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STUDENT DRUG TESTING

POLICY:

I. PURPOSE AND INTENT

The School Board of Dixie County believes every child is entitled to a drug free environment for education. The School Board of Dixie County also recognizes that an increasing number of students in Dixie County and throughout our nation are involved in the illegal use of drugs and alcohol. The Board is seeking to undermine the effects of peer pressure by providing an additional reason for students to refuse to use illegal drugs and alcohol. The 2008 Florida Youth Substance Abuse Survey indicated serious concerns and the Board wants to be proactive to help our young people. The purpose of random drug testing is to keep our students from using drugs and to help those who may be drug dependent.

The School Board finds that some students who participate in interscholastic, competitive and/or extracurricular activities and who are popular role models among their peers at school are involved in this illegal use of drugs and alcohol. This use poses a threat to that student, as well as other students. Additionally, students who elect to drive to and from school and park on school property impose yet another serious threat to campus and school safety if under the influence of illegal drugs and/or alcohol.

Participation in school-sponsored interscholastic and extra-curricular activities and permission to drive to school and park on campus are privileges. Furthermore, privileged students are representing the school district and the community. Accordingly, these students carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible examples of conduct, sportsmanship, and training, which includes avoiding the use or possession of illegal drugs and/or alcohol.

Based upon these factors, the School Board has determined the following:

- a) There is a compelling need to initiate a testing program and procedure to deter and reduce the illegal use of drugs and alcohol by privileged students;

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- b) It is important to identify privileged students, who may be using illegal drugs and alcohol, and identify those substances being used;
- c) It is necessary to educate these students concerning the problems and detrimental health effects of illegal drug and alcohol use;
- d) It is necessary to encourage and facilitate appropriate counseling and treatment for any identified drug and alcohol dependency, and provide reasonable assurances that privileged students are medically and physically competent to do so.
- e) Identification of illegal drug and/or alcohol use will assist in assuring safe operation of student-driven vehicles on campus;
- f) It is important that students be offered school activities, practices and competitions that are free of the effects of illegal drug and alcohol use; and
- g) It is important to undermine the effects of peer pressure by providing an additional and legitimate reason for students to refuse the use of illegal drugs and alcohol.

II. AUTHORITY

In recognition of the fact that student participation privileges is voluntary, and pursuant to Florida Statutes 1001.42 and 1001.43, and the opinion of the United States Supreme Court in the cases of Vernonia School District 47J vs. Acton, 515 U.S. 646 (U.S. 1995) and Board of Education of Independent School District No. 92 of Pottawatomie Co. vs. Earls, 536 U.S. 822 (U.S. 2002) the School Board of Dixie County, Florida, is authorized to adopt a policy requiring drug and alcohol testing of privileged students as provided herein.

III. EFFECTIVE DATE AND SCOPE

This Policy shall become effective upon adoption and shall be initiated at Dixie County High School with interscholastic athletics and/or other interscholastic, competitive, extracurricular programs and/or with parking privileges and shall remain in effect until such time as the School Board either repeals this policy or amends this policy. The Superintendent's recommendation to the School Board for School Board approval may expand this program to Ruth Rains Middle School.

IV. DEFINITIONS

For purposes of this policy, the following terms and phrases shall be defined as follows:

- A. **Alcohol** shall mean any beverage, mixture or preparation, including any medications or other products containing alcohol or ethanol.
- B. **Drugs** shall mean any substances or drugs identified in Schedule I through V of 21 United States Code Section 812 (Controlled Substances Act) and as further defined by 21 CDR 1300.11 through 1300.15 and cannabinoids (marijuana), amphetamines, benzodiazepines, ethanol (alcohol) cocaine, opiates, and propoxyphene.
- C. **Medical Review Officer** or “**MRO**” is a licensed physician who has agreed to provide services to the School Board for the purpose of reviewing drug test results and communicating with the competitive student or driving student concerning any positive drug test results as more specifically described herein.
- D. **Parent** shall mean the parent or legal guardian of a competitive student or driving student.
- E. **Privileged Student** is a student enrolled in Dixie County public schools, charter schools, or home schools who participate in interscholastic sports, school sponsored clubs, extra-curricular school activities or who are permitted to park on school campuses.
- F. **Privileges** include the following: (1) right to participate in interscholastic sports, (2) right to participate in school sponsored clubs, (3) right to participate in extra-curricular activities, and (4) right to park on campus.
- G. **Random Selection** means a mechanism for selecting participating students for drug testing that results in an equal probability that any privileged student subject will be selected and that does not give district personnel any discretion to waive the selection of any privileged student.

V. GENERAL PROHIBITIONS AND CONSEQUENCES

- A. **Standard of Conduct:** The use or possession of a drug or alcohol by a privileged student at any time is hereby prohibited. Any privileged student determined to be in violation of this policy is subject to having their privileges suspended or removed. Nothing in this policy shall be construed to limit the

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applicability or enforcement of the Student Code of Conduct, including all of its provisions pertaining to drugs and alcohol.

1. **Adulteration of Sample.** A privileged student who knowingly attempts to alter, adulterate, dilute or manipulate a urine sample shall receive the same consequences as if the test had rendered a positive result.
 2. **Refusal to be Tested.** A privileged student who refuses to submit to a drug test or intentionally fails to report to the prescribed place at the prescribed time for testing shall receive the same consequences as if the test had been rendered a positive result.
- B. **Consequences:** A privileged student whose drug test administered pursuant to this policy renders a positive test result, or a privileged student who refuses to be tested in accordance with this policy, shall receive as follows:
1. **First Positive Drug Test Result:** The privileged student shall have all privileges suspended for a minimum of fourteen (14) consecutive days or until satisfactory completion of a board approved education program; whichever is greater.
 2. **Second Positive Drug Test Result:** The privileged student shall have all privileges suspended for the remainder of the current semester and two additional semesters. During the period of suspension, the student shall be removed from the pool of students to be tested. Once the term of suspension is completed, if the student chooses to have privileges, the student will be placed back in the testing pool. Once returned to the testing pool, if the privileged student tests positive one additional time, he or she shall receive consequences of a first positive test result. If the privileged student tests positive a second time, he or she shall receive the consequences of a second positive test result.

VI. DRUG TESTING PROCEDURES

- A. **Consent.** Prior to receiving privileges, each student and at least one parent or legal guardian of that student is required to provide a notarized consent for drug testing. Said consent shall require the parent or legal guardian to identify the name, address, and telephone number of all persons to be notified in the event that the privileged student tests positive for drug use under this policy.

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- B. **Medication.** A privileged student who tests positive for drugs or alcohol and who has been taking the drug or alcohol pursuant to a physician's prescription shall provide verification of said prescription at the request of the MRO.
- C. **Selection Process.** Drug testing of privileged students shall occur at various times throughout the school year using random selection. The name and identity of the selected privileged students shall remain unknown until the random selection is completed.
- D. **Sample collection Procedures.** Privileged students who are selected for drug testing shall be required to produce a urine sample under the supervision of the laboratory technician and a designated school official in a manner which will minimize intrusiveness and embarrassment to the student while also insuring that there is no tampering with the urine sample by the privileged student or others. Privileged students shall be required to produce a urine sample while in a private restroom stall while a lab technician or school official remains outside the restroom entry door. Each urine sample container shall be checked for appropriate temperature and for any signs of tampering and will be sealed and labeled with a number or other means of identification.
- E. **Sample Analysis Procedures:** The sealed urine sample containers will be delivered to the testing laboratory through a verifiable chain of custody. A portion of the urine sample will then be analyzed. If that initial analysis renders a negative result, then no further analysis will be conducted. If the initial analysis renders a positive result, then a second analysis of the remaining portion of the urine sample will be conducted for the purpose of confirmation of the positive result. If such confirmation analysis renders a negative result, then the drug test will be deemed negative and no further analysis or action will be taken. If the confirmation analysis renders a positive result, then the drug test result will be deemed positive and a report of such results will be delivered to the MRO.
- F. **Medical Review Officer's Review:** The Medical Review Officer ("MRO") will receive all reports of positive drug test results and will be supplied with information to determine the correct name of the privileged student whose identifying number appears on each positive test result report. The MRO shall have the knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate a privileged student's confirmed positive drug test result, together with his or her medical history or any other relevant biomedical information that the privileged student and his or her parents or legal guardians wish to provide.

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The school principal shall provide the MRO with telephone contact information for the privileged student's mother, father, and legal guardian as such information is listed in the privileged student's academic record. It shall be the responsibility of the parent or legal guardian to keep the school principal apprised of changes in contact information to be contained in the privileged student's academic record. Prior to verifying a positive drug test result, the MRO shall attempt to contact the privileged student and both parents and legal guardians of the privileged student to afford them the opportunity to confidentially discuss the test result with the MRO and provide the MRO with the privileged student's medical history and any other biomedical information that would assist the MRO in determining whether the drug test result should be verified as positive or negative.

If the MRO determines that the test result should be deemed negative, then no further action shall be taken and the privileged student's test results shall be reported as negative. If the MRO verifies that a positive test result as reported by the laboratory is indeed positive, then the MRO shall submit a report of that positive test result of that student by name so that appropriate action can be taken pursuant to this policy.

VII. CONFIDENTIALTY

Record of Test Results: Test results will be kept in a file separate from the student's other educational records, shall be disclosed only to those school personnel who have a need to know and will not be turned over or disclosed to any law enforcement personnel or authorities.

VIII. APPEAL PROCEDURES

A privileged student whose positive test result has been verified by the MRO and forwarded to the appropriate school official, a privileged student who has refused to be tested, or a privileged student who has adulterated a sample shall be entitled to procedural due process as follows:

- A. **Notice:** The school official, or designated representative, shall notify in writing the privileged student and all parents and/or legal guardians listed on the consent form that the student has violated this policy. Said notice shall be hand delivered or sent via U.S. Mail, return receipt requested, to the addresses listed on the consent form. Said notice shall describe the consequences of the violation and advise of the right to schedule a due process hearing if requested.

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B. **Hearing:** If requested by the privileged student, his or her parents, or legal guardian, the school official shall convene a Student Drug Testing Committee and, within a reasonable time, conduct a hearing to determine if appropriate due process was provided. The Student Drug Testing Committee shall include a minimum of three (3) members. Members may include the school superintendent or designated representative, school principal, athletic director, activities directors, club sponsors, or coaches. The student and at least one parent or legal guardian must attend the hearing and may provide evidence and call witnesses, cross examine witnesses, and provide written statements as they deem appropriate. The Student Drug Testing Committee shall render a written decision within three (3) school days of the hearing. Said decision shall be final and shall not be subject to any further administrative appeal.

IX. PROGRAM OPERATING PROCEDURE: The Superintendent of Schools shall establish operating procedures to implement this policy.

STATUTORY AUTHORITY: 1001.41; 1001.42, F.S.

LAWS IMPLEMENTED: 1000.21; 1001.41; 1001.43; F.S.

HISTORY:

Adopted: December 8, 2009 Revision Date(s): February 9, 2010 Formerly:
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