

SHALLOWATER INDEPENDENT SCHOOL DISTRICT
ACTIVITY STUDENT DRUG TESTING POLICY

Board approved **06/20/2016**

The Shallowater Independent School District Board of Trustees (“Board”), in an effort to protect the health and safety of its interscholastic and extra-curricular activities students from illegal and/or performance-enhancing drug use and abuse, thereby setting an example for all other students of the Shallowater Independent School District, proposes to adopt the following policy for drug testing of interscholastic and extra-curricular activity students.

STATEMENT OF PURPOSE AND INTENT

Although the Board, administration, and staff desire that every student in the Shallowater Independent School District refrain from using or possessing illegal drugs, district officials realize that their power to restrict the possession or use of illegal and performance-enhancing drugs is limited. Therefore, this policy governs only performance-enhancing and illegal drug use by students participating in certain interscholastic and extra-curricular activities. The sanctions imposed for violations of this policy will be limitations solely upon limiting the opportunity of any student determined to be in violation of this policy to a student’s privilege to participate in interscholastic and extra-curricular activities. No suspensions from school or academic sanctions will be imposed for violations of this policy. This policy supplements and compliments all other policies, rules, and regulations of Shallowater Independent School District regarding possession or use of illegal drugs.

Participation in school-sponsored interscholastic and extra-curricular activities at the Shallowater Independent School District is a privilege. Students who participate in these activities are respected by the student body and are representing the school district and the community. Accordingly, students in interscholastic and extra-curricular activities 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.

The purposes of this policy are five-fold:

1. To enhance the continuing education of all students of the serious physical, mental and emotional harm caused by illegal drug use. Shallowater Independent School District has adopted this policy for use by grades 7-12.

2. To alert students with possible substance abuse problems to the potential harms that drug use poses for their physical, mental, and emotional well-being and offer them the privilege of competition as an incentive to stop using such substances. Shallowater Independent School District has adopted this policy for use by all participants in interscholastic and extra-curricular activities in grades 7-12.

3. Ensure that students adhere to a training program that bars the intake of illegal and performance-enhancing drugs. Shallowater Independent School District has adopted this policy for use by all participants in interscholastic and extra-curricular activities in grades 7-12.
4. To prevent injury, illness, and harm for students that may arise as a result from illegal and performance-enhancing drug use. Shallowater Independent School District has adopted this policy for use by all participants in interscholastic and extra-curricular activities in grades 7-12.
5. To offer students practices, competition and school activities free of the effects of illegal and performance-enhancing drug use. Illegal and performance-enhancing drug use of any kind is incompatible with the physical, mental, and emotional demands placed upon participants in interscholastic and extra-curricular activities and upon the positive image these students project to other students and to the community on behalf of the Shallowater Independent School District. For safety, health and well being of students in interscholastic and extra-curricular activities the Shallowater Independent School District has adopted this policy for use by all participants in interscholastic and extra-curricular activities in grades 7-12.

The administration may adopt regulations to implement this policy.

I. Definitions

“Activity Student” means a member of 7th and 8th grade or high school Shallowater Independent School District sponsored interscholastic and extra-curricular organization which participates in interscholastic competition and extra-curricular activity. This includes any student that represents Shallowater Schools in any extra-curricular activity and/or interscholastic competition, such as but not limited to FFA, FCCLA, Academic Team, Band, Vocal, Prom, extra-curricular Field Trips, National Honor Society, Student Council, TAFE, Industrial Arts Club (IAO), Cheerleading, and Athletics.

“Drug use test” means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person’s urine.

“Random Selection Basis” means a mechanism for selecting activity students for drug testing that:

A. results in an equal probability that any activity student from a group of activity students subject to the selection mechanism will be selected, and

B. does not give the School District discretion to waive the selection of any activity student selected under the mechanism.

“Illegal drugs” means any substance which an individual may not sell, possess, use, distribute or purchase under either Federal or Texas law. “Illegal drugs” includes, but is not limited to, all scheduled drugs as defined by law, all prescription drugs obtained

without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. “Illegal drugs” shall also include alcohol.

“Performance-enhancing drugs” include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other athletic ability. The term “performance-enhancing drugs: does not include dietary or nutritional supplements such as vitamins, minerals and proteins which can be lawfully purchased in over-the-counter transactions. (“This policy incorporates the definitions of TEX. EDUC. CODE sec. 38.011 (d) for dietary supplements and performance enhancing compounds.”)

“Positive” when referring to a drug use test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal or performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug use test.

“Reasonable suspicion” means a suspicion of illegal or performance-enhancing drug use based on specific observations made by District employees or volunteers of the appearance, speech, or behavior of an activity student; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by an activity student supplied to school officials by other students, staff members, or patrons. See Appendix A.

II. Procedures

Each activity student shall be provided with a copy of the “Student Drug Testing Consent Form” which shall be read, signed and dated by the student, parent custodial guardian and coach/sponsor before such student shall be eligible to practice or participate in any interscholastic and extra-curricular activities. The consent requires the activity student to provide a urine sample: (a) as part of the student’s annual physical or for eligibility for participation; (b) when the activity student is selected by the random selection basis to provide a urine sample; and (c) at any time when there is reasonable suspicion to test for illegal or performance –enhancing drugs. No student shall be allowed to practice or participate in any interscholastic and extra-curricular activity unless the student has returned the properly signed “Student Drug Testing Consent Form.”

Prior to the commencement of drug testing each year an orientation session will be held with each Activity Student/Parent/Guardian to educate them of the sample collection process, privacy arrangements, drug testing procedures and other areas which may help to reassure the activity student and help avoid embarrassment or uncomfortable feelings about the drug testing process.

