

STUDENT DRUG TESTING PROGRAM PROCEDURES

DRUG TESTING PROCEDURES FOR STUDENTS PARTICIPATING IN EXTRACURRICULAR ACTIVITIES AND FOR STUDENTS WITH PARKING PRIVILEGES

In an effort to protect students from the use of controlled substances, illegal drugs, and non-prescribed medications (hereafter referred to as "Prohibited Substances"), and to promote the health and safety of its students, the St. Clair County Board of Education will use the following procedures for drug testing of students participating in elective extracurricular activities and students with parking privileges.

The St. Clair County Board of Education (the Board) recognizes extracurricular activity students as present and future assets to our sports, academic, and leadership education process. Extracurricular activity students, as role models for other students, are a key to our goal of providing the best possible education program for all students. To achieve our goal, and to maximize the skills and talents of our students, it is important that every student, as well as employees, of our school system understand the dangers of Prohibited Substances.

Participation in school-sponsored extracurricular activities at the St. Clair County Schools is a privilege. Students who participate in these activities are representing the school district and the community. Accordingly, students electing to participate in extracurricular activities have 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 Prohibited Substances.

"Extracurricular activity student" means a member of any St. Clair County high school or middle school (grades 7-12) sponsored extracurricular organization. This includes any student who represents St. Clair County Schools in any extracurricular activity, such as, but not limited to, Academic Teams (Debate, Math, TSA, and Scholars Bowl), Student Council, Service Associations, Elective Clubs, Band, Color Guard, Competition Choir, Dance Line, Cheerleaders, and Athletics. Participation in extracurricular activities is a privilege that can be taken away for failure to comply with this policy.

Parking permits at St. Clair County Schools are a privilege. Students who are afforded this privilege are driving a vehicle onto school property and therefore have a responsibility to themselves, their fellow students, their parents and their school to meet the highest possible level of safety and not drive on school property while under the influence of Prohibited Substances. A parking permit is a privilege that can be taken away for failure to comply with this policy.

"Student with parking privileges" means a student of any St. Clair County high school or middle school (grades 7-12) who has received a parking permit to park a vehicle on school property.

The Board reserves the right to depart from these policies and procedures where it deems it is appropriate. Except where specifically prohibited by law, the guidelines contained within this document may be changed by the Board at any time. Students covered by this policy will be informed of changes.

POLICY OBJECTIVES

1. To create and maintain a safe, drug-free environment for all students.
2. To encourage any extracurricular activity student or student with parking privileges who has dependence on, or addiction to, Prohibited Substances to seek help in overcoming the problem.
3. To reduce the likelihood of incidents of accidental personal injury and/or damage to students or property.
4. To minimize the likelihood that school property will be used for Prohibited Substance activities.
5. To protect the reputation of the school system and its students.

Substance abuse can be a serious threat to the school system, its students, visitors, and employees. While the percentage of extracurricular activity students abusing prohibited substances may be relatively small in absolute terms, any substance abuse may significantly affect the health and safety of the abusing student or the student's classmates. Moreover, practical experience and research indicate that appropriate precautions are necessary. It is the belief of the Board that the benefits derived from the policy objectives outweigh the potential inconvenience to extracurricular activity students or students with parking privileges, and the Board has established this policy in accordance with the decision of the United States Supreme Court on June 27, 2002 in the case of *Board of Education of Independent School District No. 91 of Pottawatomie County, et al v. Earls, et al*. The Board earnestly solicits the understanding and cooperation of all students and parents, especially those participating in extracurricular activities and students with parking privileges, in implementing this policy.

The Board requires that all students report to school, sport practices, competitive events, and school-sponsored extracurricular activities without Prohibited Substances in their system. No student shall use Prohibited Substances while on school grounds, participating in any extracurricular activity or competitive events, or while under the care and supervision of the school system.

The Board expects all extracurricular activity students and students with parking privileges to avoid Prohibited Substances and it reserves the right to require all students who participate in extracurricular activities and all students with parking privileges to submit to drug tests in order to assure these expectations and in order to maintain safety and security.

