

## STUDENT DRUG TESTING (Grades 9–12)

### Background and Purpose

The Board recognizes the importance of protecting the health and safety of students from the use of illegal drugs and alcohol. The purpose of this policy is to help prevent substance abuse among students, to encourage treatment for students with substance abuse problems and to ensure that students have the opportunity to attend school and participate in activities in a fair, safe and healthy environment.

The superintendent or designee is directed to adopt procedures to carry out the intent of this policy and may contact the district's attorney for assistance in applying this policy. The district will use a laboratory certified by the U.S. Department of Health and Human Services.

### Definitions

*Consent Form* – The Student Drug Testing Consent Form, which is adopted by the district's administration.

*Extracurricular Activities* – Any school-sponsored extracurricular activity, co-curricular activity and/or a performance in which a student represents the district, in the opinion of the district's administration. Extracurricular activities that will be tested are all Missouri State High School Activities Association (MSHSAA) regulated groups, including athletics, cheerleading, band, choir and speech/debate team. This list is subject to change on a yearly basis. The list of extracurricular activities subject to drug testing will be published annually and made available to students and parents before school starts, and upon request.

When an activity or performance is part of a co-curricular course offered by the school, such as band or choir, the student's grade or enrollment in the course will not be conditioned upon consenting to drug testing. However, the student will be given an alternative assignment in lieu of the activities or performances if the student and his/her parents do not consent to drug testing. The students who are enrolled in these co-curricular courses will be notified at the beginning of each semester, if possible, which activities and performances they will be precluded from participating in and the available alternative assignments.

*Performances* – The scheduled games, matches, contests, concerts or other performances for the activities listed above.

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## **Random Drug Testing**

Participation in extracurricular activities is a privilege and carries with it the responsibility to adhere to high standards of conduct, including refraining from the use of illegal drugs and alcohol. The educational program and drug-testing program described in this policy is part of the overall program at Jackson R-II School District. The goal is not to levy discipline, but rather to aid in the discovery and prevention of possible drug-related problems. The key component of this program is opening the lines of communication between students and parents about the serious matter of drug usage and abuse.

A student using drugs is a danger to him or herself as well as other students. All students in the Jackson R-II School District who choose to participate in extracurricular activities are entitled to do so in a drug-free environment. To assist students in making healthy and safe choices, the district will conduct random drug testing of students in grades 9–12 as a condition of participation in covered activities. Covered activities are activities regulated by MSHSAA, and as defined by this policy. District employees shall not have the authority to waive the testing of any student selected using the random selection process. Refusal by a student to be tested when randomly selected will be considered by the district to be a positive test result and will subject the student to consequences as outlined within this policy.

As a condition of participating in covered extracurricular activities, students in grades 9–12 and their parents must consent to random drug testing of the students as further defined in this policy. This random drug testing program does not affect other policies and practices of the Jackson R-II School District in dealing with drugs or alcohol use or possession where reasonable suspicion is obtained by means other than the random sampling discussed in this policy.

All students who will participate in covered extracurricular activities during the school year and who complete and return the consent form within the deadlines set by the superintendent or designee will be included in the testing pool and may be randomly selected for testing as soon as the student is officially enrolled in the random drug testing program, even if the covered extracurricular activity has not yet begun.

If a student is 18 years of age and living with his or her parent/guardian, he or she must have both the student and parent/guardian signature on the drug testing consent form. If the student is 18 years of age and has established a residence on his or her own, then only the student's signature is required.

Students who test positive through this random testing program will be excluded from participation in covered extracurricular activities as follows:

**First Offense** – Exclusion from all covered activities for 15 calendar days.

**Second Offense** – Exclusion from all covered activities for 90 calendar days.

**Third Offense** – Excluded from all covered activities for 365 calendar days and will not be allowed to participate in practices or competition during the suspension.

A positive test through this random testing program will not result in suspension from school or academic sanctions. The district will not report results to law enforcement.

When an activity or performance is part of a co-curricular course offered by the school, such as band or choir, the student's grade or enrollment in the course will not be negatively impacted by a positive random drug test result. In the event of a positive drug test result, the student will be given alternative assignments in lieu of participation in any activities or performances scheduled during time the student is excluded from covered activities. During the period of exclusion, outlined above, the excluded student may attend practice sessions, continue to attend team functions and may sit with fellow participants during activities, but may not participate in any activity or performance.

### **Suspicion-Based Drug Testing**

Suspicion-based drug testing, unlike random drug testing, may only be used when there is reasonable suspicion that the student is under the influence of or has recently consumed alcohol or any drug prohibited by district policy. Students testing positive will be disciplined in accordance with the district's discipline policy and may also be excluded from extracurricular activities as determined by the district. A student who refuses to submit to testing may still be disciplined under the district's discipline code for being under the influence of alcohol or drugs.

### **Privacy and Confidentiality**

The testing method to be administered will be a urinalysis test. Appropriate steps will be taken to respect the privacy of students while, at the same time, preventing falsification of testing. Upon receiving a notice from the administration that the student has been selected for a random drug test, the student will go to an assigned area and wait until his or her turn to be tested. A representative of the Jackson R-II school administration or school nurse will be present during the testing procedure.

The test results will remain confidential and will only be released to the student, his or her parent(s)/guardian(s) and approved school officials. Regardless of a positive test result or not, parent(s)/guardian(s) will be notified through a letter that their child was tested that school day. In addition, the test results will not be used for student discipline and will not become part of the student's permanent record/transcript or communicated to any other party. All files regarding the participants in the program, as well as test results, shall be kept strictly confidential and will be kept separate from the mandatory school files required for each student. If the student tests positive, the

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results will only be used to determine eligibility for participation in covered extracurricular activities as defined in this policy. The results will not be used to suspend or expel a student from school, will not be included in the student's disciplinary record, and will not be communicated to any other party unless the district is subpoenaed.

**Verification of Sample**

Verification of sample will vary with the drug testing company that is hired to do random testing with the school district.

**Disclosure of Other Medications**

Upon confirmation by a SAMSHA-certified (Substance Abuse Mental Safety Health Administration) laboratory of a positive specimen, the parents/guardians of the student will be asked to bring any prescription medications the student is currently taking to a meeting with the designated school official. The official will then verify with either the school nurse or the test administrator (or the administrator's company representative) as to the validity of the medication producing the positive result. If the medication produces a legitimate medical reason for the presence of the drug, the results will be deemed as negative. If there is not a legitimate or acceptable medical explanation, the positive result will remain. Proof of medication can be given through the presentation of a prescription bottle or through doctor verification.

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***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted: 08/09/2016

Cross Refs: IGAEA, Teaching about Drugs, Alcohol and Tobacco  
IGD, District-Sponsored Extracurricular Activities and Groups

Legal Refs: U.S. Const., amend. IV  
*Board of Educ. of Ind. Sch. Dist. No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822 (2002)  
*Vernonia Sch. Dist. v. Acton*, 515 U.S. 646 (1995)

Jackson R-II School District, Jackson, Missouri