

# **PALACIOS INDEPENDENT SCHOOL DISTRICT**

## **DRUG TESTING PROCEDURES**

**2011 - 2012**

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The Palacios Independent School District Board of Education, in an effort to protect the health and safety of its extracurricular activities students from illegal or performance-enhancing drug use and abuse, thereby setting an example for all other students of the Palacios Independent School District, has adopted the following procedures for drug testing of students in extracurricular activities and for students who receive school parking privileges.

### ***STATEMENT OF PURPOSE AND INTENT***

Although the Board of Education, administration, and staff desire that every student in the Palacios Independent School District refrain from using or possessing illegal drugs, district officials realize that their power to restrict the possession or use of illegal and performance-enhancing drugs is limited. Therefore this procedures manual governs only performance-enhancing and illegal drug use by students participating in extracurricular activities and students wishing to park on the school property. The sanctions imposed for violations of this policy will be to place limitations solely upon the opportunity of any student determined to be in violation of this policy to a student's privilege to participate in extracurricular activities or the student's privilege of parking on campus. No suspensions from school or academic sanctions will be imposed for violations of this policy. This procedure supplements and complements all other policies, rules, and regulations of the Palacios Independent School District regarding possession or use of illegal drugs.

Participation in school-sponsored extracurricular activities at the Palacios Independent School District is a privilege. Students who participate in these activities are respected by the student body and are representing the school district and the community. Accordingly, students in extracurricular activities carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible examples of conduct, sportsmanship, and training which includes avoiding the use or possession of illegal drugs.

The purposes of this policy are sixfold:

1. To educate students of 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 and offer them the privilege of competition as an incentive to stop using such substances.
3. To ensure that students adhere to a training program that bars the intake of illegal and performance-enhancing drugs.
4. To prevent injury, illness, and harm for students that may arise as a result from illegal and performance enhancing drug use.
5. To offer students practices, competition and school activities free of the effects of illegal and performance enhancing drug use.
6. To provide a deterrent to drug abuse.

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 upon the positive image these students project to other students and to the community on behalf of the Palacios Independent School District. For the safety, health and well being of students in extracurricular activities the Palacios Independent School District has adopted this policy for use by all participants in extracurricular activities in grades 7-12.

The administration has adopted policies to implement the following procedures [FNF (Local)].

**I. Definitions:**

"Activity Student" means a member of any school-sponsored extracurricular activity in grades 7-12.

"School-Sponsored extracurricular activity" means, without limitation, all clubs, musical performances, dramatic productions, student government, and any other activity or group that participates in contests, competitions, or community service projects on behalf of or as a representative of the school.

"Drug use test" means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person's urine or saliva.

"Random Selection Basis" means a mechanism for selecting Activity Students for drug testing conducted by the contracted professional testing agency certified by SAMSHA 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, and
- B. does not give the School District discretion to waive the selection of any Activity Student selected under the mechanism, unless that student is no longer an Activity Student or parking student.

"Illegal drugs," means any substance, which an individual may not sell, possess, use, distribute or purchase under either Federal or Texas law. "Illegal drugs" includes, but is not limited to, all scheduled drugs as defined by Texas statute, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. "Illegal drugs" shall also include alcohol.

"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.

"Positive" when referring to a drug use test administered under this procedures manual means a toxicological test result which 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 use test.

## II. Procedures:

The coach/sponsor shall provide each Activity Student upon entering an activity and/or class with a copy of the "Student Drug Testing Consent Form" which shall be read, signed and dated before such student shall be eligible to participate in any extracurricular activity. The consent requires the Activity Student to provide a urine or saliva sample: (a) as part of the student's annual physical or for eligibility for participation and (b) when the Activity Student is selected by the random selection basis to provide a urine or saliva sample. No student shall be allowed to participate in any extracurricular activities or interscholastic competitions unless the student has returned the properly signed "Student Drug Testing Consent Form."

Prior to the commencement of drug testing each semester an orientation session will be held with all Activity Students to educate them of the sample collection process, privacy arrangements, drug testing procedures and other areas which may help to reassure the Activity Student and help avoid embarrassment about the drug testing process.

Each Activity Student and Driving Student shall receive a copy of the "Activity Student Drug Testing Procedures". In addition, all the students will receive an annual orientation on the drug testing policy.

All Activity Students will be required to provide a urine or saliva sample before the student may participate in extracurricular activities covered under this policy. All Student Drivers must provide a urine or saliva sample before they can receive parking permits. Independent drug test results will not be accepted unless arrangements with the drug testing coordinator have been made prior to the test. A student who moves into the district after the school year begins will have to undergo a drug test before she/he will be eligible for participation. Drug use testing for Activity Students/Student Drivers will also be chosen on a random selection basis monthly from a list of all Activity Students who are involved in off-season or in-season activities and all Student Drivers. The Palacios Independent School District will determine the number of samples that will be taken monthly (5% of participants plus any students who have tested positive at previous testing during the year) to be drawn at random to provide a urine or saliva sample for drug use testing for illegal drugs or performance-enhancing drugs.

