

BATTLE CREEK PUBLIC SCHOOLS
Battle Creek, Nebraska

MANDATORY DRUG TESTING POLICY FOR STUDENTS IN GRADES 9-12
INVOLVED IN SCHOOL-SPONSORED ACTIVITIES OR STUDENTS THAT HAVE
VOLUNTARILY BEEN PLACED IN THE POOL AT THE REQUEST OF THEIR
PARENT/GUARDIAN

MISSION STATEMENT

The Board of Education for Battle Creek Public Schools values students' participation in school-sponsored 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.

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 school-sponsored activities must remain substance-free.

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.

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.

DEFINITIONS

Extra-Curricular Activity: Any activity that meets the guidelines of a school-sponsored activity at Battle Creek Public Schools, which shall include the following:

Football, Volleyball, Golf, Cross Country, Basketball, Wrestling, Track Band, Choir, Cheerleading, Dance, One Act Plays, Speech, Mock Trial, Robotics, FCCLA, FFA, Quiz Bowl, National Honors Society, Trailblazers, Student Council, Homecoming, and Prom, and any other activity not specifically mentioned and governed under the guidelines set by the Nebraska Schools Activities Association (NSAA).

Drug Program Administrator (DPA): The Drug Program Administrator will be Norfolk Works. The DPA will maintain and follow generally accepted industry standards for collecting, maintaining, shipping, and accessing all specimens. The DPA will seek to obtain the sample in a manner designed to insure accurate testing protocols while minimizing intrusion into a student's privacy. The DPA and the school district will provide a copy of the collection procedures upon request.

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

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.

Participant: Any student in grades 9-12 who participates in any extra curricular activity 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 and returning the GENERAL AUTHORIZATION and CERTIFICATION OF UNDERSTANDING FORM to the High School Principal. Students are subject to random testing at any time during the School Year. A student will be removed from the testing pool if he/she has quit or been cut from an activity. 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 any extra curricular activity for twelve (12) months following the time they quit.

Sample Collection: Student participants will be selected for testing on a random basis to be established by the Drug Program Coordinator. Drug tests may be conducted by either urine or hair follicle testing, as directed by the Drug Program Coordinator. Urine or hair follicle samples will be collected by the Drug Program Administrator. If the student is absent they will be tested on the day in which they return to school.

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, or final competition or activity, in the following spring.

DRUG SCREENING PROCEDURES

General Procedures.

- A. Random Testing - The Board authorizes random unannounced screening of all students participating in extra-curricular 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 escorted to the DPA site by a school district employee and shall remain under employee supervision until the student provides a sample and is returned to school.
- B. Consent - Each student participant shall consent in writing to drug testing pursuant to the district's drug testing program by completing the GENERAL AUTHORIZATION and CERTIFICATION OF UNDERSTANDING FORM. No student shall be allowed to practice or participate in any extra curricular activity absent such consent.
- C. Removal From the Random Testing List - Students who quit an extra curricular 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.
- 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. The Drug Program Coordinator will contact the student to establish a location and time for the test to take place.

Testing Procedures.

- A. Substances - Substances that students may be randomly tested for include any Drug, as defined above, including, but not limited to: alcohol, amphetamines, cannabinoids, cocaine, opiates, synthetic opiates, PCP, steroids, barbiturates, and benzodiazepines.
- B. Collection Procedures - All Sample Collections shall take place at the site of the DPA. The DPA will maintain a documented procedure for collecting, shipping, and accessing all specimens. The DPA will conduct all testing by qualified laboratory personnel in accordance with accepted practices and procedures established by the DPA. Testing shall be accomplished by using generally accepted immunological procedures. Chain of custody documentation shall be maintained throughout the collection and testing process.

C. Return of Results - The DPA will notify the DPC of the results of all tests. In the case of a positive result, the DPC will notify the student's parent or guardian. At the request of the parent or guardian, a meeting will take place with the parent/guardian, the DPA and the DPC. At such meeting, the parent/guardian may provide a medical explanation for the positive result and request the specimen be submitted to a testing laboratory for retest. If the testing laboratory determines the test results are negative, no further action shall be taken against the student. If the testing laboratory verifies the positive result, the DPA shall then notify the DPC of the confirmed positive test result. The DPC shall then notify the student's parent or guardian and schedule a meeting with the student and the student's parent/guardian to review the consequences. After the meeting, the DPC will notify any staff members responsible for implementing the consequences of this policy.

