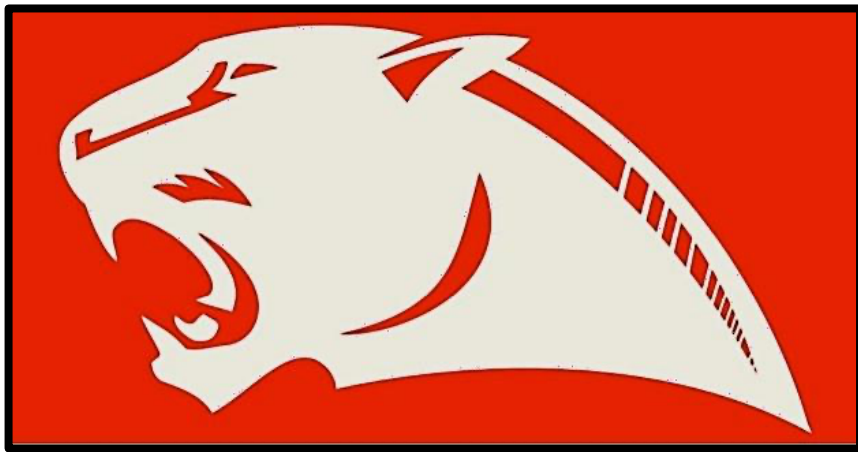


BURTON INDEPENDENT SCHOOL DISTRICT



DRUG TESTING POLICY AND PROCEDURES FOR STUDENTS

Approved December 6, 2021

BURTON INDEPENDENT SCHOOL DISTRICT DRUG TESTING PROCEDURES

The Burton Independent School District, in an effort (1) to protect the health and safety of its extra-curricular activities students from illegal and/or performance-enhancing drug use and abuse, (2) thereby setting an example for all other students of Burton ISD, and (3) in furtherance of Burton ISD's responsibilities, under the public school system, as a guardian and tutor of children entrusted to its care, has adopted the following procedures for drug testing of students in extracurricular activities.

STATEMENT OF PURPOSE AND INTENT

Although the Board of Trustees, administration, and staff desire that every student in Burton ISD 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. This procedures regulation, therefore, governs only performance-enhancing and illegal drug use by students participating in extracurricular activities. 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. No suspensions from school or academic sanctions will be imposed for violations of this policy. Test results will not be turned over to law enforcement. This procedure supplements and complements all other policies, rules, and regulations of Burton ISD regarding possession or use of illegal drugs.

Participation in school-sponsored extracurricular activities at Burton ISD 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 five-fold:

1. Prevent injury, illness, and harm resulting from the use of illegal and performance-enhancing drugs or alcohol;
2. Help enforce a drug-free educational environment;
3. Deter student use of illegal and performance-enhancing drugs or alcohol;
4. Educate students regarding the harm caused by the use of illegal and performance-enhancing drugs or alcohol; and
5. Give students a reason to say no to drugs and alcohol outside of school day activities, *i.e.*, at private parties.

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 Burton ISD. For

the safety, health, and well-being of students in extracurricular activities, Burton ISD has adopted this policy for use by all participants in extracurricular activities in grades 7-12.

SUPPORTING DATA

Random urine drug testing of a public school interscholastic athlete is legal as determined by the United States Supreme Court in the case of *Vernonia Sch. Dist. 47J v. Acton*, 515 U.S. 645 (1995). Random urine drug tests of extracurricular activity students are legal as determined by *Board of Ed. v. Earls*, 536 U.S. 822 (2002). The students subject to testing will be determined by Burton ISD based upon these two Supreme Court Rulings.

DEFINITIONS AND PROCEDURES

Pursuant to Burton ISD Board Policy FNF(LOCAL), the administration has adopted these regulations.

I. Definitions

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

“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.

“Illegal drugs” means any substance, which an individual may not sell, possess, use, distribute or purchase under either United States or Texas law. “Illegal drugs” includes, but is not limited to, all scheduled drugs as defined by United States or 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.

“Random Selection Basis” means a mechanism for selecting activity students for drug testing conducted by the contracted professional testing agency certified by the Substance Abuse and Mental Health Services Administration (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.

“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.

II. Procedures

The coach/sponsor of each extracurricular activity shall provide each Activity Student 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 extra-curricular activities. The consent requires the Activity Student to provide a urine sample when the Activity Student is selected by the random selection basis to provide a urine sample. **No student shall be allowed to participate in any extracurricular activities or interscholastic competition unless the student has returned the properly signed “Student Drug Testing Consent Form.”**

Prior to the commencement of drug testing, 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 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. **School sponsored extracurricular activities include, but not limited to:**

- | | | |
|----------------|---------------------|-------------------------|
| •Football | •Golf | •National Honor Society |
| •Volleyball | •Powerlifting | •Class Officers |
| •Basketball | •Cheerleading | •Interact Club |
| •Cross Country | •Band/Flag/Twirlers | •FCA |
| •Baseball | •Dazzlers | •Student Council |
| •Softball | •Academic UIL | •FFA |
| •Track & Field | •One Act Play | |

All Activity Students **may** be required to provide a urine sample before the student may participate in extracurricular activities covered under this policy. A student who moves into the district after the school year begins **may** have to undergo a drug test before he/she will be eligible for participation permit. Drug use testing for Activity Students 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. Burton ISD will determine the number of samples that will be taken (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 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 Burton ISD not covered by this policy. This is strictly voluntary and will only be done at a parent's written request upon completion of the "Student Drug Testing Consent Form." Parents will be assessed a fee established by Burton ISD for this service.