Because the Board of Trustees feels strongly about drug testing, testing will be available to any parent of any student enrolled in Palacios ISD not covered by this policy. This is strictly voluntary and will only be done at parent request upon completion of the "Student Drug Testing Consent Form." Parents will be assessed a fee established by the District for this service.

Any drug use test will be administered by or at the direction of a professional laboratory chosen by the Palacios Independent School District. The professional laboratory shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and proper laboratory control and scientific testing.

All aspects of the drug use-testing program, including the taking of specimens, will be conducted in a manner designed to safeguard the personal and privacy rights of the students. Samples will be taken under conditions that are no more intrusive to students than the conditions experienced in a public restroom.

The professional laboratory will provide MRO(Medical Review Officer) services by a licensed physician, who is certified by the Medical Review Officer Certification Council or the American Association of Medical Review Officers as having proven by examination to have had the

appropriate medical training, to interpret and evaluate drug test results and thus qualified for certification as an MRO. Additionally, the MRO must demonstrate a willingness to abide by the Procedure for Random Drug Testing of Palacios ISD students as to the evaluation of a positive drug test and reporting findings to the primary contact in a timely and confidential manner. The MRO or an authorized representative will attempt to contact the parent or guardian of the student within one school day after receiving a confirmed positive test result. If the MRO or representative is unable to contact any parent or guardian within one school day, the MRO will ask the school's primary contact for assistance in locating the student's parent or guardian. This request in no way implies a positive test result. The primary contact should only assume that the MRO has questions for the parent or guardian.

An initial positive test result will be subject to confirmation by a second and different test of the same specimen. The second test will use the gas chromatography/mass spectrometry technique. A specimen shall not be reported positive unless the second test utilizing the gas chromatography/mass spectrometry procedure is positive for the presence of an illegal drug or the metabolites thereof. The laboratory shall preserve the unused portion of a specimen that tested positive for a period of six (6) months or the end of the school year, whichever is shorter. Student records will be retained until the end of the school year.

### **III. Confidentiality:**

The laboratory will notify the principal of any confirmed positive test. To keep the positive test results confidential, the principal will only notify the head coach or sponsor. The principal/athletic director/sponsor will schedule a conference with the student and parent or guardian.

The Palacios Independent School District will rely on the opinion of the laboratory which performed the test in determining whether the positive test result was produced by something other than use of an illegal or performance-enhancing drug.

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 restrictions:

**A. For the First Offense:**

The parent/guardian will be contacted immediately and a private conference will be scheduled to present the test results to the parent/guardian. A meeting will then be set up with the student, parent/guardian, athletic director/sponsor and principal concerning the positive drug test. In order to continue participation in the activity the student and parent/guardian must, within twenty-one (21) calendar days of the joint meeting, show proof that the student has received drug counseling from a qualified drug treatment program or counseling entity. The student will be suspended from participation in all meetings, practices, scrimmages, or competitions covered under this policy for twenty-one (21) calendar days beginning on the first day of a performance or competition in which the student is involved. Before resuming participation, a student must obtain a second drug test no earlier than three (3) days before suspension is complete. Additionally, the student must voluntarily submit to a drug test to be administered on each random testing date in accordance with the testing provisions of this policy. The student will be tested monthly for the remainder of the school year. The time and date will be unknown to the student.

If a student with an offense is checking out of school during the time a random drug test is occurring, he/she is to have a test conducted before leaving school grounds. Not complying with this policy serves as a refusal. If a student with a prior offense is absent from testing, he/she will be responsible to obtain a drug test from a licensed medical facility or professional laboratory (at the student's expense) within ten (10) calendar days to meet the requirements of this policy.

If parent/guardian and student agree to these provisions, the student will continue to participate in the activity after the suspension. Should the parent/student not agree to these provisions the consequences listed in this policy for the second offense will be imposed.

**B. For the Second Offense:**

Suspension from participation in all activities covered under this policy for ninety (90) calendar days beginning on the first day of a performance or competition in which the student is involved and successful completion of four (4) hours of substance abuse education/counseling provided by the school. The student may not participate in any meetings, practices, scrimmages or competitions during this period. The student will be tested monthly for the remainder of the school year. The time and date will be unknown to the student.

If a student with a second offense is absent from testing, he/she will be responsible to obtain a drug test from a licensed medical facility or professional laboratory (at the student's expense) within ten (10) calendar days to meet the requirements of this policy.

**C. For the Third Offense:**

Complete suspension from participation in all extracurricular activities including all meetings, scrimmages, practices, performances, and competitions for a calendar year dating from the time of the positive test results. The student will not be tested again until she/he is eligible for resumption of activities.

