establish a location and time for the test to take place.

2. Testing Procedures

A. General Guidelines

The Board and the DPA shall rely, when practical, on the guidance of the Federal Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs, 49 C.F.R. Parts 40.1 through 40.39, and on the further guidance of the Omnibus Transportation Employee Testing Act provided in 49 C.F.R. Parts 382, 391, 392 and 395.

B. Substances

Substances that students participating in extracurricular activities may be randomly tested for: alcohol, amphetamines, cannabinoids, cocaine, opiates, synthetic opiates and PCP, and other substances, such as but not limited to steroids, barbiturates, and benzodiazepines without advance notice as part of tests authorized by the Board for safety purposes. Such tests will be coordinated with the Drug Program Coordinator.

C. Testing Procedure

The Board reserves the right to utilize, breath, saliva or urinalysis testing procedures. Urine and oral fluid samples which screen positive will be confirmed by GC/MS. Positive saliva or breath alcohol tests will be confirmed by EBT (Evidential Breath Tester).

3. Collection Sites

The Drug Program Coordinator will designate a collection site(s) at Mitchell High School where individuals may provide specimens.

4. Collection Procedures

The Board and the DPA have developed and will maintain a documented procedure for collecting, shipping, and accessing all specimens. The Board and the DPA will utilize a standard Custody and Control Form for all student participants. A tamper proof sealing system, identifying numbers, labels, and sealed shipping containers will be used for specimen transportation.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure that is reasonable. All alcohol testing will be performed by a certified Breath Alcohol Technician (BAT). Where the Board has an employee collect the specimen, the Board will provide instruction and training to that employee.

5. Return of Results

The DPA will transmit by a secure method the results of all tests to the DPA's MRO. The MRO will be responsible for reviewing test results of students. Prior to making a final decision, the MRO shall give the individual an opportunity to discuss the result either face-to-face or over the telephone. The DPA shall then promptly tell the principal of the high school which student(s) tested positive.

6. Request for Retest

A split specimen will be collected for all testing methods, with the exception of alcohol testing. A positive alcohol test will be confirmed with an EBT device. Students involved in the program may, upon a non- negative test result, request that the split sample be tested (within 72 hours of being notified of the final testing result) at a second nationally certified laboratory from a list provided by the MRO. The request for the test must be submitted in writing to the MRO. Student participants are required to pay the associated costs for an additional test in advance. However, the costs will be reimbursed if the result of the split sample test is negative.

Positive Results:

Any of the following will be considered to be a positive test result: (1) a confirmed positive alcohol or drug test, (2) refusal to participate in testing when selected, including quitting the activity upon being requested to be tested; and (3) tampering with the specimen collection process. Whenever a student has a positive test, the following will occur: the custodial parent or legal guardian will be notified and a meeting will be scheduled with the Mitchell High School Principal (Drug Program Coordinator), the student, and the custodial parent or legal guardian.

First Positive Test:

- DPC meeting with parent/s and student;
- Student notified of a requirement to miss 5 days of practice for the extracurricular activity. The student will also be ineligible to publicly perform in any activity for 14 calendar days. If the end of the activity precedes the end of the 14 days the remaining days will carry over to the next activity so the student completes the required number of days;
- Written proof of alcohol/drug use assessment by a drug counselor is required. Follow through of the recommended drug assistance program sessions with the counselor is strongly encouraged. A district administered negative test must be provided before the student may return to the activity; and
- Follow-up drug testing, a minimum of once a month, will commence after the first parent meeting for the next 12 months or end upon graduation from MHS.

Second Positive Test:

- DPC meeting with parent/s and the student;
- Suspension of the privilege to participate in practice and extracurricular activities for 30 calendar days. If the end of the activity precedes the end of the 30 days, the remaining days will carry over to the next activity so that the student completes the required number of days;
- An additional five sessions of drug counseling must be completed before the student may petition to return to activities. A district-administered negative test must be provided before the student may return to the activity; and
- Follow-up drug testing for the next 12 months will begin upon notification of the second positive test, or end upon graduation from MHS.

Third Offense (within two consecutive years):

- DPC meeting with parent/s and student;
- Suspension of eligibility to participate in practice and extracurricular activities for one year from the date of the third positive test meeting, or end upon graduation from MHS. A district-administered negative test must be provided before the student may return to the activity; and
- Follow-up drug testing will continue for 12 months from the date of the meeting.

Fourth Positive Test (during high school career of a student):

- DPC meeting with the parent/s and student;
- Suspension of eligibility to participate in activities for the remainder of the student's time as a student at MHS.

Refusal to Submit to Drug Use Test:

A participating student who refuses to submit to a drug test authorized under this policy or fails or refuses to comply with any other provision of this policy, shall not be eligible to participate in any activities covered under this policy including all meetings, practices, performances and competitions for the remainder of the school year.

Appeal:

A student participating in extracurricular activities who has been determined by the principal or Drug Program Coordinator to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her designee(s).

Such request for a review must be submitted to the Superintendent in writing within five (5) calendar days of notice of the positive test. A student requesting a review will remain eligible to participate in any extracurricular activities until the review is completed. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision will be provided, and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable.

Record Keeping and Confidentiality:

All records pertaining to participants shall be kept separate from the student records. The record keeping and results of all testing will be held in the strictest confidence. These records will be accessible only to the Drug Program Coordinator or his designee. Records pertaining to a particular student will be destroyed upon his/her graduation from MHS, or one year after his/her class graduation.

SEVERABILITY:

Should any sentence, clause, provision, or paragraph of this entire policy be deemed unlawful or unconstitutional, it is intended that, insofar as may be practicable, the remaining portions of this policy shall remain in full force and effect.