Any drug use test will be administered by or at the direction of a professional laboratory chosen by Burton ISD. 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 a MRO. Additionally, the MRO must demonstrate a willingness to abide by the Procedure for Random Urine Drug Testing of Burton 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, then 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 will schedule a conference with the student and parent or guardian.

Burton ISD will rely on the opinion of the laboratory that 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. Appeal

An Activity Student who has been determined by the principal/athletic director to be in violation of this policy shall have the right to appeal the decision to the Superintendent of Schools or his/her designee(s). Such a request for a review must be submitted to the Superintendent of Schools in writing within five (5) calendar days of notice of the positive test.

V. Consequences

No student will be penalized academically for testing positive for illegal drugs or banned substances. The results of drug test pursuant to this policy will not be documented in any student's academic record. Information regarding the results of drug test will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, to the extent permitted by such subpoena or legal process.

Any **Activity Student** who tests positive in a drug test under this policy shall be subject to the following restrictions:

1. For the First Offense:

The Activity Student will be suspended from all competition for a period of twenty (20) continuous days and will be assigned a conditioning program established by the coaches or sponsors of the activity. Burton ISD shall notify the parent and Activity Student of drug and alcohol abuse prevention resources available in the local area at the expense of the Activity Student or parents/guardian. During the period of suspension, the Activity Student may participate in practices. The Activity Student shall be subject to participation in each testing period the remainder of the student's involvement in extracurricular activities.

2. For the Second Offense:

After a second positive result, the Activity Student will be suspended from any extra-curricular activities for a minimum of ninety (90) calendar days following the date the Activity Student and parent are notified of the test results. Burton ISD shall notify the parent and Activity Student of drug and alcohol abuse prevention resources available in the local area at the expense of the Activity Student or parents/guardian. During the period of suspension, the Activity Student may participate in practices and conditioning programs assigned by the sponsors. The Activity Student shall be subject to participation in each

testing period the remainder of the Activity Student's involvement in extracurricular activities.

3. For the Third Offense:

After a third positive result, the Activity Student will be suspended from participating in any extracurricular activities for the remainder of the Activity Student's enrollment with Burton ISD following the date the Activity Student and parent are notified of the test results.

4. Consequences Applicable to All Offenses

If a student tests positive on one occasion, that student will be subject to being tested at each random test for the remainder of the high school years that they participate in an extracurricular activity listed.

VI. Refusal to Submit to Drug Use Test

An Activity Student who refuses to submit to a drug test authorized under 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. Such Activity Student shall not be considered for any interscholastic activity honors or awards given by the school.

MISCELLANEOUS

All students testing positive will be encouraged to seek treatment and given referral information for substance abuse treatment programs available in the area at the expense of the student and the parents/guardians.

An Activity Student or parent may appeal a decision made under this policy in accordance with Burton ISD Board Policy FNG(LOCAL). The Activity Student shall be ineligible for participation in extracurricular activities while the appeal is pending.

If a there is a positive test for nicotine, then the parent/guardian will be notified, but the Activity Student will not be suspended from extracurricular activities.

* * * * *

Burton ISD is committed to cooperating with parents/guardians in an effort to help all students avoid illegal drug use. Burton ISD believes that accountability is a powerful tool to help some students avoid drugs and that early detection and intervention can save lives.

Student Name: _____
Last First Middle

Current Grade Level: _____ Male ___ Female ___

Burton I.S.D. Student Drug Testing Consent Form

Statement of Purpose and Intent: Participation in school sponsored extracurricular activities at Burton ISD 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 Burton ISD. For the safety, health, and well-being of all students, Burton ISD 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.

Participation in Extra-Curricular Activities: Each Activity 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 Activity Student, parent or custodial guardian, and coach/sponsor before such Activity Student shall be eligible to practice or participate in any interscholastic activities. The consent shall be to provide a urine 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.

Non-Participating Student in Activities Outlined Above: Any student who does not participate in any extracurricular activity is not required to be drug tested. Testing is made available, however, to any such student at the option and request of the parent(s). By signing this form, you are requesting that your child be added to the list of randomly tested students.

* * * * *

I understand, after having read the "Student Drug Testing Procedures" and "Student Drug Testing Consent," available online at www.Burtonisd.net that, out of care for my safety and health, Burton ISD enforces the rules applying to the consumption or possession of illegal and performance-enhancing drugs. As a member of an 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, then I understand that upon determination of that violation I will be subject to the restrictions on my participation as outlined in the Policy.

Signature of Student

Date

I/We have read and understood the Burton Independent School District “Student Drug Testing Procedures” and “Student Drug Testing Consent.” I/We desire that the student named above participate in the extracurricular interscholastic programs of Burton ISD and I/we hereby voluntarily agree to be subject to its terms. Or, the student named above does not participate in such activities; however, I/we choose to voluntarily submit my/our child to such testing. I/We accept the method of obtaining urine samples, testing and analysis of such specimens, and all other aspects of the program. I/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	_____ Date	_____ Contact Phone Number
--	---------------	-------------------------------

_____ Signature of Parent or Custodial Guardian	_____ Date	_____ Contact Phone Number
--	---------------	-------------------------------

_____ Signature of Coach/Sponsor/Principal	_____ Date
---	---------------