

4.24.1 – Extracurricular Drug Testing for Students in Grades 7-12 – School Board Policy

MISSION STATEMENT

The Nemo Vista School District recognizes that drug abuse is a significant health problem for students, detrimentally affecting overall health, behavior, learning ability, reflexes, and the total development of each individual. The Nemo Vista School District Board of Education is determined to help students by providing another option for them to say “No”. Drug abuse includes, but is not limited to, the use of illegal drugs, alcohol, and the misuse of legal drugs and medications.

A. Purpose of a Chemical Abuse Policy:

1. To allow the students in the NVSD to know that the school is concerned about their total well-being;
2. To assist students of the NVSD in resisting the peer pressure that directs them toward drug use/misuse;
3. To establish high standards of conduct for students of the NVSD;
4. To emphasize concern for the health and safety of students while they are participating in activities and to emphasize the long-term physical and emotional effects of drug and alcohol use/misuse on their health;
5. To confirm and support laws that restrict the use/misuse of drugs;
6. To work cooperatively with custodial parent/legal guardians in keeping their children free from drug abuse/misuse;
7. To assist the student by referring them for counseling or rehabilitation regarding their use/misuse of drugs;
8. To deter drug and alcohol use/misuse by all students through the use of random drug testing.

B. The provisions of this policy apply to students enrolled in NVSD schools in grades seven through twelve (7-12). No student will be allowed to participate in any activity outside the regular curriculum until a consent form for random drug testing has been completed and signed by both the student and custodial parent/legal guardian and returned to the principal of the school. Positive screening results are cumulative, meaning a third positive test at any point during the student's enrollment will result in loss of eligibility in the programs and/or loss of driving privileges for one calendar year (365 days) from the third positive test.

C. DEFINITIONS

1. For this policy, **prohibited substances** are those drugs that could be abused or misused under Arkansas Statutes or which are controlled by the Food and Drug Administration unless prescribed by a licensed physician.
2. **Extra-curricular activities** are defined for this policy to be participation in competitions, campus parking, school trips, presentations, and other activities.

The following list of activities listed below is an example of activities:

FFA	Library /Media Club	Band	Newspaper	Baseball		
Quiz Bowl	Basketball	Beta Club	Golf	Track	Choir	Cross Country
Softball	Yearbook	Student Council	FBLA	FCA	FCCLA	

May include others not yet formed or not listed

D. **Prescription Medication:** The detection of lawfully prescribed medication in the student's drug test is not a violation of this policy when taken in accordance with a licensed physician's recommendation or prescription to that specific student. Students who test positive but refuse to provide a current and valid prescription will be subject to the actions specified in this policy for a positive test.

E. **Consent Form:** Students and custodial parent/legal guardian will be required to sign a consent form at the beginning of each year for random drug testing. No student shall be allowed to participate in any extra-curricular activity or purchase a parking permit until the consent form has been signed by both the student and custodial parent/legal guardian and returned to the principal.

Students moving into the district during the school year must sign the consent form during the first two weeks of enrollment.

- F. Random Testing Selection Process:** While students are in school, they will be subject to random selection for testing. If a student is selected for testing but is absent on that day, he/she will be tested upon returning to school. The number of names drawn will be no less than 2% or greater than 15% of the students enrolled in grades seven through twelve (7-12) at the time of the test. Urinalysis will be the method utilized to test for the presence of abuse/misuse of drugs in the body. All students selected must report to the designated testing site at the school immediately upon notification.
- G. Testing Agency:** The district will choose a qualified agency for collecting and processing samples and maintaining privacy with respect to test results and related matters. The testing agency will provide a Medical Review Officer (MRO) to interpret the results. Upon notification by the school district, the testing company will randomly select students by computer. Testing dates will be selected by the school district.
- H. Cost:** The cost of the test to be given during random selection will be paid by the district. Tests administered to regain eligibility after the first positive test will be at the expense of the student.
- I. Refusal to Submit to Testing:** Any student selected who refuses to submit to random drug testing and/or re-testing will be subject to the provisions of a positive test.
- J. Testing Procedure:** All urine specimens will be taken at a designated collection site. Any student who is requested to provide a urine specimen will be directed to the collection site where the student will complete the necessary forms and will conform to all collection site procedures. All test results and Medical Review Officer (MRO) communications will be sent to the superintendent or superintendent's designee.
- K. Analysis Process:** Testing protocol involves on-site collection and testing of urine samples. If a sample initially tests non-negative for any substance, that sample will be immediately retested. If the second test reports negative, the sample will be considered negative for reporting purposes. A second non-negative test will result in the sample being immediately delivered to the district's test vendor for GC/MS confirmation with results provided directly to the MRO.
- L. Results and Notification:** All test results, including those verified by the designated MRO, will be reported to the superintendent or superintendent's designee. All reports will be in writing.
- M. Records:** The principal or principal's designee will maintain all records concerning drug/alcohol testing and the school's designated MRO in a separate locked file. The records will not be kept in a student's regular file. Only the superintendent or superintendent's designee will have access to the files. The files on each student will be destroyed upon graduation or two years after termination of enrollment. A student and the student's custodial parent/legal guardians may obtain a copy of his/her drug/alcohol testing records upon written request.
- O. SCOPE OF TESTS:** The drug screen tests for one or more illegal drugs. The superintendent or his designee shall decide from week to week which illegal drugs shall be screened, but in no event shall that determination be made after the selection of students for testing. Student samples will not be screened for the presence of any substances other than an illegal drug or for the existence of any physical condition other than drug intoxication. As a quality control measure, the school reserves the right to send any urine sample that appears unusual in color and/or consistency to a laboratory for testing and confirmation or non-confirmation.
- P. LIMITED ACCESS TO RESULTS:** The results will be reported only to the principal or his designee.
- Q. PROCEDURES IN THE EVENT OF A POSITIVE RESULT:** Whenever a student's test result indicates the presence of illegal drugs ("positive test"), the following will occur: If the sample tests are positive, a custodial parent or legal guardian will be notified and a meeting will be scheduled with the Principal or his designee, the student, the custodial parent or legal guardian, and the head coach or sponsor.

- R. FIRST POSITIVE TEST RESULT:** Upon verification of a positive test result for any donor, the custodial parent/legal guardian will be notified and a meeting will be scheduled with the principal or principal's designee, the student, the custodial parent/legal guardian, and the student's head coach or sponsor. Counseling and/or rehabilitation will be strongly recommended for the student who tests positive. A referral/resource list will be made available to the student and custodial parent/legal guardian. Any counseling/rehabilitation service costs will be the responsibility of the student and/or custodial parent/legal guardian. The student will be suspended from all extra-curricular activities and/or the privilege of parking on campus for Twenty (20) school days. The student will be allowed to participate and/or park on campus after the twenty (20) school day suspension period pending the student providing a negative test result at the student's expense from the district's test vendor. A written copy of the results will be given to the superintendent or superintendent's designee.

Note: A positive test result taken for reinstatement purposes after the first positive test will not be regarded as a second positive.

A student testing positive may be required to practice or participate in off-season activities at the head coach's or sponsor's discretion. He/she cannot compete or dress out for any competition.

- S. ALTERNATIVE FIRST OFFENSE:** With the consent of the student and his or her parents/guardians, the superintendent or designee may reduce the suspension so that the student is only prohibited from participating in covered activities and parking on campus in the district for a total of ten (10) school days as long as the student meets the following requirements:

1. Within one (1) week of the conference, the student must receive or be enrolled in substance abuse counseling from an alcohol and drug abuse agency that is certified by the Arkansas Department of Mental Health, Division of Alcohol and Drug Abuse. The parents/guardians are responsible for all costs associated with the counseling. The parent/guardian must provide written verification that the student has been seen by the alcohol and drug abuse agency at least once before the student is allowed to begin participation again. If the student does not attend counseling as promised, the district will immediately implement the original consequences.

On day eleven, eligibility will be restored provided the student submits to a school test with negative results (**at the expense of the parent-guardian**).

2. The student will be required to submit to drug tests for the rest of the school year at the expense of the parent/guardian at least monthly.

- T. SECOND POSITIVE RESULT:** For the second positive result in the same year or any two consecutive calendar years, the student will be suspended from participating in activities and/or parking on campus in the district for ninety (90) school days.

- U. ALTERNATIVE SECOND OFFENSE:** With the consent of the student and his or her parents/guardians, the superintendent or designee may reduce the suspension so that the student is only prohibited from participating in parking and district-sponsored activities for a total of seventy-five (75) school days as long as the student meets the following requirements:

1. Within one (1) week of the conference, the student must receive or be enrolled in substance abuse counseling from an alcohol and drug abuse agency that is certified by the Arkansas Department of Mental Health, Division of Alcohol and Drug Abuse. The parents/guardians are responsible for all costs associated with the counseling. The parent/guardian must provide written verification that the student has been seen by the alcohol and drug abuse agency at least once before the student is allowed to begin participation again. If the student does not attend counseling as promised, the district will immediately implement the original consequences.

2. The student will be required to submit two monthly drug tests for the rest of the school year at the expense of the parent/guardian.

- V. **THIRD POSITIVE RESULT:** For the third positive result, the student will be suspended from participating in activities and parking on a campus in the district for one calendar year (365 days) from the third positive test. A third positive screen could be a positive test from the random pool, the follow-up program, or the test at the end of the second positive test suspension period.
- W. **NON-PUNITIVE NATURE OF POLICY:** No student shall be penalized academically for testing positive for illegal drugs. The results of drug tests according 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.
- X. **OTHER DISCIPLINARY MEASURES:** The district by accepting this policy is not precluded from utilizing other disciplinary measures outlined in the Student Discipline Policy and this policy does not preclude the district from taking disciplinary procedures and resulting action when founded upon reasonable belief and suspicion that a student has participated in drug-related activities.

Adopted 5/11/15