

STUDENT PERSONNEL

Series 500

Policy Title: STUDENT ACTIVITIES DRUG TESTING

Code: 503.3.1

Philosophy

Based upon the input of parents, students, patrons, teachers, coaches, and others involved in student activities programs, officials representing the Lapwai School District find that a mandatory random drug testing program for all high school students involved in IHSAA-sanctioned activities is necessary for the following reasons:

1. Health and safety of the individual and others – any student participating in a student activity under the influence of an illegal drug or alcohol is a danger to everyone.

1. Prevention – many students will be able to say “no” to drugs because they will have a legitimate reason: “I want to participate.”

Students who publicly represent our school district in various activities and are tested “drug free” are looked up to by younger students as role models. We believe this program discourages younger students from ever beginning to experiment with drugs or alcohol.

- Intervention – students desiring to participate in IHSAA activities will seek professional, clerical, or parental assistance for their drug or alcohol problems.

The Board of Trustees for the Lapwai School District No. 341 believes that this program gives a strong message to the student body and to the community that drugs and alcohol are not acceptable and offers assistance in getting free and staying free from drugs.

This program is not intended to, nor shall be used in any manner which results in the exclusion from participation in or denial of benefits, services, programs, or activities of the District to, or in discrimination against, any qualified individual with a disability, solely on account or by reasons of such disability. This program shall be interpreted and administered in accordance with Title II of the Americans with Disabilities Act (42 U.S.C. 12101, *et. Seq.*) and Section 504 of the U.S. Rehabilitation Act of 1973 (29 U.S.C. §794).

Definitions

Activity: District-sponsored, IHSAA-sanctioned, interscholastic activities as identified in the IHSAA’s Rules and Regulations Manual.

Activity Season: If identified by the IHSAA, the period beginning on the first day of practice allowed by the IHSAA for any activity in which a student participates and ending the last day of competition for the school year.

Alcoholic Beverages: Any beverage that contains alcohol, including, but not limited to beer, wine, wine coolers, and liquor.

Student: Any student participating in a district-sponsored, IHSAA-sanctioned activity.

Disability: This term shall have the same meaning as described in 42 U.S.C. 12010 (2) or as otherwise defined under the U.S. Rehabilitation Act of 1973.

Drug: Any controlled substance as defined in Idaho Code § 37-2705 or § 37-2707, except those possessed and/or used pursuant to a valid prescription.

IHSAA: Idaho High School Activities Association

Qualified Individual with Disability: An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, meets the essential eligibility requirements for participating in programs or activities provided by the District. The term specifically excludes any person who is currently engaging in the illegal use of drugs when the District acts on the basis of such use.

Effective Date

Lapwai School District No. 341 (the District) will, effective August 1, 1998, begin conducting a mandatory random drug-testing program for high school students participating in activities.

Written Consent Required – Suspension

Before participating in any activity, the student and the student's custodial parent or lawful guardian shall execute and deliver to the District a written consent form attached hereto as Exhibit A. Any student who refuses or fails to provide the duly executed consent form or who refused or failed to comply with the provisions of this policy shall not be allowed to participate in any activity program sponsored by the District.

Any student who willfully provides a false urine sample or who otherwise tampers with a urine sample or undertakes any effort to obstruct, evaluate, or impair the accuracy of a drug test, shall likewise be prohibited from or suspended from participation in any activity, or until an unadulterated and accurate urine sample is provided. Willfully tampering includes but is not limited to: 1) urine aids and other adulterants, 2) over-hydrating to the point that the test is invalid due to specific gravity of the test being out of range. Such options shall be determined solely at the direction of the superintendent.

Student Selection

The superintendent or his/her designee shall take all reasonable steps to assure the integrity, confidentiality, and random nature of the selection process including, but not necessarily limited to:

8. assuring that the names of all students are in the appropriate pool;
9. assuring the use of computer software to insure random selection;
 - assuring that the person using the software has no way of knowingly choosing, or failing to choose, particular students for the testing;
 - assuring that the identity of students selected for testing is not known by the person making the selection or by persons involved in the laboratory analysis of urine specimens;
 - assuring direct observation of the selection process by at least one (1) adult.

At the option of the District, all students may be tested for drug or alcohol use at the beginning of any activity season. In addition, random testing may be conducted during the activity season on a weekly basis or any other frequency determined by the District. Selection for random testing will be by computer software from a “pool” consisting of all students participating on an activity team. Separate pools shall be established on a team-by-team basis. New students added to the roster after the beginning of the season may be tested prior to their being allowed to participate.

