

ROUGH DRAFT 6/11/08

Student Drug Use Prevention Proposal Lago Vista ISD

RATIONALE

Lago Vista ISD has a vital interest in maintaining a positive learning environment that is safe and healthy for all students. To fulfill that purpose, the District designed a random drug testing program as a positive, proactive approach to promote a drug free student body. The program is academically non-punitive. However, it is designed to teach self-responsibility and that there are consequences for misbehavior.

By adopting the program, the District desires to: (1) provide for the health and safety of all students, (2) undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal drugs, (3) deter students from using drugs, (4) prevent injury or harm to students that may arise as a result of drug use, and (5) to provide resources for support and assistance to any student who may be using illegal drugs.

APPLICABILITY

Since drug use can increase the risk of injury to students participating in school-sponsored extracurricular activities and since these students are often role models to other students, the District shall require all students in grades 7-12 who participate in school-sponsored extracurricular activities to undergo random drug testing. School sponsored extracurricular activities include but are not limited to:

Football	Volleyball	Basketball	Cross Country
Baseball	Softball	Tennis	Track
Golf	Powerlifting	Cheerleading	Band
Academic UIL	One Act Play	FFA	Academic Decathlon
Student Council	National Honor Society		Class Officers
Destination Imagination			

VOLUNTARY PARTICIPATION

Any student in grades 7-12 to whom the program may not apply, as specified above, shall be allowed to participate voluntarily in the student drug-testing program. This policy will be implemented with respect to voluntary participants in the same manner as with those students who choose to participate in school-sponsored extracurricular activities.

STUDENT CODE OF CONDUCT

The random drug testing program is not intended to abridge or interfere with the application of the Student Code of Conduct or the Discipline Matrix. However, the consequences set forth in the Student Code of Conduct and/or the Discipline Matrix for the possession, use, selling, delivering, giving or being under the influence of illegal drugs or alcohol shall not be invoked only on the basis of a positive test result under this program.

ROUGH DRAFT 6/11/08

STUDENT AND PARENT PERMISSION

Written parental consent to random drug testing must be completed before a student is allowed to participate in a practice or competition of a school-sponsored extracurricular activity.

No student may participate in a practice or competition until the consent form is executed and on file with the designated school official. If the student is of legal age (age 18 or older), he or she must sign the permission form. Consent forms are valid for the current school year only.

Because participation in extracurricular activities is a privilege and not a right, refusal to consent to random drug testing will result in the denial of participation in the identified extracurricular activities.

TESTING PROCEDURES AND PROTOCOL

The District shall provide the testing entity with a list of all identified extracurricular activity participants and voluntary participants. Students will be chosen for the testing by random selection conducted by the testing laboratory. The random selection process is intended to eliminate subjective factors from playing a role in the selection of the students to be tested.

FREQUENCY

A percentage of students in grades 7-12 participating in school sponsored extracurricular activities and students who are voluntarily participating shall be tested. The testing entity will select the dates for conducting the periodic random drug test. The selection of dates will not follow any recognizable pattern.

TESTING STANDARDS

Testing shall be conducted through accepted scientific means using approved practices and procedures established by the testing entity selected by the District. The testing parameters shall be set at industry standards as defined by the National Institute for Drug Abuse. The testing entity will have met all standards for certification as established by the Substance Abuse and Mental Health Services Administration (SAMHSA) and all testing shall be conducted by qualified laboratory personnel in accordance with accepted practices and procedures.

Testing shall be accomplished by urinalyses using accepted immunological screening procedures, and chain of custody documentation shall be maintained throughout the collection and testing process.

Specimen samples shall be collected under conditions which are not more intrusive to students than the conditions experienced in a public restroom. The Superintendent, with cooperation of the testing laboratory, shall develop regulations for the collection and testing of specimens.

ROUGH DRAFT 6/11/08

The vendor with whom the District contracts for drug testing shall provide the services of a Medical Review Officer (MRO) who is certified by the Medical Review Officer Certification Council or by the American Association of Medical Review Officers as having proven by examination to have the appropriate medical training to properly interpret and evaluate the results of any drug testing authorized by the District. The MRO shall, as well, agree to abide by the procedures established by the District for the evaluation and timely reporting of any positive results.

NOTIFICATION OF TEST RESULTS

In the case of a confirmed positive test, the MRO or an authorized representative shall attempt to contact the parent or person otherwise in lawful control of the student, within one school day of having received the results. Should the MRO be unsuccessful in initial attempts to contact the parent within the time specified, the District shall provide assistance in locating the parent or person otherwise in lawful control of the student. In such cases, the parties should only assume that the purpose of the contact is for the purpose of responding to routine questions associated with the follow-up of a positive test result and inquiring about any medication ingested by the student. Verification of the positive result shall be done by a second test of the original specimen. Upon verification of a second positive test, the MRO or representative shall report the result to the Superintendent or designee within one school day after confirmation with the parent or person otherwise responsible for the student.

CONFIDENTIALITY

Student privacy will be protected in accordance with all applicable laws. Records of test results will be kept confidential and provided only to the student, his or her parent or person otherwise in lawful control of the student, the Superintendent or designee, 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 or safety concerns. **Test results are kept separate from other school records and will be maintained under lock and key in the central office.** School personnel are only allowed to view the information if they have a legitimate interest in the results. Results shall not be shared with law enforcement except as required by law. Upon written request of the parent or person otherwise in lawful control of the student, or a student of legal age, testing results may be released to treatment facilities.

All test results shall be destroyed when the student graduates or when the student's eligibility to participate in extracurricular activities expires. The test results will not be transferred to another district.

The contracted laboratory, and MRO shall be prohibited from releasing any statistical information relating to the nature or rate of any positive tests that result from the testing program to any person, organization, news publication, or the media without the expressed written consent of the District. The contracted laboratory and/or MRO shall, however, provide the Superintendent a report, at least quarterly, which shall include the

ROUGH DRAFT 6/11/08

number of tests performed during the specified period, the rate of positive and negative results, and a list of substances identified from any positive results.

SUBSTANCES ELIGIBLE FOR TESTING

For purposes of the program, the term “drugs” shall be defined as any substance defined as prohibited by either federal or Texas law for use by students, including but not limited to the following:

Amphetamines/methamphetamines	Barbiturates
Cannabinoids/marijuana	Steroids
Phencyclidine	Benzodiazepines
Cocaine	Methaqualone
Opiates	Propoxyphene
Alcohol	Inhalants/abusable volatile chemicals

The District shall reserve the right to test for any and all illegal or controlled substances, including adulterants used to mask test results, as determined at the discretion of the District.

FAILURE OR REFUSAL TO SUBMIT TO DRUG TESTING

Refusal to submit to a drug test or noncompliance with the testing after signing the consent form shall result in the same consequences as if the student had received a positive test and will be reported to the appropriate school representatives.

ADULTERATED SPECIMEN

If the testing entity determines that a student adulterated or tampered with a specimen, the student shall receive the same consequence as if the student had received a positive test.

CONSEQUENCES

FIRST POSITIVE TEST RESULT

The District has established the following consequences for the first positive test results.

Notification: Within five school days, the principal shall schedule a conference, to discuss conditions for continued participation in extracurricular activities, with personnel responsible for administering the extracurricular activities in which the student participates, and the parent or guardian.

Counseling: As a condition to returning to full participation, the student must provide documentation that he or she attended and successfully completed four hours of substance abuse counseling from an approved provider. Proof of counseling must be furnished to the principal within 30 days of the testing date. Any costs of counseling services shall be the responsibility of the parent or other person having lawful control of the student.

ROUGH DRAFT 6/11/08

Additional Testing: The student shall be required to submit to testing on the next three random testing dates.

Failure to Comply: Failure to meet these requirements within the specified time lines shall result in the student being suspended from participation in all identified extracurricular activities until the requirements are satisfied.

SECOND POSITIVE TEST RESULT

The District has established the following consequences for the second positive test results.

Notification: Within five school days, the principal shall schedule a conference with personnel responsible for administering the extracurricular activities, in which the student participates, and the parent or guardian.

Suspension: The student shall be suspended from all extracurricular activity performances and competition for a period of 30 days from the date of the second positive test result. However, the student may attend all regularly scheduled practices and meetings.

Counseling: As a condition to returning to full participation, the student must provide documentation that he or she attended and successfully completed twelve (12) hours of substance abuse counseling from an approved provider. Proof of counseling must be furnished to the principal within 30 days of the testing date. Any costs of counseling services shall be the responsibility of the parent or other person having lawful control of the student.

Additional Testing: As a prerequisite for returning to full participation, the student must submit to a new drug test and have a negative (clean) test result.

The student shall also be required to submit to testing on the next six random testing dates.

Failure to Comply: Failure to meet these requirements within the specified time lines shall result in the student being suspended from participation in all identified extracurricular activities until the requirements are satisfied.