The Board acknowledges and understands that there are students who have legitimate medical conditions and who possess legitimate prescriptions for those conditions. Should a student test positive for a prescription drug for which he/she possesses a valid prescription in his/her name, the parent or guardian of that student will have an opportunity to give the Medical Review Officer (MRO) a copy of that prescription. The opportunity to provide the prescription will come after the positive urine test result has been released to the Medical Review Officer (MRO), but before that information is released to the Drug Testing Coordinator (DTC), who will be a representative of St. Clair County Schools. A student taking drugs for which there is a valid prescription in the student's name will not be penalized for a positive test result if that positive result is for the prescription drug only.

Extracurricular activity students must inform their coach, assistant coach, or faculty sponsor, as well as the school nurse, when they are legitimately taking medication which may affect their ability to practice, compete, or participate in the extracurricular activity, in order to avoid creating safety problems and to remain in compliance with this policy. Verification of a legitimate prescription may be required by the school nurse.

Students with parking permits must inform the school nurse when they are legitimately taking medication which may affect their ability to drive safely, in order to avoid creating safety problems and to remain in compliance with this policy. Verification of a legitimate prescription may be required by the school nurse.

ENFORCEMENT

In order to enforce these rules, the Board reserves the right to require all extracurricular activity students to submit to drug tests to determine the presence of Prohibited Substances at any time prior to, during, or following a sport practice, competitive event, extracurricular activity, or while under the supervision or care of this school system. The Board reserves the right to require all students with parking privileges to submit to drug tests to determine the presence of Prohibited Substances at any time while under the supervision or care of this school system. An MRO-verified positive test, an adulterated/substituted test, a refusal to test for alcohol/drugs, or any other violation of System policy will result in disciplinary action.

Pursuant to Board policy and regulations, an extracurricular activity student requesting to participate in any extracurricular activity, with appropriate student and/or parental consent, may be tested as a condition to participating in the extracurricular activity of their choice. All current extracurricular activity students may, with appropriate student and/or parental consent, be required to undergo initial testing, and/or testing where the Board has reasonable suspicion to believe an extracurricular activity student has violated its Alcohol and Drug Policy, and/or on a random basis without advance notice.

Violation of these rules, including testing positive for Prohibited Substances, will subject the extracurricular activity student or the student with parking privileges to discipline, including suspension from the extracurricular activity or from parking privileges in accordance with the penalty structure set forth in this Policy and the St. Clair County Board of Education Drug and Alcohol Program Procedures. Refusal to cooperate with the Board in any test investigation will result in discipline, including immediate suspension from participating in the extracurricular activity or suspension of parking privileges.

The St. Clair County Board of Education Policy Statement for Drug Testing of Extracurricular Activity Students and Students with Parking Privileges and the St. Clair County Board of Education Drug and Alcohol Program Procedures supplement and complement all other policies, rules, and regulations of the St. Clair County Schools regarding possession or use of Prohibited Substances. The primary intent in administering this drug testing program is to deter students from possessing or using Prohibited Substances and to provide aide and assistance to students who violate this Policy. A student who tests positive for Prohibited Substances or who otherwise violates the rules and procedures pertaining to the drug testing program shall be subject to the penalties set forth by this Policy and the Program Procedures. A positive drug test for Prohibited Substances administered under this Policy and the

Program Procedures shall not be used to punish a student pursuant to the Class 4 or Class 5 violation procedures set forth in the St. Clair County Student Code of Conduct.

Failure to provide student and/or parental consent when that consent is requested will result in a student's suspension from extracurricular activities and parking privileges and will render a student ineligible from any extracurricular activities or parking privileges for the remainder of the school year.

Withdrawal of consent at any time during the school year will render a student ineligible from any extracurricular activities or parking privileges for the remainder of that school year.

No extracurricular activity student or student with parking privileges who tests positive, refuses to test, refuses to cooperate with testing or is in violation of this policy will be penalized academically. Information may be provided to Juvenile Probation Officers if permission has been given by student and the parent/guardian for students involved with the juvenile court system.