Procedures for Random Drawing

Prior to the start of practice for a particular activity, all students who plan to participate in such activity shall submit a signed and notarized consent in the form attached hereto as Exhibit A.

Throughout the school year, at least ten percent (10%) of the total number of students will be tested each week. To assure anonymity of the participants, each student will be assigned a number at the beginning of each activity season. These changes will be made and recorded prior to weekly computer selection to insure random nature of the lottery. The superintendent or his/her designee will keep the randomizer lists in a secure place where access is limited only to them. All lists will be destroyed within thirty (30) days after the end of the school year, except for the numbers for students who have tested positive for use of illegal drugs or alcohol may be kept until the student is eligible to participate in IHSAA-sanctioned activities.

After all names are selected for a particular week, they will immediately be returned to the pool of numbers for that activity in order to assure randomness of draw. It is possible that the number of an athlete may be selected several times during the season, school year, or not selected at all.

Urine Sampling Procedure

On the day the selections are made, those students selected will be notified and must promptly report to the designated place to produce a urine sample. They will be given a sample collector and will be ushered to a private bathroom stall where they will produce the urine sample. All students providing urine samples will be given the option of doing so alone in the bathroom with the door slightly ajar sufficient to permit aural monitoring, but closed sufficiently to provide personal privacy. Adult monitors may be assigned to listen for unusual sounds other than normal urination while outside the privacy stall.

Adult monitors and other persons collecting or assisting in the collection of the urine sample (i.e., testing official) shall be of the same gender as the student giving the urine sample. All excess clothing, coats, extra shirts, and other garments or clothing accessories will be removed before entering the stall. Students may be asked to empty their pockets and surrender purses, wallets, backpacks or other bags, sacks or pouches, in order to assure counterfeit urine samples are not hidden on their person; however, full body “pat-downs”, body cavity searches or strip searches are absolutely prohibited. The testing official collecting the urine sample will color water in the commode before the student enters. After the urine sample is given, it will be checked for temperature and signs of tampering. The urine sample container will then be sealed with the number of the student printed clearly on the outside. The student will initial the tamper proof seal and the chain of evidence form to acknowledge that he/she was truly the urine donor of this sample.

Urine samples will be collected at a mutually convenient time on the same day the student is selected for testing or, if the student is absent on that day, on the day the student returns to school. If a student is unable to produce a urine sample at any particular time, the student will be allowed to return later the same day to provide the urine sample. In this case, the student will be given verbal instructions about only drinking 8 oz of water x 2 over an hour period and then return to give sample. He/she will be given a card that also explains this. The student will be instructed not to leave school grounds prior to giving sample and that they may not participate in practice or competitions until sample is given.

Prescription Medication

Students who are taking prescription medication must provide a copy of the prescription or a doctor’s verification in a sealed envelope to school personnel at the time a urine sample is collected or within seventy-two (72) hours after the urine sample is taken. The sealed envelope will be forwarded, unopened, to a testing lab with instructions for the lab to consider the student’s use of such medication in conducting its analysis. Prescription information provided by the student will not be disclosed to any school official. Students who refuse or fail to provide timely verification of prescriptive drug use and who test positive will be subject to the actions specified below for “positive tests”, irrespective of their use of prescriptive medication.

Scope of Tests

The testing device is designed to test for one or more controlled substances or for alcohol. Urine samples will not be screened for the presence of any substance other than any illegal drugs or alcohol, nor for the purpose of identifying the existence of any disability or physical condition.

Access to Results

The testing official will be authorized to report results only to the superintendent or to such other adult person(s) as the superintendent may designate. Test results may be provided to the superintendent or his/her designee by telephone, provided the superintendent or his/her designee recites a predetermined code designed to uniquely identify his/her person. Test results shall be destroyed at the expiration of one year after the last day of the activity season for the school year, except with respect to students who have tested positive.

Procedures in the Event of a Positive Result

Samples of urine collected by Lapwai School District meet strict standards of collection to include: observation, color monitoring, temperature and chain of evidence assurance. The lab splits original sample and tests the first half. If the first half shows positive results for drug/alcohol, then the second half of the original sample is confirmed by even higher standards. This process assures accurate and confirmed positives.

Upon notification of a positive result, the Safe and Drug Free Schools Coordinator and/or the building Principal will meet with the student and Athletic Director to notify the student of policy violation. A reasonable and prompt effort will be made to contact the student's parents by telephone to notify them of policy violation and set up a Parent, Student, Administrator, SADFS meeting to discuss options. If parent is not reachable by phone, then written notification will be made.

