

**MANDATORY DRUG TESTING POLICY FOR STUDENTS INVOLVED IN
EXTRACURRICULAR ACTIVITIES OR THAT HAVE VOLUNTARILY BEEN PLACED IN THE
DRUG TESTING PROGRAM BY THEIR PARENT/GUARDIAN
at Wauneta-Palisade Public School**

Extracurricular Drug Testing Program

The school district supports and values student participation in extracurricular activities, but such participation in school district extracurricular activities is a privilege and not a right. Students in all extracurricular activities in grades 9-12 shall be subject to mandatory and random testing for the presence of alcohol or illegal drugs.

DEFINITIONS

DPA: A national certified Drug Program Administrator, which shall use a certified laboratory in testing of samples. The Board will choose a nationally certified DPA for the purpose of determining through random selection the student(s)/participant(s) to be tested.

DPC: The Drug Program Coordinator shall be the building Principal/Activities Director or his/her designee

MRO: Medical Review Officer

1. Purpose of Random Drug Testing

- a. To provide for the health and safety of all students;
- b. To undermine the effects of peer pressure by providing legitimate reason for students to refuse use of illegal drugs and/or alcohol;
- c. To identify students who use illegal drugs and/or alcohol; and
- d. To encourage students who use illegal drugs and/or alcohol to participate in appropriate treatment programs.

2. Each student who participates or seeks to participate in extracurricular activities shall be given a copy of this policy. This policy may also be included in the student handbook. An orientation for students and parents will be held at the start of the school year to talk about the policy and procedures.

3. **Activity Programs**: Any activity that meets the guidelines of an extracurricular activity at Wauneta-Palisade Public School, which shall include the following but not limited to:

Basketball	Football	Volleyball	Cross Country	Musical/Play
FCCLA	Pep Band	Jazz Band	Mock Trial	Speech
Wrestling	Quiz Bowl	Track	Cheerleading	Student Council
NHS	Golf	FFA	Marching Band	One Act
Swing Choir	FBLA	School Dances		Inter-high Day
School Concerts		Athletic & Academic Awards Ceremonies		

4. **Students Who Are Required to Submit to Drug Testing**

- a. **Grades.** All students in grades 9-12 who participate in any extracurricular activity or competition listed above are part of the pool subject to random drug testing.
- b. **Consent.** A student and his or her parent(s)/guardian(s) must sign a consent form before the student shall be eligible to try out for, practice with, or participate in the extracurricular activity. The consent form is attached to this policy.
- c. **Selection Pool Eligibility.** Students shall remain in the selection pool for an entire calendar year (365 days) from the date the consent form is received by the school district except that students who quit during the season or activity (prior to being selected for testing) or students who are cut from an activity will be removed from the testing pool. A participant may be subject to testing at any time during the said 365 day period. Any student who tests positive during the school year will be tested through the summer months. Summer months are from the first day after the last day of classes in the spring through the last day before the first day of classes in the fall.
- d. **Withdrawal.** Students who have a consent form on file remain eligible for drug tests from the date the consent form is received by the school district and throughout the remainder of the school year or until the student files a Withdrawal of Student from Activity form signed by the student and his or her parent(s)/guardian(s). Upon withdrawal, the student shall not be eligible to participate in any activity that is subject to drug testing for 365 days from the date of withdrawal. A student who files a Withdrawal of Student from Activity form after selected for a random drug test but before submitting to the test or after testing positive shall be ineligible to participate in any extracurricular activities for one calendar year from the date the Withdrawal of Student from Activity form is received by the Drug Program Coordinator.

5. **Drugs.** Students participating in extracurricular activities are prohibited from using, possessing, distributing, manufacturing, or having drugs present in their system. "Drugs" means:

- a. Any substance considered illegal by the Uniform Controlled Substances Act, Neb. Rev. Stat. § 28-401 *et seq.*
- b. Any substance which is controlled by the Food and Drug Administration unless prescribed to the student by any licensed medical practitioner authorized to prescribe controlled substances or other prescription drugs;
- c. Alcohol for any student under the age of 21. Alcohol shall have the meaning as provided in NEB. REV. STAT. § 48-1902(1).