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the Board through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in the following:

1. As directed by the specific, written consent of the student authorizing release of the information to an identified person;
2. To a covered extracurricular activity student or student with parking privileges decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual; or,
3. Under the compulsion of law.

Any questions should be directed to the person assigned as the Board's Drug Testing Coordinator.

DRUG PROGRAM PROCEDURES

I. General Policy

Practical experience and research has proven that even small quantities of controlled substances and illegal drugs ("Prohibited Substances") can impair judgment and reflexes which can create unsafe conditions for students. Even when not readily apparent, this impairment can have serious results for students. Drug-using students are a threat to other students and themselves, and may make injurious errors. For these reasons, the St. Clair County Board of Education (the Board) has adopted a policy that all students must report to school, to all practices and competitive events, or to any extracurricular activity while under the care of this school system completely free from the effects of Prohibited Substances, unless used as prescribed by a physician.

The St. Clair County Board of Education Policy Statement for Drug Testing of Extracurricular Activity Students and Students with Parking Privileges and the St. Clair County Board of Education Drug and Alcohol Program Procedures supplement and complement all other policies, rules, and regulations of the St. Clair County Schools regarding possession or use of Prohibited Substances. The primary intent in

administering this drug testing program is to deter students from possessing or using Prohibited Substances and to provide aide and assistance to students who violate this Policy. A student who tests positive for Prohibited Substances or who otherwise violates the rules and procedures pertaining to the drug testing program shall be subject to the penalties prescribed by this Policy and the Program Procedures. A positive drug test for Prohibited Substances administered under this Policy and the Program Procedures shall not be used to punish a student pursuant to the Class 4 or Class 5 violation procedures set forth in the St. Clair County Student Code of Conduct.

II. Drug Use/Distribution/Impairment/Possession

All students are prohibited from using, possessing, distributing, manufacturing, or having Prohibited Substances present in their system while at school, at practice, while participating in competitive events, while participating in extracurricular activities, or while under the care of this school system.

III. Prescription Drugs

The proper use of medication prescribed by a physician is not prohibited; however, the Board prohibits the misuse of prescribed (or over the counter) medications and requires all extracurricular activity students using drugs at the direction of a physician to notify their coach, faculty sponsor, and school nurse where these drugs may affect their performance, such as by causing drowsiness. The Board requires all students with parking privileges using drugs at the direction of a physician to notify the school nurse where these drugs may affect their ability to drive safely.

IV. Substance Screening

A. Applicants

Substance screening may be required for all students desiring to participate in an extracurricular activity or organization and for all students desiring parking privileges.

Such testing may be required either alone or as part of a pre-practice or pre-participation evaluation. Applicants are required to sign a consent/release form before being submitted to screening. Applicants will not be allowed to participate in any extracurricular activity or receive parking privileges when they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.

B. All Current Students Consenting to Drug Testing

1. Reasonable Suspicion

All extracurricular activity students and students with parking privileges may be tested during the initial implementation of the program. An extracurricular activity student or student with parking privileges will be required to submit to screening whenever a coach, assistant coach, faculty sponsor, or school official observes circumstances which provide reasonable suspicion to believe that the student has used Prohibited Substances or has otherwise violated the substance abuse rules. The coach's, assistant coach's, faculty sponsor's, or school official's determination that reasonable suspicion exists to require the student to undergo a drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the student.

The required observations for reasonable suspicion testing shall be made by a coach, assistant coach, faculty sponsor, school official or designee who has been trained for at least 60 minutes on alcohol misuse and an additional 60 minutes on controlled substance misuse.

The adult requesting testing shall prepare and sign written documents explaining the circumstances and evidence upon which he or she relied. This documentation must be submitted within 24 hours of the testing, or before the results of the tests are released, whichever is earlier. While one coach, assistant coach, faculty sponsor or school official may request a reasonable cause test, when feasible, he or she is encouraged to obtain a second adult's opinion as a witness.

2. Random Testing

The Board may conduct random unannounced screening of extracurricular activity students and students with parking privileges. The drug testing agency will provide computerized random sample lists to the School Nurse. The list of students in the random pool will be updated periodically.