Consequence of First Positive Result

In the event a student tests positive for the use of alcohol or the unauthorized or illegal use of a drug or drugs, the student will be given the option of:

- 10 day mandatory suspension from activity competition (suspension will begin from date of lab notification of positive result) while participating in a 6 week drug education program, including submission to a weekly urinalysis; or
- suspension from participation in all IHSAA-sanctioned activities for the remainder of the activity season.

Failure by the student to select an option within seventy-two (72) hours after notification of the test results shall be deemed to be a selection of option two (2). During the 72

hours of time to make the decision, the student may not participate in any competition or practice of that activity.

Second Positive Result

If any student tests positive a second time within one (1) calendar year of the first positive test result while enrolled at Lapwai High School, the student will be suspended from participating in the IHSAA-sanctioned activity for the remainder of the school year.

Non-Punitive Nature of Policy

No student shall be penalized academically for testing positive for use of illegal drugs or alcohol, nor shall any student be denied any benefits or services, other than the district-sponsored athletic and co-curricular programs as outlined above. 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 shall be kept confidential between the superintendent, the building principal, their designee, the student's custodial parent or legal guardian, athletic director, coach and the student.

In particular, test results will not be disclosed to law enforcement or juvenile authorities absent a valid and binding subpoena or other legal process issued by a court of competent jurisdiction. In the event of service of any such subpoena or legal process, the student's custodial parent or legal guardian will be notified in writing as soon as reasonably possible, but in no event less than seventy-two (72) hours before a response is made by the district unless a response is due within a shorter time frame. Notification shall be made in writing and shall be deemed complete upon the deposit thereof in the U.S. Mail, postage prepaid, addressed to the last known address of the student or his/her custodial parent or legal guardian or upon personal service upon the student's custodial parent or legal guardian. Verbal notification may be given, if time does not permit written notification within the seventy-two (72) hour time frame.

Voluntary Testing Program

The Lapwai Public Schools are truly concerned and committed to helping students who are encountering drug or alcohol problems. The District recognizes that a student with drug dependency or use problems is not able to work to his/her fullest potential and stands a greater chance of coming into contact with law enforcement personnel due to increased exposure to criminal activity. To assist in the ultimate goal of drug-free schools and drug-free students, the District will provide voluntary drug testing (urinalysis) to any student whose parents request the testing be done. The procedure for sampling and testing of urine samples shall be conducted under substantially the same sampling procedure as set forth above, provided, however, immediate on-site results may be given to the student's custodial parent or legal guardian. The testing will be provided at no cost to parents and will be kept absolutely confidential, except for the superintendent or his/her designee, parent/guardian, student, and test laboratory personnel. No legal or criminal actions will be taken by the District based upon such test results, and no discipline by District officials will result from such voluntary testing. No

record will be kept of such voluntary test results. This service is offered solely for the information of the parent(s) and it is ultimately their decision what to do with the information. The results of a positive test result obtained pursuant to a voluntary drug test will not be used as a basis to determine eligibility to participate in district-sponsored athletics and co-curricular activities. Notwithstanding the foregoing, voluntary drug testing will not be allowed for any student between the time when he or she has been selected for a random drug test and until the test results therefore have been determined positive or negative.

Date of Adoption:

6/22/98

Revised: 10/19/98, 7/21/03, 8/18/03

Readopted: July 2009

Legal References:

Americans with Disabilities Act

42 U.S.C. 12101

Section 504 U.S. Rehabilitation Act

U29 U.S.C. § 794

Related References: IHSAA Rules and Regulations Manual

Exhibit A – Student-Parent/Guardian Drug Testing Consent Form

**STUDENT-PARENT/GUARDIAN
DRUG TESTING CONSENT FORM**

Lapwai School District

We, the undersigned Student and Parent, understand that Student’s performance as a participant and the reputation of Student’s school, are dependent, in part, on Student’s conduct as an individual. We, the Student and Parent, hereby agree to accept and abide by the standards, rules, and regulations set forth by the Lapwai School District Board of Trustees and the sponsors for the activity in which Student participates.

We also authorize Lapwai School District to conduct random drug testing of urine specimens, which the Student provides, to test for illegal drug and/or alcohol use. We also unconditionally authorize the release of information concerning the results of such a test to the Lapwai School District.

This testing shall be deemed consent, for the purposes of the Family Education Right to Privacy Act.

“Student”

Date

“Parent”

Date

“Notary Public”

(STAMP)