

## **Random Drug Testing Guidelines**

(For Secondary Students Involved in Extracurricular Activities)

### **Authority**

The Monte Vista School District prohibits the possession, use, misuse, or the distribution of drugs, controlled or mood-altering substances, including anabolic steroids, look-alikes, designer drugs, drug paraphernalia, and medication not registered with the office, or alcohol on school district property, school buses, or during activities under school district jurisdiction. This policy encompasses all students in grades 6 to 12 desiring to participate in any interscholastic athletic activity and/or extracurricular activity. The policy includes those students being educated by the district under special circumstances, including home schooling and home bound. The district welcomes all students, with the permission of their parents/guardians, to participate voluntarily in the program.

The district will require any student who is submitting to testing and the student's custodial parent/guardian to consent in writing to drug testing pursuant to the district's drug testing program using the forms provided by the district. No student will be able to participate in any interscholastic sport or any extracurricular activity without such consent. Students and parents or legal guardians will have the opportunity to participate in an Informational Meeting concerning the District's Random Drug Testing Policy. Immediately prior to giving a specimen, each student shall complete all forms required by the testing company selected by the District.

**Definitions: See Exhibit JJJA-R-1-E.**

### **Procedure for Drug Testing Participants**

#### **Informed Consent for Testing**

Prior to the beginning of the new school year, at the beginning of each sports season, or when a student decides to join an extra curricular activity or organization, students and their parent/guardian, will complete and sign the Consent to Test Form. Written consent shall be in the forms attached to this policy as EXHIBIT A. No student may participate in an activity, practice, or competition until these forms are properly executed and on file with the school principal or their designee.

#### **Release of Information**

Parent/guardian/custodian of all students enrolled in the Random Drug Testing Program within the Monte Vista School District will sign Releases of Information (ROI) to the toxicology lab identified and the Monte Vista School District's Drug Program Coordinator. At any time the ROI is revoked by the parent, the student is no longer allowed to participate in any extra-curricular activity until the ROI is reinstated.

#### **Drug Monitoring Frequency**

Testing will be randomly conducted throughout the school year. The date of tests will be randomized by the Program Coordinator among any days school is in session. All students enrolled in athletic/extracurricular activities or who anticipate enrollment via the Consent to Test

Form will remain in the random pool throughout the school year. Volunteer students will also become participants in the random pool. Any student who refuses to submit to drug monitoring will not be allowed to practice or participate in athletic/extracurricular activities. The district will incur the cost of the random drug and alcohol tests.

### **Sample Collection**

Samples will be collected as outlined under program requirements. Any eligible student athlete, activity participant, or volunteer selected randomly for drug monitoring who is not in school will be tested at the next available testing time. If a student's sample is dilute, they will be retested at the next available testing time. If two consecutive dilute samples occur, a hair sample will be taken at district cost. A student who fails to provide an adequate specimen within one hour of the testing time will be held to a temporary suspension from participation until a specimen is produced, or may voluntarily submit to a hair follicle test. Students who request that a hair sample be taken rather than submitting to a urine test will be charged the additional fee (approximately \$50.00) over the cost of the urine tests.

### **Collection of Specimen**

Specimen collections will occur on the school campus in a designated location and under the supervision of the Program Coordinator. All specimens will be screened for drugs and alcohol using a lab approved drug and ETG test at the time of collection. All samples will be sent to the toxicology lab. The Program Coordinator will oversee the collection of specimens as outlined in the Procedure for Random Drug Monitoring of the Monte Vista School District. Students will be given adequate privacy in the obtaining of the specimen.

### **Random Selection of Enrolled Students**

The number of students selected for testing each week will be determined by the district based on the number of students in the pool, not to exceed 5% of the eligible participants in that week, and within budgetary constraints. The Program Coordinator will arrange with the School Principal the use of campus facilities for discrete testing. The schedule will not follow any patterns. The selected student ID numbers will be given to the Drug Program Coordinator who will escort the students to the collection area. Parents/guardians will not be notified of the random drug test prior to the test. The student will be given a copy of the Chain of Custody form immediately following testing to verify testing occurred. A copy of the results and a copy of the Chain of Custody form will be mailed to parents by the school after processed in the lab.

### **Random/Voluntary Testing**

The Board authorizes random unannounced screening of all students participating in athletic/extracurricular activities and/or those students who have signed up for voluntary testing. The list of students participating in extracurricular activities contained in the random pool will be updated upon receipt of a signed consent form.

### **Collection Procedures**

The Monte Vista School District has developed and will follow the Standard Operating Procedures for collecting, shipping and accessing all specimens.

### **Return of Results**

The Toxicology Lab will certify all drug screens and report by telephone/fax positive findings in a confidential manner to the Program Coordinator. The Program Coordinator

is responsible for informing the parent/guardian of a positive result. The Program Coordinator will schedule a meeting with the custodial parent or legal guardian, the Program Coordinator, and the student to review the consequences of testing positive.

### **Self-Disclosure**

Any student who was proven by self-admission or admission by the parent/guardian to violate the policy throughout the calendar year while off campus will be subject to consequences outlined in the procedure for drug testing participants of this policy.

### **Consequences for Testing Positive during a Drug Screening**

No student participating in this testing program shall be penalized academically for testing positive for illegal drugs. 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 parent/guardian will be notified at least seventy-two hours before a response is made by the District.

#### **A. First Positive Result**

1. The student will be suspended for 20% of scheduled events. The student shall continue to participate in practice. The parents or guardian will be notified. (This will carry over to the next sport if this occurs at the end of a season or between seasons.)
2. If the student wishes to challenge the results of the test, they can test at a district approved testing facility at their expense. Such sample must be taken within an hour of the first positive sample.
3. If the second sample requested by the student tests positive, a custodial parent/legal guardian will be notified and a meeting will be scheduled with the Drug Program Coordinator (DPC), the student, custodial parent/legal guardian, and the student's Principal. At this time, the student will forfeit their right to participate in any interscholastic athletic, extracurricular activity for 40% of scheduled events, if the second test is negative, no further action will take place.
4. The student testing positive will be required to enroll in a drug assistance program at his/her expense and agree to be tested each time the school tests for the remainder of the year or be suspended from participation in interscholastic athletic, extracurricular or activities for the remainder of his or her time at Monte Vista.

#### **B. Second Positive Result**

1. A second positive test will result in the loss of extracurricular activity privileges for 40% of scheduled events from the date of the positive test. It must be understood that after a positive test for marijuana, the person can still test positive for up to 30 days.
2. If the student wishes to challenge the results of the test, they can test at a district approved testing facility at their expense. Such sample must be taken within an hour of the first positive sample.

### **C. Third Positive Result**

1. A third positive test will result in the loss of extracurricular activity privileges for the remainder of the student's time at school. It must be understood that after a positive test for marijuana, the person can still test positive for up to 30 days.
2. If the student wishes to challenge the results of the test, they can test at a district approved testing facility at their expense. Such sample must be taken within an hour of the first positive sample.

### **Refusal to Submit to Drug Use Test / Self Disclosure in lieu of Testing**

A participating student who refuses to submit to a drug test authorized under this policy, who admits using and chooses not to be tested, or who otherwise fails or refuses to comply with any other provision of this policy it will be considered an offense as listed in this policy and the Athletics /Activities Handbook.

### **Appeal**

Monte Vista School District conforms to federal requirements of due process for students. A student participating in athletic/extracurricular activities who has been determined by the school principal or Drug Program Coordinator to be in violation of this policy shall have the right to appeal the decision to the Superintendent or their designee. 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 ineligible to participate in any athletic/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 or 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 their designee. All records will be kept for a period of seven years. The testing laboratory or MRO may not release any statistics on the rate of positive drug tests to any person, organization, news publication or media without expressed written consent of the Monte Vista School District. However, the testing laboratory will provide the Drug Program Coordinator with semiannual reports showing the number of tests performed, rate of positive and negative tests, and what substances were found in the positive specimens.

### **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.

### **Program Evaluation**

The Superintendent and Drug Program Coordinator shall be responsible for conducting an evaluation of the program and report the findings to the Board of Education on an annual basis. The evaluation shall include levels of participation, test results, and parent survey data.

Adopted: 05/10/18