3. Return to Participation Testing

All students who test positive are subject to unannounced testing following return to extracurricular activity or parking privileges for no less than 12 months and no more than 60 months.

C. Testing Procedures

1. General Guidelines

The Board and its laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation, Procedures For Transportation Workplace Drug Testing Programs, 49 C.F.R. Parts 40.1 through 40.39, and on the further guidance of the Omnibus Transportation Employee Testing Act provided in 49 C.F.R. Parts 382, 391, 392 and 395. Relative to the protocols for determining dilute, substituted, or adulterated specimens, the Board shall rely on the guidance issued by the Substance Abuse and Mental Health Service Administration in its program documents related to this issue.

2. Substances Tested

Students consenting to drug testing may regularly be tested for any Prohibited Substances, including, but not limited to: amphetamines, methamphetamines, cannabinoids, cocaine, barbiturates, benzodiazepines, opiates, phencyclidine, OxyContin, cotinine, steroids, MDMA, ~~alcohol~~, and for any other inappropriate substances, such as inhalants and other, controlled substances, prescription-required drugs, or illicit drugs. Students may be tested for any other Prohibited Substances without advance notice as part of tests performed by the Board for safety purposes. Such tests will be coordinated with the Drug Testing Coordinator.

3. Testing Procedure

The Board reserves the right to utilize blood, hair, breath, saliva, or urinalysis testing procedures. Urine will be collected for pre-practice and pre-competitive event and random testing. All initial positive findings will be confirmed by laboratory-based gas chromatography/mass spectrometry (GC/MS) procedures.

D. Collection Sites

The Board will designate collection sites in areas where individuals may provide specimens. For the most part, collections will be conducted on-site at the appropriate designated school.

E. Collection Procedures

The Board, the drug testing agency, and the laboratory, will develop and will maintain a documented procedure for collecting, shipping and accessing urine specimens that require laboratory-based testing. The Board, the drug testing agency, and the laboratory will utilize a standard Urine Custody and Control Form (or similar form for other testing modalities) for such laboratory-based testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will also be used for specimen transportation.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure as reasonable.

All extracurricular activity students and students with parking privileges will be required to execute the St. Clair County Board of Education Activity Student Consent Form before specimen collection occurs.

F. Evaluations and Return of Results to the School Board

The laboratory will transmit (by fax, mail or computer, but not orally over the telephone) the results of all tests to the Medical Review Officer (MRO). The MRO will be responsible for reviewing test results of students and confirming that the individuals testing non-negative have used drugs or adulterated or substituted the specimen in violation of the Board's policy. Prior to making a final decision, the MRO shall give the parent/individual an opportunity to discuss the result either face to face or over the telephone.

The MRO shall then promptly tell a designated school official which students test positive. A school official will then schedule a conference between the student and parents or legal guardians to discuss the positive test result.

G. Request for Retest

Where a split specimen has been collected a student may request a retest of the split specimen within 72 hours of notification of the final test result. Where a single specimen is submitted for testing the student may request a retest of the original sample within 72 hours after notification of the final test

result. Request must be submitted to the MRO. A donor is not allowed to have his or her specimen reconfirmed for an adulterant if the original sample has tested positive for one.

The student will be required to pay the associated costs of retest in advance but will be reimbursed if the result of the retest is negative.

H. Release of Test Results

All information, interviews, reports, statements, memoranda, and test results, written or otherwise, received by the Board through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in accordance with the Policy Consent/Release Form.

However, all extracurricular activity students and students with parking privileges will be required to execute a consent/release form permitting the Board to release test results and related information to the school officials who have a need to know.

Parents or guardians will be informed of confirmed positive test results by the Drug Testing Coordinator or another Board designee.

The MRO shall retain the individual test results for five (5) years.

VII. Consequences

The Board will penalize students for any violation of the policy, including refusing to submit to screening, execute a release, or otherwise cooperate with an investigation or search by the administration. A specimen that is found by the collection site, laboratory, or MRO to have been adulterated will be considered equivalent to a positive test. An MRO-verified positive test, an adulterated/substituted test, a refusal to test for drugs, or any other violation of Board policy will result in disciplinary action.

All extracurricular activity students and students with parking privileges who test positive in a confirmative substance test will be subject to penalties set forth in this policy including immediate suspension from all extracurricular activities and parking privileges.

See DRUG TESTING VIOLATIONS for penalties.

VIII. Training for School Personnel

The Board's drug testing agency shall include education and training for coaches, assistant coaches, faculty, and school officials who are authorized to determine reasonable suspicion testing. These adults must receive a minimum of 60 minutes on alcohol abuse and an additional 60 minutes of training on controlled substance use and abuse.

The training shall cover the physical, behavioral, speech and performance indicators of probable use and misuse of alcohol and controlled substances. Documentation of training attendance must be maintained.

PENALTIES

The St. Clair County Board of Education is ever mindful of the dangers Prohibited Substances pose to the health, safety, and well-being of those students who participate in sports or other extracurricular activities. Extracurricular activity students are recognized as leaders and tend to serve as role models for other students in the school system. Our extracurricular activity students represent our schools, not only within the St. Clair County area, but also at events and activities throughout the state of Alabama. It is therefore imperative that our extracurricular activity students refrain from any involvement with Prohibited Substances, not only to project a positive image, but also to avoid jeopardizing the health and safety of others who may be involved in extracurricular activities.

Students with parking privileges drive to and from school. It is therefore imperative that our students with parking privileges refrain from any involvement with Prohibited Substances to avoid jeopardizing the health and safety of themselves as well as others who may be driving on school grounds.

All extracurricular activity students and all students with parking privileges are prohibited from possessing, using, selling, transmitting, intending to transmit, or being under the influence of Prohibited Substances as set forth in this policy. Any extracurricular activity student or student with parking privileges who violates this prohibition shall be subject to the penalties set forth below. The following are minimum penalties and a coach or sponsor may impose additional penalties with approval from a school administrator if the circumstances so warrant.

For purposes of these minimum penalties, a violation shall have been deemed to have occurred when (i) a student tests positive for a Prohibited Substance as a result of a drug test, (ii) refuses to submit to drug screening, execute a release, or otherwise cooperate with an investigation or search by school administration; (iii) a student's specimen is found by the collection site, laboratory, or MRO to have been adulterated, which shall be considered a positive test; or (iv) a student violates any other provisions of the St. Clair County Board of Education Policy Statement for Drug Testing of Extracurricular Activity Students and Students with Parking Privileges and the St. Clair County Board of Education Drug and Alcohol Program Procedures. Violations shall be cumulative from the time a student enters the St. Clair County City School System, and shall apply to all activities and parking privileges of a student throughout the calendar year, whether inside or outside the school setting and whether or not school is in session.

Upon the first violation of the St. Clair County Board of Education Policy Statement for Drug Testing of Extracurricular Activity Students and Students with Parking Privileges and the St. Clair County Board of Education Drug and Alcohol Program Procedures, all students will be referred to the Early Warning Panel. Parents will be notified by phone and by U.S. Mail (certified) to schedule a meeting with the Early Warning Panel.

If after 14 days from being notified, the parent/guardian has failed to schedule a meeting, the Early Warning Panel may proceed without a parent meeting. In addition, these students will be placed on monthly follow up testing for one calendar year. Failure to schedule or attend an Early Warning Panel meeting will not delay implementation of penalties or follow up testing.

I. DRUG TESTING VIOLATIONS

First Offense: For athletic and extracurricular activity students, in addition to recommendations made by the Early Warning Panel, the student shall be suspended from participation for a minimum of 15 school days beginning the day after the probation agreement form is signed by the student and parent/guardian of any current or future athletic competitions, beginning no earlier than the opening game or event for the sport or activity. During the suspension, students in grades 7-12, may attend, but may not participate or dress out for any competitive event or activity including practices. If the athlete is not participating in an in-season sport or activity, he/she will have a minimum suspension of 21 calendar days at the beginning of the next season in which he/she participates, regardless of any other sanction or punishment imposed under this policy.

