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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, students who participate in interscholastic and extra curricular activities 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 competitive students and students who drive and park on campus;

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- b) It is important to identify competitive students, as well as students who drive and park on campus, 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 students wishing to participate in interscholastic, competitive, extracurricular activities 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 in interscholastic, competitive and/or extracurricular activities 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 and Pottawatomie Co. Board of Education vs. Earls, the School Board of Dixie County, Florida, is authorized to adopt a policy requiring drug and alcohol testing of competitive students and students who drive and park on campus 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.

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- B. **Drugs** shall mean any substances or drugs identified in Schedule I through V of 21 United States Code Section 202 (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. **Competitive Students** are (1) students enrolled in the Dixie County public schools who are participating in or applying for participation in any interscholastic athletic program or any student who has participated in any interscholastic athletic program during the current or during the prior school year as indicated by the Florida High School Athletic Association rolls including practices and contests under the control and jurisdiction of the Dixie County School District; (2) students who participate in interscholastic, competitive, extracurricular clubs or activities during the current year or during the prior year as indicated by school club rosters; and (3) charter or home school students who participate in sports, clubs, or school activities.
- F. **Driving Students** are students who are permitted to drive to school and who are issued parking privileges on the school campuses.
- G. **Random Selection Basis** means a mechanism for selecting participating students for drug testing that:
 - 1. results in an equal probability that any student from the total pool of Competitive Students and Driving Students subject to the selection mechanism will be selected; and
 - 2. does not give the School District discretion to waive the selection of any Competitive Student or Driving Student selected under the mechanism.

V. GENERAL PROHIBITIONS AND PENALTIES

- A. **Standard of Conduct for Competitive Students:** The use or possession of a drug or alcohol, as defined herein, by a competitive student at any time is both illegal and detrimental to that student's ability to participate in interscholastic activities or athletics and is hereby prohibited. Any competitive student determined to be in violation of this policy is subject to disciplinary action related

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to his or her participating in interscholastic, competitive, extracurricular activities, which may include suspension or removal from interscholastic, competitive, extracurricular participation.

- B. Standard of Conduct for Driving Students:** The use or possession of a drug or alcohol, as defined herein, by a driving student at any time is both illegal and detrimental to that student driver's ability to drive and park on campus and is hereby prohibited. Any driving student determined to be in violation of this policy is subject to disciplinary action related to his or her driving privileges, which may include suspension or termination of those driving privileges.
- C. Student Code of Conduct:** Nothing contained in this policy for drug testing for competitive students or driving students shall be construed to limit the application and enforcement of the Student Code of Conduct, including all of its provisions pertaining to drugs and alcohol.
- D. Consequences:** Any competitive student whose drug test administered pursuant to this policy renders a positive test result or who otherwise violates this policy shall receive as follows:
- a. **First Offense or First Positive Drug Test Result:** The competitive student or driving student shall be suspended from participation in all interscholastic, competitive, extracurricular activities or driving privileges and be assigned to an approved assessment program where the student must complete 10 days of satisfactory participation within 15 school days, excluding excused absences once such reassignment has begun. After the competitive student or driving student has completed 10 days of satisfactory participation in the designated assessment program, he or she shall resume attendance at the school in which he or she is regularly enrolled and shall be allowed to resume participation in interscholastic, competitive, extracurricular activities or driving privileges under a probationary status with the following conditions:

Condition Number 1: As a condition of probation, the competitive student or driving student shall be required to comply with all recommendations resulting from the student's assessment and evaluation conducted as a part of the completed assessment program. If a student terminates active participation in the recommendations, he or she is no longer eligible to participate in interscholastic, competitive, extracurricular activities or eligible to drive and park on campus for the remainder of the current school year and may not participate in any future interscholastic, competitive, extracurricular activities or driving/parking privileges until all recommendations are complied with and completed.

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Condition Number 2: As a condition of probation, the competitive student or driving student will be subject to recurring drug tests at times that will not be previously disclosed to the student to deter the student from committing a subsequent violation of this policy.