6. Testing Procedures

- a. **Student Selection.** All students who participate in extracurricular activities and submit a consent form will be included in a master list and will be subject to random drug screening. The master list shall be submitted to the company employed by the district to conduct the testing. The DPA will identify students on the master by number.
- b. **Reasonable Suspicion Testing.** In addition to random drug testing, a student is subject to drug testing at any time when the Drug Program Coordinator determines there is individualized reasonable suspicion based upon articulable facts to believe that the student has used a drug. The Drug Program Coordinator will notify the student and take the necessary steps to schedule a test as soon as practicable.
- c. **Parental Request.** Students who do not participate in extracurricular activities may be added to the random drug screening master list upon parental request. Parent(s)/guardians may also request that their student be subject to non-random drug screening. The school will arrange for the test as soon as practicable. The parent(s)/guardian(s) making a request under this subparagraph must submit a signed consent form and indicate which type of test is being requested. Any cost associated with tests administered as a result of parental request must be paid by the parent(s)/guardian(s) in advance of the test.
- d. **Type of Test.** The school district reserves the right to utilize breath, saliva, hair or urinalysis testing procedures. Urine and oral fluid samples, which screen positive will be confirmed by GC/MS (Gas Chromatography/Mass Spectrometry). Positive saliva or breath alcohol tests will be confirmed by EBT (Evidential Breath Tester).
- e. **Collection Site.** The Drug Program Coordinator will designate the collection site at which student will provide specimens. The collection site may be off the premises of the school district.
- f. **Sample Collection.** Samples will be collected as directed by the Drug Program Administrator on the same day the student is selected for testing, or if the student is absent an alternate will be selected, in sequential order, from an alternate list provided by the Drug Program Administrator. If a urine sample is required, all students providing samples will do so alone in an individual bathroom or stall with the door closed.

- g. **Collection Procedures.** The school board will select a Drug Program Administrator (DPA). The DPA shall randomly select the students subject to drug testing from the master list. The DPA will maintain and follow generally accepted industry standards for collecting, maintaining, shipping, and accessing all specimens. The DPA will seek to obtain the sample in a manner designed to insure accurate testing protocols while minimizing intrusion into a student's privacy. The DPA and the school district will provide a copy of the collection procedures upon request.
- h. **Drugs.** Students may be randomly tested for any drugs, including but not limited to alcohol, amphetamines, marijuana or cannabinoids, cocaine, methadone, methaqualone, propoxyphene, hallucinogens, opiates, phencyclidine, synthetic opiates and PCP, steroids, barbiturates, benzodiazepines, alcohol, and any prescription drug that was obtained without proper authorization.
- i. **Results.** The DPA shall notify the student and the Drug Program Coordinator of any positive test after the initial screening. The school representative shall notify the student's parents. The DPA will use a secure method to transmit all positive test results to the DPA's Medical Review Officer (MRO). The MRO will be certified by an MRO accreditation body. The MRO will be responsible for reviewing test results and determining whether the use of a substance identified by the sample analysis is from illicit use or a legitimate medical use. Prior to making a final decision, the MRO or his or her assistant shall contact the student and his or parent(s)/guardian(s) to discuss the result either face-to-face or over the telephone. If the MRO determines the test results are negative, no further action shall be taken against the student. The MRO will report results of verified positives to the DPA. The DPA shall then notify the Drug Program Coordinator of the positive test result. The Drug Program Coordinator shall notify the student and his or her parent(s)/guardian(s) and any staff members responsible for implementing the consequences of this policy.
- j. **Request for a Retest.** A split specimen will be collected for all testing methods, with the exception of alcohol testing. A positive alcohol test will be confirmed with an EBT device. A student's parent(s)/guardian(s) may request that the split specimen be tested at a second nationally certified laboratory from a list provided by the MRO. The request for the test must be submitted in writing to the MRO (with a copy sent to the Drug Program Coordinator) within 72 hours of being notified of the final testing result. The student and his or her parent(s)/guardian(s) must pay the associated costs for an additional test in advance. The costs will be reimbursed if the result of the split sample test is negative. The student will remain subject to the consequences of this policy during the retesting procedure.

- k. **Scope of Tests:** The drug screen tests for one or more illegal drugs and/or alcohol. The Drug Program Coordinator shall determine 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 use.
- l. **Non-Punitive Nature of Policy:** No student shall be penalized academically for testing positive for illegal drugs or alcohol. The results of drug tests pursuant 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.
7. **Consequences for Testing Positive.** Whenever the test results indicate the presence of drugs, Drug Program Coordinator shall schedule and hold a confidential meeting with the student, parent/guardian, and sponsor/coach. Other members of the school's administration may also attend the meeting. At the meeting, the Drug Program Coordinator shall explain the drug testing procedures and the policy of the district. The consequences shall be as follows *(All offenses are cumulative in grades 9-12)*:

Students lose the opportunity to self-report once they are randomly selected for testing.

First Offense

The student may be required to attend practice at the determination of coaches/sponsors and administration.

- The student will complete a drug and alcohol curriculum provided by the school.
- The student will complete 10 hours of community service.
- If School officials learn of a violation through any means other than self-reporting, the student will be ineligible to participate in any extracurricular activity for 21 calendar days. If a student self reports, the student will be ineligible to participate in any extracurricular activity for 10 calendar days. The day of the first scheduled event of any activity in which the student participates shall be the first day for counting purposes.
- If the end of an activity or school year precedes the end of the 21/10 days, the remaining days will be carried over to the next activity or school year, so the student completes the required number of days.
- The student may/may not letter and/or receive team awards as determined by coaches/sponsors and administration.

- The student must submit to a district administered test and test negative before returning to any activity. The student will be subject to follow-up drug tests at least one time per month for up to the next 12 months or end upon graduation.