If an athlete is participating in other non-athletic extracurricular activities and/or has parking privileges, the athlete shall be suspended from the athletic activities in addition to the suspensions from other extracurricular activities and parking privileges set forth in this policy.

For non-athletic extracurricular activity students, in addition to all recommendations of the Early Warning Panel, the student shall be suspended from participation for a minimum of 21 calendar days of all extracurricular activities in which he/she is currently participating. In the event that 21 calendar days of regularly scheduled events is not readily apparent, a comparable restriction of participation as determined by the principal and faculty sponsor for the activity shall be imposed. Suspension from non-athletic extracurricular activities will not supersede suspension from athletic activities.

If a non-athlete extracurricular activity student is not currently participating in an extracurricular activity, he/she will have a minimum 21 day calendar suspension, at the beginning of the next extracurricular activity in which he/she participates.

For students with parking privileges, in addition to all recommendations of the Early Intervention Panel, the student shall be suspended from parking privileges for a minimum of 60 days. In the event that there are not 60 school days left in the calendar year, the suspension from parking privileges shall carry over to the next school year. During the period of suspension, the student shall surrender any parking pass, decal, or tag. Suspension from parking privileges will not supersede suspension from athletic activities or other extracurricular activities.

Suspension penalties shall apply to all extracurricular activities and parking privileges of the student as set forth in this policy.

After serving their suspension, students who have violated the drug testing policy will be retested and must have a negative test prior to resuming athletic extracurricular activities, non-athletic extracurricular activities, and parking privileges. Students have the option of waiting for the next round of drug testing at their school to be tested once their suspension has been completed or they may, at their own expense, have a drug test at an approved site to be reinstated. In addition, these students will be included in the monthly drug testing for one calendar year. Testing for the purpose of returning to activities or parking privileges may be done at the expense of the student. At the discretion of an appropriate school official, the student may be requested to undergo counseling with school counseling staff depending upon the circumstances of the violation.

Second Offense: Upon the second violation, the student will be suspended from participating in any extracurricular activity or parking privileges for a period extending for a full calendar year.

At the discretion of an appropriate school official, the student may be required to undergo counseling with school counseling staff depending upon the circumstances of the violation.

Before he/she can be eligible to participate in any extracurricular activity or regain parking privileges, (i) he/she must test negative for Prohibited Substances as a result of an approved drug test if the violation related to the consumption or use of a Prohibited Substance and the substance is capable of being detected by a drug test, and (ii) he/she shall have undergone mandatory counseling with school counseling staff as may be reasonably necessitated by the circumstances in the discretion of an appropriate school official. Testing for the purpose of returning to activities or parking privileges may be done at the expense of the student. Further disciplinary actions may be implemented by the coach or sponsor with approval from a school administrator.

Third Offense: Upon the third violation, the student will be permanently barred from participating in any extracurricular activity or from parking privileges in the St. Clair County School System.

St. Clair County Board of Education

Student Drug Testing Policy Consent/Release Form

By signing this release, a student and his/her Parent/Guardian will be deemed to have given the following consent and release, and to have acknowledged the following:

I have read the St. Clair County Board of Education Policy Statement for Drug Testing of Extracurricular Activity Students and Students with Parking Privileges and the St. Clair County Board of Education Drug and Alcohol Program Procedures, and I agree to abide by the St. Clair County Board of Education's rules regarding Prohibited Substances. I agree to submit to drug and/or alcohol tests at any time as a condition for my initial or continued participation in extracurricular activities. I authorize any laboratory or medical provider to release test results to the Board, its Medical Review Officer, and to school officials who have a need to know. I authorize the Medical Review Officer (MRO) to release final test results to the Board.

I also expressly authorize the Board or its MRO to release any test-related information, including positive results:

- a. As directed by my specific, written consent authorizing release of the information to an identified person.
- b. To any decision maker in a lawsuit, grievance, or other proceeding initiated by me or on my behalf; or,
- c. Under the compulsion of law.

I understand that this agreement in no way limits my right to terminate or to be terminated from extracurricular activity participation or parking privileges.

Student Name

Student Number

Student Signature

Date

Parent Signature

Date

List Sports/Activities for which you seek eligibility:

