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Nixon-Smiley Consolidated Independent School District

Mandatory Drug Testing Guidelines
Beginning August 1, 2019

**Nixon-Smiley Consolidated Independent School District
SAMPLE MANDATORY DRUG TESTING PROGRAM**

PURPOSE OF THE DRUG TESTING PROGRAM

The District has a vital interest in maintaining a safe, secure, and healthy learning environment for all of its students. We know that the use of illegal drugs poses a serious health and safety risk to the user, those associated with the user, and potentially to the public. Therefore, as a proactive measure to keep our students and schools drug free, the District is adopting a random drug testing policy for: (1) students participating in school-sponsored extracurricular activities, and (2) students wishing to park their vehicles on school property.

By adopting a random drug testing policy, the District desires to: 1) Send a message that the District cares about our students' health, safety, and character, 2) undermine the effects of negative peer pressure by providing a legitimate reason for students to refuse to use illegal drugs; 3) deter students from drug use; 4) prevent injury, illness, or harm to students that may arise related to drug use; 5) encourage students who use drugs to receive help and participate in drug treatment programs; and 6) educate students regarding the harmful effects of drug use.

STUDENTS SUBJECT TO DRUG TESTING

- A. **UIL Athletic and Extracurricular Club Participants.** Drug use can increase the risk of injury to students participating in school-sponsored competitive extracurricular activities and since these students are often role models to other students, the District shall require all students in grades **7 through 12** who participate in school-sponsored, competitive, extracurricular activities to undergo mandatory random drug testing. The following activities are currently identified as competitive extracurricular activities:

UIL Academics	Drill Team	Softball	Student Council
UIL Athletics	Twirlers	Volleyball	Spanish Club
Band	Flags/Color Guard	Tennis	Theatre Arts
Baseball	Football	Track	Yearbook
Basketball	Honor Society	FCCLA	
Cheerleaders	Powerlifting	FFA	
Golf	Cross-country	BPA	

Participation includes practice, competition, and involvement in events of extracurricular activities.

Participation **does not include attendance** at school events such as athletic contests, drama productions, or social functions. Students may be permitted to continue attendance in courses for credit related to the above activities. However, if participation in the extracurricular activities is required for the class or affects the student's grade, the student may be required to satisfy participation requirements in alternate ways.

- B. **Students Parking on School Property.** Since drug use can increase risk of injury to students driving to and from school, the District shall require all students in grades 9 through 12 who receive a parking permit allowing them to park vehicles on school property during the school day to undergo random drug testing.
- C. **Voluntary.** Enrollment in this program is open to all students grades 6-12. This gives students a support system to encourage them to make the right choices. Students in this category only would be referred for counseling and parents would be contacted. No other sanctions would be applied until or unless the student participates in extracurricular activities or parks on the NSCISD campus.

INFORMED CONSENT FOR TESTING

Before a student is eligible to participate in extracurricular activities or receive a parking permit to park on school property, a written parental consent form for random drug testing must be completed, executed, and on file with the designated school official. If the student is of legal age (age 18 or older), he or she must also sign the permission form. Consent forms are valid for the current school year only.

Because participation in extracurricular activities and parking on school property are privileges and not rights, refusal to consent to random drug testing will result in the denial of participation in the identified extracurricular activities, or parking privileges, as applicable.

DISSEMINATION OF INFORMATION

This random drug testing policy shall be distributed to all students in grades 7 through 12 as part of registration at the beginning of each school year. Newly enrolled students will receive a copy of the policy as they register at their campus.

Prior to the commencement of drug testing each school year, an orientation session will be held to explain the drug testing policy and review the consent forms. Additionally, students will receive an educational presentation regarding the harmful effects of drug and alcohol abuse.

TESTING PROCEDURES

- A. Each school year the Board of Trustees or its designee will determine the percentage and frequency of students to be tested based on the number of participants; the designee may determine that up to 100% of the identified student participants will be tested. The testing entity will select the dates for conducting the monthly random drug test; the selection of dates will not follow any recognizable pattern.
- B. **Random selection of students.** The District will provide the third party administrator with a list of all identified participants. Students will be chosen for testing by computer-generated random selection conducted by the third party administrator. The random selection process is intended to eliminate subjective factors from playing a role in the selection of the students to be tested.
- C. **Testing standards.** Testing will be conducted through accepted scientific means using approved practices and procedures established by the testing laboratory selected by the district. The testing parameters shall be set at industry standards as defined by the National Institute for Drug Abuse. The testing laboratory will be certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and have greater than five (5) years' experience in toxicology testing and chain-of-custody procedures.

The drug test is performed by urinalysis. The specimen is analyzed using immunoassay methodology. All presumptive positive results are confirmed by a second test of the same specimen using a gas chromatography/mass spectroscopy methodology.

The testing laboratory may use quantitative results to determine if positive results on repeat testing indicate recent use of illegal drugs or the natural decline of levels of the illegal drug from the body. If the testing laboratory feels the quantitative levels do not reflect current use, then a negative result may be reported.

- D. **Collection of the sample.** Upon the testing entity's arrival at school, the randomly selected student names will be given to the designated school official, who will arrange for these students to report to the collection area. The names of selected students will not be called over the public address system.

Students will be tested in an isolated facility under the supervision of a school official of the same sex who will assist the testing entity representative. Students will provide a urine sample in a

restroom or other private facility behind a closed stall. Neither the supervising school official nor the testing entity representative will directly observe the students providing their urine sample. Facilities are secure with only one student testing at a time to assure security and confidentiality of each individual.

The urine sample will be collected in a sealed specimen collection container provided by the testing entity. The students will provide the collected sample to the testing entity representative and the supervising school official will confirm that the student's identification information on the sample is correct. The specimen collection container will be sealed and witnessed by the student. The testing entity representative will send all tamper proof specimens to the laboratory for analysis.

A copy of the specimen collection and chain of custody procedures used by the District and the testing entity shall be given to the donor at the time of collection and made available to any parent or student upon request.

- E. **Refusal.** Refusal to provide a sample or noncompliance with the testing procedures by any student will be considered a positive test result and be subject to the appropriate consequences.
- F. **Substances.** The district reserves the right to test for any and all illegal or controlled substances as determined at the discretion of the District. These can include, but are not limited to, amphetamines, anabolic steroids, barbiturates, cocaine, LSD, marijuana, methadone, opiates, ecstasy and phencyclidine.

TEST RESULTS

- A. **Confidentiality of results.** Student privacy will be protected in accordance with all applicable laws. Records of test results will be kept confidential and provided only to parents, administrators, personnel responsible for administering the extracurricular activity, other school officials with a legitimate interest in the information, or as otherwise required by law or overriding health and safety concerns.

Test results are kept separate from other school records. School personnel are only allowed to view the information if they have a legitimate educational interest in the results. Results will not be shared with law enforcement except as required by law. Upon written request of a parent/guardian or a student of legal age, test results may be released to treatment facilities.

- B. **Medical Review Officer (MRO).** The testing entity will provide an MRO for interpreting and verifying test results. The MRO services will be provided 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.
- C. **Notification.** Whenever a student's test result indicates the presence of a prohibited substance identified in this policy, the parent or guardian will be contacted by an MRO employed by the testing entity within one school day of receiving the positive test result.

The MRO will confer with a parent or guardian and determine if there is a medical explanation for the positive test result. If the medical explanation is verified by the MRO, the test result will be reported as negative. However, without verification by the MRO, a confirmed positive test result will be reported to the designated school official within one school day of conferring with the student's parent or guardian.

If the MRO is unable to contact the parent or guardian within one school day, the MRO will ask the designated school official for help in locating the student's parent or guardian. This request in no way implies a positive test result. The designated school official should only assume that the MRO has questions for the student's parent or guardian.

The MRO may use quantitative results to determine if positive results on repeat testing indicate recent use of illegal drugs or the natural decline of levels of the illegal drugs or the natural decline of levels of the illegal drug from the body. If the MRO feels the quantitative levels do not reflect

current use, then a negative result may be reported.

Upon receiving notice from the MRO that a student has a confirmed positive test result, the designated school official will contact the student and parents to discuss the consequences of the positive test result.

- D. **Retest.** Students that test positive may request a second test. A request for a retest must be made to the designated school official in writing within forty-eight (48) hours from the time the parents were first notified of a positive test result.

RELATIONSHIP TO THE NSCISD STUDENT CODE OF CONDUCT

This drug testing policy does not in any way modify the disciplinary provisions of the *Nixon-Smiley CISD Student Code of Conduct* or Chapter 37 of the Texas Education Code. If a student sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol the student will be subject to the disciplinary provisions of the *Student Code of Conduct*. A positive drug test is not in and of itself proof that a student has violated the Student Code of Conduct. For more information on the District's disciplinary rules regarding drugs and alcohol, please refer to the *Nixon-Smiley CISD Student Code of Conduct*.