THIRD POSITIVE TEST RESULT

The District has established the following consequences for the third positive test results.

Notification: Within five school days, the principal shall schedule a conference with personnel responsible for administering the extracurricular activities, in which the student participates, and the parent or guardian.

ROUGH DRAFT 6/11/08

Suspension: The student shall be suspended from all extracurricular activities including participation in practice for the remainder of the school year or 89 days whichever is longer. Students must test negative at the end of the suspension before participation in extracurricular activities.

Counseling: As a condition to returning to full participation, the student must provide documentation that he or she attended and successfully completed twenty-four (24) hours of substance abuse counseling from an approved provider. Proof of counseling must be furnished to the principal within 60 days of the testing date. Any costs of counseling services shall be the responsibility of the parent or other person having lawful control of the student.

Additional Testing: The student shall be required to submit to testing at each random testing time for the remainder of his/her enrollment in the district.

Failure to Comply: Failure to meet these requirements within the specified time lines shall result in the student being suspended from participation in all identified extracurricular activities until the requirements are satisfied.

FOURTH POSITIVE TEST RESULT

The District has established the following consequences for the fourth positive test results.

Notification: Within five school days, the principal shall schedule a conference with personnel responsible for administering the extracurricular activities, in which the student participates, and the parent or guardian.

Suspension: The student shall be suspended from all extracurricular activities for the remainder of his/her attendance in the District

Reinstatement: A student suspended from all extracurricular activities after a fourth positive test result may petition, after one calendar year from the date of suspension, the Superintendent or designee for consideration of reinstatement. Reinstatement shall be contingent on substantiated rehabilitation and other conditions deemed appropriate.

If a reinstatement is granted, the student will have to pass a drug test, submit to additional testing each time it is offered for the remainder of his/her attendance in school. Any failed drug test after four offenses will result in suspension for the balance of the student's school attendance period.

SUSPENSION

Suspension will commence immediately following the parent conference. Student will be eligible to participate once again at the close of the school day on the final day of the suspension period.

ROUGH DRAFT 6/11/08

Any suspension that is not completed during the course of the school year shall be extended in to the following year. Student may not participate in summer school sponsored extracurricular activities while completion of suspension is pending.

FAILURE TO COMPLETE SANCTIONS AFTER POSITIVE TEST

Any student who fails to complete sanctions after a positive test will be required to complete the imposed sanctions and also submit to and test negative on a drug/alcohol test prior to being reinstated in extra-curricular activities.

POSITIVE TEST OF VOLUNTARY PARTICIPANT

The consequences of a positive test result shall apply to a student who participates in the drug-testing program voluntarily in the same manner as with a student who participates in school-sponsored extracurricular activities.

STUDENT SUPPORT SERVICES

The District shall support and assist any student who may be required to participate in substance abuse education or counseling program with identification of and referral to reputable social service agencies as appropriate. Any cost of such services, however, shall be the responsibility of the student and/or parent or person otherwise in lawful control of the student.

ACADEMICALLY NON-PUNITIVE

A positive drug test will not affect the student's grade in any curricular class associated with the extracurricular activities. However, if participation in the extracurricular activities is required for the class or affect the student's grade, the student may be required to satisfy participation requirements in alternative ways. The result of the drug tests will not be documented in the student's academic record.

APPEALS PROCEDURE

Should a student or parent or person otherwise in lawful control or the student elect to appeal a positive test result, another test of the specimen in question may be conducted by a laboratory that is mutually agreed upon by both parties. A request for a retest must be made in writing to the Superintendent or designee within forty-eight (48) hours from the time that the parents were first notified of a positive test result by the MRO. In such cases, the student and/or parent or person otherwise in lawful control of the student shall assume responsibility for payment of all fees related to the third test.

The results of the retest conducted by an approved second laboratory will be used in lieu of the results generated by the District's testing laboratory. However, retest results from a non-approved laboratory will not be considered.

ADVISORY COMMITTEE

An advisory committee, chaired by the secondary school nurse will be formed. In addition to the secondary school nurse, membership of the committee will include:

ROUGH DRAFT 6/11/08

Three teachers of secondary students
Two parents of secondary students
Student Resource Officer
At least one secondary building level administrator
Director of Athletics

The advisory committee will be responsible for collecting and incorporating community input gathered during the community meetings that will be held prior to the initial implementation of this program. In addition, the advisory committee will select the vendor to administer the random drug tests. The advisory committee will also be responsible for reviewing the program effectiveness at least once a year and reporting to the Superintendent of Schools the results of their review.