D. Cost of Retest – The student or the student's parent or guardian shall be required to pay the associated costs for an additional test by a testing laboratory in advance. However, the costs will be reimbursed by the school if the result of the test is negative.

CONSEQUENCES

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. Consequences of positive test results shall be cumulative through the student's enrollment in Battle Creek Public Schools.

First Positive Test:

- DPC meeting with parent/guardian and student.
- The Student shall be excluded from participating in any extracurricular activity for 14 calendar days or two public activities. The more severe of the two options will be enforced. 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. During the period of exclusion, the student may participate in practices but not in any public activities.
- The Student shall be required to participate in and complete a program of substance abuse counseling conducted by the school counselor.
- The Student must be retested at the end of the period of exclusion and have a negative test result; and
- Follow-up drug testing, a minimum of once a month, will commence after the meeting with the DPC for the first positive test and continue for the next 12 months or end upon graduation from Battle Creek Public Schools. All follow-up drug tests may be conducted by either urine or hair follicle testing, as directed by the DPC.

Second Positive Test:

- DPC meeting with parent/guardian and the student.
- The Student shall be excluded from participating in any extracurricular activities for 42 calendar days or six public activities. The more severe of the two options will be enforced. If the end of the activity precedes the end of the 42 days, the remaining days will carry over to the next activity so that the student completes the required number of days. During the period of suspension, the student may participate in practices but not in any public activities.
- The Student shall be required to participate in a program of substance abuse counseling conducted by a certified chemical dependency counselor, and provide written proof of completion.
- Student must be retested at the end of the period of exclusion and have a negative test result. Such test may be conducted by either urine or hair follicle testing, as directed by the DPC; and
- Follow-up drug testing, a minimum of once a month, will commence after the meeting with the DPC for the second positive test and continue for the next 12 months, or end upon graduation from Battle Creek Public Schools. All follow-up drug tests may be conducted by either urine or hair follicle testing, as directed by the DPC.

Third Positive Test:

- DPC meeting with parent/guardian and student;
- The student shall be excluded from participating in any extracurricular activities for one calendar year from the date of the meeting with the DPC, or end upon graduation from Battle Creek High School;
- Student must be retested at the end of the period of exclusion and have a negative test result. Such test may be conducted by either urine or hair follicle testing, as directed by the DPC; and
- Follow-up drug testing, a minimum of once a month, will commence after the meeting with the DPC for the third positive test and continue for 12 months, or end upon graduation from Battle Creek Public Schools. All follow-up drug tests may be conducted by either urine or hair follicle testing, as directed by the DPC.

Appeal:

A student who has been determined by the 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 after the meeting with the DPC. A student requesting a review will remain eligible to participate in any school-sponsored 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 Battle Creek Public High School, 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.

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Battle Creek, Nebraska

**MANDATORY DRUG TESTING POLICY FOR STUDENTS
INVOLVED IN EXTRA CURRICULAR ACTIVITIES OR THAT HAVE
VOLUNTARILY BEEN PLACED IN THE DRUG TESTING PROGRAM BY
THEIR PARENT/GUARDIAN**

**GENERAL AUTHORIZATION AND CERTIFICATION OF
UNDERSTANDING**

I have read and understand the contents of the Battle Creek Public Schools' Mandatory Drug Testing Policy. I understand by signing this document that I will abide by the terms and conditions of the Battle Creek Public Schools District's Mandatory Drug Testing Policy. If I choose to violate this policy, whether during in-season or off season, I understand upon determination of that violation I will be subject to the consequences regarding participation as outlined in the policy. I also authorize the release of information concerning the results of such test to the Battle Public Schools District, the MRO, and to my parents or guardian.

Student Name Printed

Student Signature

Date

I have read and understand the contents of the Battle Creek Public Schools' Mandatory Drug Testing Policy. We/I desire that the student named above participate in the extra curricular activities of Battle Creek Public Schools, and we/I hereby voluntarily agree that our/my child or ward is subject to the terms of the Mandatory Drug Testing Policy. We/I accept the method of obtaining urine samples, testing and analysis of such specimens, and all other aspects of the policy. We/I 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 Battle Creek Public Schools, or the school board.

Parent or Guardian Name Printed

Parent or Guardian Signature

Date