CONSEQUENCES

No actions or sanctions will be applied to students in the voluntary testing program until or unless that student also participates in extra-curricular activities or parks a vehicle on NSCISD property. Students transitioning from voluntary to mandatory will start with the lowest level of consequences upon transition.

Any student who tests positive for a drug in a test conducted under the provisions of this policy will face the following consequences. Offenses are cumulative for the duration of a student's attendance during grades 7 through 12.

- A. **FIRST POSITIVE TEST RESULT.** A conference must be held between the designated school official, personnel responsible for administering the extracurricular activities the student participates in (if applicable), the student, and the parent or guardian.

If applicable, the student will be suspended from participation in all extracurricular activities identified in this policy and/or will relinquish all parking privileges for **thirty (30) school days** following the date of the conference. ***Student may be allowed to practice at the discretion of the campus administrator and club sponsor or coach.***

The District will notify the parent/guardian and student of drug and alcohol abuse prevention resources available in the area.

In order to have parking and/or extracurricular activity privileges reinstated, the student must:

1. Provide documentation that he/she attended and successfully completed **4 hours of substance abuse counseling** from an approved provider during the suspension period (costs of external services shall be the responsibility of the student and/or parent/guardian);
2. Submit to a new drug test and have a negative (clean) test result following the thirty (30) school day suspension; and
3. Following the expiration of the suspension, submit a letter of intent expressing his/her desire to regain parking and/or extracurricular activity privileges, as applicable.

Failure to meet these requirements within 30 school days will result in continuation of the suspension until such time as the student completes the requirements outlined above.

- B. **SECOND POSITIVE TEST RESULT.** A conference must be held between the designated school official, personnel responsible for administering the extracurricular activities the student

participates in (if applicable), the student, and the parent or guardian.

The student will be suspended from participation (including practice) in all extracurricular activities identified in this policy and/or will relinquish all parking privileges for **ninety (90) school days** of suspension;

In order to have parking and/or extracurricular activity privileges reinstated, the student must:

1. Provide documentation that he/she attended and successfully completed **6 additional hours of substance** abuse counseling from an approved provider during the suspension period;
2. Submit to a new drug test and have a negative (clean) test result following the ninety (90) school day suspension; and
3. Following the expiration of the suspension, submit a letter of intent expressing his/her desire to regain parking and/or extracurricular activity privileges, as applicable.
4. **Student will undergo drug testing at each testing date for one year (12 months) following a second positive result.** A positive result in the subsequent drug testing shall count as a third offense.

Failure to meet these requirements within the specified timelines will result in continuation of the suspension until such time as the requirements are completed.

- C. **THIRD POSITIVE TEST RESULT.** A conference must be held between the designated school official, personnel responsible for administering the extracurricular activities the student participates in (if applicable), the student, and the parent or guardian.

The student will be suspended from participation (including practice) in all extracurricular activities identified in this policy and/or will relinquish all parking **for 180 school days**.

In order to have parking and/or extracurricular activity privileges reinstated, the student must:

1. Provide documentation that he/she attended and successfully completed **15 additional hours of substance** abuse counseling from an approved provider during the suspension period;
2. Submit to a new drug test and have a negative (clean) test result following the one hundred and eighty (180) school day suspension; and
3. Following the expiration of the suspension, submit a letter of intent expressing his/her desire to regain parking and/or extracurricular activity privileges, as applicable.
4. **Student will undergo drug testing at each testing date for one year (12 months) following a third positive result.** A positive result in any subsequent drug testing shall count as a **FOURTH POSITIVE RESULT**. Consequences for a fourth and additional positive result will repeat those for a third positive result, including an additional 180 school day suspension and an additional 15 hours of substance abuse counseling.

Failure to meet these requirements within the specified timelines will result in continuation of the suspension until such time as the requirements are completed.

End of the year suspensions. A student serving a suspension that is not completed at the end of the school year shall complete the suspension during the first semester of the following school year until the entire length of the suspension has been served.

Substance abuse counseling. The district will approve substance abuse counseling provided by a certified chemical dependency counselor or at any agency certified by the Texas Department of Health or

the Texas Department of Alcohol and Drug Addiction Services. A list of approved substance abuse counseling providers may be obtained upon request.

Refusal. Refusal to participate in a drug test after signing the consent form will result in the same consequences as if the student had received a positive test.

Failure to report, interfering with samples, or other non-compliance issues. Any student who does not report for the required drug testing, tampers or assists with tampering of samples, or otherwise fails to follow the expected protocol of this process will be removed from extra-curricular activities and parking suspended for a minimum of 30 school days. If the student has already served the consequences for **FIRST POSITIVE TEST RESULT**, he or she will serve the term of the **SECOND POSITIVE TEST RESULT**. If the student has already served that level of consequences, he or she will be moved up to the next level.

Academically non-punitive. A positive drug test will not affect the student's grade in any curricular class associated with the extracurricular activities. However, as stated previously, if participation in the extracurricular activities is required for the class or affects the student's grade, the student may be required to satisfy participation requirements in alternate ways. The result of the drug tests will not be documented in the student's academic records.

APPEAL PROCESS

A parent or student may appeal a positive result in accordance with District Policy FNG (Local) governing student and parent complaints. Consequences established in this drug testing policy will not be deferred pending the completion of the appeal process.

Nixon-Smiley Consolidated Independent School District

DRUG TESTING CONSENT FORM

FOR STUDENTS IN EXTRACURRICULAR ACTIVITIES and/or RECEIVING A PARKING PERMIT

Consent for minor student:

I, _____, as parent and/or guardian of

_____, a minor student enrolled in Nixon-Smiley Consolidated Independent School District, have read and understand NSCISD's policy regarding random student drug testing. Because my child participates in extracurricular activities, receives a parking permit allowing him/her to park his/her vehicle on school property during the school day, I understand that my child may be asked to provide a urine sample for drug analysis. I consent to such testing conducted as part of Nixon-Smiley CISD's drug testing policy.

I also understand that while production of a specimen may not be compelled, the giving of a specimen when requested by the District is a condition of continued participation in the identified extracurricular activities, the privilege of parking a vehicle on school property during the school day. I understand that if a test reveals an unexplained presence of a drug, the District may take action against my child up to and including termination of the privilege of participating in extracurricular activities, revocation of parking privileges, as applicable. I understand that my child's refusal to submit to a test will have the same consequence as if the test result was positive.

I authorize the officers, employees, and agents of the District to communicate and share information regarding my child's drug test results with each other, or as otherwise required by law or overriding health and safety concerns. The District may also communicate such results at any administrative proceeding regarding the drug test.

Parent/Guardian Signature

Date

Student Signature

Date

Nixon-Smiley Consolidated Independent School District

DRUG TESTING CONSENT FORM

FOR STUDENTS IN EXTRACURRICULAR ACTIVITIES and/or RECEIVING A PARKING PERMIT

Consent for student age 18 or older:

I, _____, am a student age 18 or older enrolled in Nixon-Smiley CISD. I have read and understand NSCISD's policy regarding random student drug testing. Because I participate in school-sponsored extracurricular activities, receive a parking permit allowing me to park my vehicle on school property during the school day, I understand that I may be asked to provide a urine sample for drug analysis. I consent to such testing conducted as part of the District's during testing policy.

I also understand that while production of a specimen may not be compelled, the giving of a specimen when requested by the District is a condition of continued participation in the identified extracurricular activities, the privilege of parking a vehicle on school property during the school day. I understand that if a test reveals an unexplained presence of a drug, the District may take action against me up to and including termination of the privilege of participating in extracurricular activities, the revocation of parking privileges, as applicable. I understand that refusal to submit to a test will have the same consequence as if the test result was positive.

I authorize the officers, employees, and agents of the District to communicate and share information regarding my drug test results with each other, my parents, or as otherwise required by law or overriding health and safety concerns. The District may also communicate such results at any administrative proceeding regarding the drug test.

Parent/Guardian Signature

Date

Student Signature

Date

**Nixon-Smiley Consolidated Independent School District
CONFIRMATION OF DRUG COUNSELING**

This is to certify that _____ has
completed a minimum of _____ clock hours in one or more of the following settings:

Check all that apply

- a series of individual counseling sessions concerning drug-use and abuse;
- a group counseling program providing intervention for drug use;
- a curriculum-based instructional program on drug-use prevention; or
- _____.
-

Counselor / Therapist Signature

Date

Counseling Agency Name and Contact Information:

*Verification may be made as deemed necessary by the designated
Nixon-Smiley CISD school official.*