Second Offense

The student may be required to attend practice at the determination of coaches/sponsors and administration.

- The student will complete 20 hours of community service.
- If School officials learn of a violation through any means other than self-reporting, the student will be ineligible to participate in any extracurricular activity for 42 calendar days. If a student self reports, the student will be ineligible to participate in any extracurricular activity for 24 calendar days. The day of the first scheduled event of any activity in which the student participates shall be the first day for counting purposes.
- If the end of an activity or school year precedes the end of the 42/24 days, the remaining days will be carried over to the next activity or school year, so the student completes the required number of days.
- The student may/may not letter and/or receive team awards as determined by coaches/sponsors and administration.
- The student shall obtain a drug and alcohol assessment at the student's expense from a certified substance abuse counselor or licensed mental health provider who holds a valid license that includes in its scope of practice the ability to administer substance abuse evaluations and/or treatment. The student shall provide written proof of obtaining the assessment to Drug Program Coordinator. The student is strongly encouraged to comply with the assessment recommendations.
- The student must submit to a district administered test and test negative before returning to any activity. The student will be subject to follow-up drug tests at least one time per month for up to the next 12 months or end upon graduation.

Third and Each Subsequent Offense

The student may be required to attend practice at the determination of coaches/sponsors and administration.

- The student will be ineligible to participate in any extracurricular activity for one calendar year

8. Refusal to Test

A student who refuses to submit to a drug test authorized under this policy, or fails or refuses to comply with any other provision of this policy, shall be deemed to have submitted a positive test.

9. Tampering

Tampering is the use of any agent or technique, which is designed to avoid detection of a drug and/or compromise the integrity of a drug test and is prohibited. This includes providing false urine samples (for example, urine substitution), contaminating the urine sample with chemicals or chemical products, the use of diuretics to dilute urine samples, and the use of masking. If the Drug Program Coordinator determines that a student tampered with a drug test, the student shall be deemed to have submitted a positive test. Additionally, the consequence will advance one level in the disciplinary scope and sequence based on the student's current or past violation(s) of the policy. Example, if it were the student's first violation, the consequence would equal a second offense.

The use of any such agent or technique shall be treated as a positive test for drugs prohibited by this Policy and shall be subject to the penalties set forth in this Policy.

10. Maintenance of Records

All results of drug testing shall be confidential. Procedures for maintaining confidentiality will be developed by the school district and the testing organization. The Drug Program Coordinator shall maintain records of positive tests in a secure location. This information will not be available to anyone other than appropriate school personnel and parents. This information will be destroyed upon the student's graduation or one year after the student's class graduates. Under no circumstances will this information become a part of the student's permanent file, nor will it be sent to another school when the student moves to another district or transfers to another school. The school district will not share drug testing results with any law enforcement agencies.

11. Appeal.

The school district will rely solely upon the opinion of the MRO to determine whether the positive test result was the result of the consumption of a drug. There shall be no appeal of the test result to any school administrator or the board of education.

12. Severability

If any portion of this policy is deemed to be contrary to the law of the state of Nebraska or the United States by judicial decision or an act of Congress, then only such portion or provision directly deemed to be unconstitutional shall be stricken, and the remainder of the policy shall remain in full force.

**WAUNETA-PALISADE PUBLIC SCHOOL
CONSENT TO PERFORM RANDOM DRUG TESTING 2017-2018**

Student Name _____ Grade _____

As a student and parent:

< We understand and agree that participation in extracurricular activities is a privilege that may be withdrawn for violations of the Extracurricular Drug Testing Policy.

< We have read the Extracurricular Drug Testing Policy and understand the responsibilities and consequences as an activity participant if the student violates the policy.

< We understand that when students participate in any extracurricular activity, they will be subjected to random drug testing, and if they refuse, will not be allowed to practice or participate in any extracurricular activity. We have read this consent statement and agree to its terms.

< We understand this is binding while a student is enrolled in Wauneta-Palisade School

CONSENT TO PERFORM DRUG TESTING

We hereby consent to allow the student named on this form to undergo drug testing for the presence of drugs and alcohol in accordance with the Extracurricular Drug Testing Program adopted by the Board of Education. We understand that any samples will be sent only to a qualified laboratory for actual testing. We hereby give our consent to the medical vendor selected by the school board, their Medical Review Office (MRO), laboratory, doctors, employees, or agents, together with any clinic, hospital, or laboratory designated by the selected medical vendor to perform testing for the detection of drugs and to release the results of those tests as provided in the policy. We understand these results will be forwarded to school district officials and will also be made available to us. We agree to sign any necessary releases if requested to do so.

We understand that consent pursuant to this Consent to Perform Random Drug Testing will be effective for all extracurricular activities in which this student might participate during the current school year.

We hereby release the Wauneta-Palisade Board of Education and its employees from any legal responsibility or liability for the release of such information and records, pursuant to the policy.

Student Signature _____ Date _____

Parent/Guardian Signature _____ Date _____