- D. For the Fourth Offense:  
Complete suspension from participation in all extracurricular activities including all meetings, practices, performances, and competitions for the remainder of the student's school career. The student will no longer be tested.

Any Driving Student who drives to and from school and who parks on school property will be subject to the same initial and random drug testing requirements as students who participate in school-sponsored extracurricular activities.

In addition to any other sanctions that may be imposed based on a student driver's participation in school-sponsored extracurricular activities, a student who has a positive test result will not be permitted to park on school property for:

- A. Twenty-One (21) school days for a first result. If the student is not in school-sponsored extracurricular activities, he or she will additionally be tested monthly for the remainder of the school year on the random testing dates if the student wants to regain this privilege.
- B. Ninety (90) school days for a second result. If the student is not in school-sponsored extracurricular activities, he or she will additionally complete at least four (4) hours of substance abuse education or counseling provided by the school and be tested monthly for the remainder of the school year on the random testing dates if the student wants to regain this privilege.
- C. One (1) full calendar year for a third result. The student will not be tested again until the time period is over.
- D. The remainder of the student's school career for a fourth result. The student will no longer be tested.

**V. Refusal to Submit to Drug Use Test:**

Any student who refuses to be tested will be treated as a positive result. The level of offense will be determined by any previous offenses.

Any student who tampers with or assists others in tampering with any sample, shall be removed from participation in any activities or from parking for one (1) calendar year.

**VI. Appeal:**

An appeal of any sanctions imposed under this policy may be instituted by the student or parent by giving written notice to the Superintendent within five days. The student shall be ineligible for participation in extracurricular activities and for parking privileges pending the appeal. In accordance with provisions at FNG (LOCAL) regarding Level Three presentations, the Board shall determine whether the sanction was justified .

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

Current Grade Level : \_\_\_\_\_  
Student ID#: \_\_\_\_\_  
Sex: \_\_\_\_\_M \_\_\_\_\_F

**Palacios Independent School District  
Student Drug Testing Consent Form  
2011-2012**

Statement of Purpose and Intent:

Participation in school sponsored extracurricular activities at the Palacios Independent School District is a privilege. Activity Students carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible examples of conduct, which includes avoiding the use or possession of illegal drugs.

Drug use of any kind is incompatible with participation in extracurricular activities on behalf of the Palacios Independent School District. For the safety, health, and well being of the student of the District, the Palacios Independent School District has adopted the attached Activity Student Drug Testing Procedures and the Student Drug Testing Consent for use by all participating students at the middle school and high school levels.

All Driving Students must also participate in the Student Drug Testing Program in order to have the privilege of driving to and from school and to have the privilege of parking on school grounds.

Participation in Extracurricular Activities

Each Activity Student and Driving Student shall be provided with a copy of the Student Drug Testing Procedures and Student Drug Testing Consent, which shall be read, signed and dated by the student, parent or custodial guardian, and coach/sponsor before such student shall be eligible to practice or participate in any interscholastic activities. The consent shall be to provide a urine or saliva sample: a) as part of their annual physical or for eligibility for participation; b) as chosen by the random selection basis; and c) at any time requested based on reasonable suspicion to be tested for illegal or performance-enhancing drugs. No student shall be allowed to practice or participate in any activity governed by the procedures unless the student has returned the properly signed Student Drug Testing Consent.

**PRINT**

\_\_\_\_\_  
Student's Last Name                      First Name                      MI

I understand after having read the "Student Drug Testing " and "Student Drug Testing Consent," that, out of care for my safety and health, the Palacios Independent School District enforces the rules applying to the consumption or possession of illegal and performance-enhancing drugs. As a member of a Palacios extracurricular interscholastic activity, I realize that the personal decision that I make daily in regard to the consumption or possession of illegal or performance-enhancing drugs may affect my health and well being as well as the possible endangerment of those around me and reflect upon any organization with which I am associated. If I choose to violate school policy regarding the use or possession of illegal or performance-enhancing drugs any time while I am involved in in-season or off-season activities, I understand upon determination of that violation I will be subject to the restrictions on my participation as outlined in the Policy.

\_\_\_\_\_  
Signature of Student                      Date

We have read and understood the Palacios Independent School District "Student Drug Testing Policy" and "Student Drug Testing Consent." We desire that the student named above participate in the extracurricular interscholastic programs of the Palacios Independent School District and we hereby voluntarily agree to be subject to its terms. We accept the method of obtaining urine or saliva samples, testing and analysis of such specimens, and all other aspects of the program. We further agree and consent to the disclosure of the sampling, testing and results as provided in this program.

\_\_\_\_\_  
Signature of Parent or Custodial Guardian                      Last 4 Digits of Parent                      Date                      Contact Phone Number  
or Guardian SS# or                      or                      or  
D.O.B mm/dd/yyyy