- b. **Subsequent Offense or Subsequent Positive Drug Test Result:** Upon a determination that a competitive student or driving student is guilty of a second or subsequent violation of this policy or has a second or subsequent positive drug test result, the student shall be prohibited from participation in all interscholastic competitive activity or driving privileges for the remainder of the current semester and for one full calendar year following the end of the semester during which for the second offense or second positive drug test occurs. For example, if a basketball player has a second positive drug test result during the middle of the basketball season, he or she would be prohibited from participating in basketball and any other interscholastic athletics for the remainder of that semester and for one full calendar year thereafter.
 - c. **Adulteration of sample:** A competitive student or driving student, who knowingly attempts to alter, adulterate, dilute or in any way manipulate a urine sample to change the outcome of the test results, shall be prohibited from participation in all interscholastic competitive extracurricular activity or driving/parking privileges for the remainder of the current semester and for one full calendar year following the end of the current semester.
 - d. **Refusal to be drug tested:** A competitive student or driving student who declines or refuses to submit to a drug test as required under the provisions of this policy or intentionally fails to report to the prescribed place at the prescribed time to be drug tested shall be prohibited from participation in all interscholastic competitive, extracurricular activities and/or driving/parking privileges for the remainder of the current semester and for one full calendar year following the end of the current semester.
- E. Length of Probation Term:** The competitive student or driving student whose drug or alcohol test is positive shall remain on probation throughout the remainder of the time that he or she is enrolled in Dixie County Schools and is participating in interscholastic, competitive, extracurricular activities or has driving/parking privileges.

VI. DRUG TESTING PROCEDURES

- a. **Consent:** Each competitive student or driving student and his or her parent are required to sign a written consent for drug testing prior to being allowed to participate in interscholastic, competitive, extracurricular programs and activities, or receiving driving/parking privileges.
- b. **Medication:** Competitive students or driving students who test positive for drugs and who are or have been taking prescription medication shall disclose that fact and provide verification (either by a copy of the prescription or by a physician's written authorization) at the request of the Medical Review Officer.
- c. **Selection Process:** Drug testing of competitive students or driving students shall occur at various times throughout the school year on an individual basis whereby individuals will be selected at random using a numerical selection process where each competitive student's or driving student's name and identity remain unknown until the random selections are completed. Re-test of competitive students or driving students following a first offense or first positive drug test result shall occur as specified in Paragraph D, Condition Number 2, above.
- d. **Sample Collection Procedures:** Those competitive students or driving 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 competitive student, driving student or others. All competitive students and driving 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 will 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 competitive student or driving student whose identifying number appears on each positive test result report. The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate a competitive student's or driving student's confirmed positive drug test result, together with his or her medical history or any other relevant biomedical information that the competitive student/driving student or his or her parents wish to provide. Prior to verifying a positive drug test result, the MRO shall contact the competitive student/driving student whose name coincides with the identifying number on the positive drug test report and that student's parents to afford them the opportunity to confidentially discuss the test result with the MRO and provide the MRO with the student's medical history and any other relevant biomedical information that would assist the MRO in determining whether he or she should verify the drug test result as positive or deem that result to be negative. If the MRO determines that the test result should be deemed negative, then no further action shall be taken and the student's test result along with all other previous negative test results will be reported as a negative result. If the MRO verifies that a positive drug test result as reported by the laboratory is indeed positive, then the MRO shall submit a report of that positive drug test result of that student by name so that the appropriate disciplinary action can be taken pursuant to this policy. Re-testing of students who are on probation because of a previous positive drug test or other violation of this policy shall be processed in the manner described above.

VII. CONFIDENTIALITY

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:

In addition to the opportunity afforded to the competitive student or driving student and his or her parents to discuss that student's confirmed positive drug test result with the MRO, a student whose positive test result has been verified by the MRO and forwarded to the appropriate school official for the imposition of disciplinary

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actions provided herein or a student facing disciplinary actions provided herein as a result of other alleged violations of this policy shall be entitled to procedural due process as follows:

- a. **Notice:** The appropriate school official or his or her designee shall notify the competitive student or driving student and his or her parent that the student’s positive drug test result has been verified by the MRO or that the student has otherwise violated this policy, describe the disciplinary action to be taken and advise the student and his or her parents of their right to schedule a due process hearing.
- b. **Hearing:** If requested by the competitive student or driving student or his or her parents, the appropriate school official shall convene a Student Drug Testing Hearing Committee and conduct a hearing within a reasonable period of time following notification to the student and parents of the notice described in paragraph (a) above. In addition to the appropriate school official(s), committee members may include the principal, athletic director, or activities director, and coach or sponsor. The student and parent must attend the hearing and may provide evidence and call witnesses or submit written statements as they deem appropriate. The Committee shall render a decision and provide the student and parent with a written record of the decision from the hearing within three (3) business days of the hearing. The Committee’s 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: