

WILLIS ISD STUDENT DRUG TESTING POLICY

INTRODUCTION

In June of 2002, the Supreme Court broadened the authority of public schools to test students for illegal drugs. Because of this ruling, schools are now allowed to randomly drug test all middle school and high school students who participate in extra-curricular activities.

Monitoring the Future, a national survey that tracks drug use among America's youth reported in 2002 more than half of all students had used illicit drugs by the time they finished high school. Adding to this dilemma is the 2002 *National Household Survey on Drug Abuse* that revealed, of the 4.5 million people age 12 and older who needed drug treatment, 23 percent were teenagers. Here in Montgomery County according to the Justice of the Peace Court, citable offenses by juveniles involving drugs, alcohol, and tobacco has been on a steady rise since 2001. These facts about our youth and dangerous drugs are alarming.

Willis Independent School District is committed to providing our youth a safe and drug free environment in which to grow and flourish. Because of this commitment, Willis ISD has implemented a drug-testing program for all students participating in extra-curricular activities. Research shows that people who make it through their teenage years without using tobacco, alcohol, or drugs are much less likely to start them when they are older. If testing can keep kids off drugs and alcohol, if it can help free young minds for learning and allow growing bodies to escape the devastating cycle of dependence or addiction, it will be a valuable and important tool against drugs.

Willis ISD has not implemented a drug-testing program to identify and punish students who have made bad decisions about drugs. This program has been established to give kids who face daily pressure from their peers to experiment with drugs an out by participating in extra-curricular activities. If a student has already made a bad decision about drugs, this program will identify them so that a drug intervention program can be implemented to prevent future drug use.

PURPOSE OF THE DRUG TESTING PROGRAM

Willis ISD has a vital interest in maintaining a positive learning environment that is safe and healthy for all students. To fulfill that purpose and as a proactive measure to keep our schools drug free, the District is adopting a random drug testing policy for: (1) students participating in school-sponsored competitive 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) to provide for the health and safety of all students, (2) to 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 encourage students who use drugs to participate in drug treatment programs.

STUDENTS SUBJECT TO TESTING

- A. **Students Competing in Competitive Extracurricular Activities.** Since 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 random drug testing. The following activities are identified as school-sponsored competitive extracurricular activities:

<u>Athletic</u>	<u>Non-Athletic</u>
Baseball	All Students Parking a Motor Vehicle at Willis High School
Basketball	
Cross-Country	Band
Football	Cheerleaders
Golf	Choir
Soccer	DECA
Softball	Drill Team
Swimming	FCCLA
Tennis	FFA
Track	German Club
Volleyball	Interact Club
	Leo Club
	Newspaper
	ROTC
	Spanish Club
	Theatre Arts
	TSA
	UIL Academic Participants
	Yearbook

Participation includes 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.

- B. **Students Parking on School Property.** Since drug use can increase the 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 their vehicles on school property during the school day to undergo random drug testing.

INFORMED CONSENT FOR TESTING

- A. **Students Competing in Competitive Extracurricular Activities.** Written parental consent to random drug testing must be completed before a student is allowed to participate in a practice or competition. 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 also 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.

- B. Students Parking on School Property.** Written parental consent to random student drug testing must be completed before a student is issued a parking permit and allowed to park his or her vehicle on school property. No student may receive a parking permit or park on school property 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 parking on school property is a privilege and not a right, refusal to consent to random drug testing will result in the denial of parking privileges.

TESTING PROCEDURES

- A. Frequency.** At the beginning of each school year, an initial baseline test will be administered to: (1) those students in grades 9 through 12 who receive a parking permit allowing them to park their vehicles on school property during the school day, and (2) those students in grades 7 through 12 participating in competitive extracurricular activities. Students not tested at the beginning of the year must be tested prior to participation in the competitive extracurricular activity or the issuance of a parking permit.

Each school year the Board of Trustees or its designee will determine the percentage of students to be tested based on the number participants; the Board of Trustees or its 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. Tests will be conducted at least six times during the school year.

- B. Random selection of students.** The District will provide the testing laboratory with a list of all identified extracurricular activity participants. Students will be chosen for testing by computer-generated 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.
- 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.

- 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 sealed specimen collection container will be sealed and witnessed by the student. The testing entity representative will take all specimens to the laboratory for analysis.

- E. Refusal.** Refusal to provide a sample or noncompliance with the testing procedures by any student will be considered a positive test result and will be reported to the appropriate school representatives.
- F. Substances.** The District reserves the right to test for amphetamines, anabolic steroids, barbiturates, cocaine, LSD, marijuana, methadone, opiates, 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. 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 STUDENT CODE OF CONDUCT

This drug testing policy does not in any way modify the disciplinary provisions of the Willis ISD 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 Willis ISD Student Code of Conduct.

CONSEQUENCES

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 competitive extracurricular activities identified in this policy and/or will relinquish all parking privileges for thirty (30) calendar days.

In order to have parking and competitive 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;
2. Submit to a new drug test and have a negative (clean) test result following the

- thirty (30) day suspension; and
3. Following the expiration of the suspension, submit a letter of intent expressing his/her desire to regain parking and competitive extracurricular activity privileges, as applicable.

Failure to meet these requirements within the specified time lines 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 in all competitive extracurricular activities identified in this policy and/or will relinquish all parking privileges for eighty-five (85) calendar days or the remainder of the semester, whichever is longer. The student will automatically be tested during each subsequent random drug testing event for one calendar year.

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

1. Provide documentation that he/she attended and successfully completed 6 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 eighty-five (85) day suspension; and
3. Following the expiration of the suspension, submit a letter of intent expressing his/her desire to regain parking and competitive extracurricular activity privileges, as applicable.

Failure to meet these requirements within the specified time lines 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 in all competitive extracurricular activities identified in this policy and/or will relinquish all parking privileges for the remainder of the student's attendance at Willis ISD.

- D. 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.

- E. 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 Addition Services. A list of approved substance abuse counseling providers may be obtained upon request.

- F. 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.

- G. 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 affects 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 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.