Each Activity Student shall receive a copy of the Activity Student Drug Testing Policy. The head coach, sponsor or principal shall be responsible for explaining the Procedures to all prospective students, and for preparing an educational presentation to acquaint the student with the harmful consequences of drug and alcohol use and abuse.

All Activity Students will be required to provide a urine sample before the student may participate in an interscholastic and extra-curricular activity covered under this policy. A student who moves into the district after the school year begins will have to undergo a drug test before they will be eligible for participation.

Drug use testing for Activity Students will also be chosen on a random selection basis monthly from a list of all Activity Students who are involved in off-season or in-season activities. The Independent Agency will determine a monthly number of student names to be drawn at random to provide a urine sample for drug use testing for illegal drugs or performance-enhancing drug.

In addition to the drug tests required above, any Activity student may be required at any time to submit to a test for illegal or performance-enhancing drugs, or the metabolites thereof when an administrator, coach, or sponsor has reasonable suspicion of illegal or performance-enhancing drug use by that particular student.

Any drug use test will be administered by or at the direction of a professional laboratory chosen by the Shallowater Independent School District. The professional laboratory shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and proper laboratory control and scientific testing.

All aspects of the drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen must be collected in a restroom or other private facility behind a closed stall. The principal shall designate a trained school employee of the same sex as the student to accompany the student to a restroom or other private facility behind a closed stall. The monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall to listen for normal sounds of urination in order to guard against tampered specimens and to ensure an accurate chain of custody. The monitor shall verify the normal warmth and appearance of the specimen. If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure and inform the principal who will then determine if a new sample should be obtained. The monitor shall give each student a form on which the student may list any medications legally prescribed for the student he or she has taken in the preceding thirty (30) days. The parent or legal guardian shall be able to confirm the medication list submitted by their child during the twenty-four (24) hours following any drug test. The medication list shall be submitted to the lab in a sealed and confidential envelope and shall not be viewed by district employees.

An initial positive test result will be subject to confirmation by a second and different test of the same specimen. The second test will use the gas chromatography/mass spectrometry technique. A specimen shall not be reported positive unless the second test utilizing the gas chromatography/mass spectrometry procedure is positive for the presence of an illegal drug or the metabolites thereof. The unused portion of a specimen

that tested positive shall be preserved by the laboratory for a period of six (6) months or the end of the school year, whichever is shorter or until all appeals are exhausted. Student records will be retained until the end of the school year.

III. Confidentiality

A. For the First Offense

The laboratory will notify the assistant superintendent or designee of any positive test. To keep the positive test results confidential, the superintendent or designee will only notify the student, extra-curricular coach, principal, and the parent or custodial guardian of the student of the results. The superintendent or designee will schedule a conference with student and parent or guardian and explain the student's opportunity to submit additional information to the assistant superintendent or to the lab. The Shallowater Independent School District will rely on the opinion of the laboratory which performed the test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.

Test results will be kept in files 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 to any law enforcement authorities.

B. For the Second Offense

The laboratory will notify the superintendent or designee of any positive test. To keep the positive test results confidential, the assistant superintendent or designee will only notify the principal/head coach or sponsor/student and the parent or custodial guardian of the student of the results. The superintendent or designee will schedule a conference with student and parent or guardian and explain the student's opportunity to submit additional information to the assistant superintendent or to the lab. The Shallowater Independent School District will rely on the opinion of the laboratory which performed the test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.

Test results will be kept in files 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 to any law enforcement authorities.

C. For the Third Offense

The laboratory will notify the superintendent or designee of any positive test. To keep the positive test results confidential, the superintendent or designee will only notify the principal/head coach or sponsor/ student and the parent or custodial guardian of the student of the results. The superintendent or designee will schedule a conference with student and parent or guardian and explain the student's opportunity to submit additional

information to the assistant superintendent or to the lab. The Shallowater Independent School District will rely on the opinion of the laboratory which performed the test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.

Test results will be kept in files 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 to any law enforcement authorities.

IV. Appeal

An Activity Student who has been determined by the superintendent or designee to be in violation of this policy shall have the right to appeal the decision. Such request for a review must be submitted to the Superintendent in writing within five (5) calendar days of notice of the positive test. A student requesting a review will remain eligible to participate in any extra-curricular activities until the review is completed. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision will be provided and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable.

V. Consequences

Any Activity Student who tests positive in a drug test under this policy shall be subject to the following restrictions:

CONSEQUENCES (Cumulative 7th through 12th Grade)

A. *For the First Offense:*

The parent/guardian will be contacted immediately and a private conference will be scheduled to present the test results to the parent/guardian. A meeting will then be set up with the student, parent/guardian, principal, and extra-curricular coach concerning the positive drug test. **The student will be suspended from extra-curricular activities for 14 school days and must receive 4 hours of drug counseling from a qualified drug treatment program or counseling entity during the time of suspension.**

If parent/guardian and student agree to these provisions, the student will continue to participate in the activity. Should the parent/guardian not agree to these provisions the consequences listed in this policy for the second offense will be imposed. The student remains subject to all disciplinary policies, state law, and the student code of conduct.

B. For the Second Offense:

Suspension from participation in all activities covered under this policy for **(88) school days**, and successful completion of eight (8) hours of substance abuse education/counseling at parents expense. *If a student is not involved in an activity at the time of ineligibility, that student will not be allowed to participate in any activity until they have been removed for the allotted time.*

The student may not participate in any meetings, practices, scrimmages or competitions during this period. The student will be randomly tested monthly for the remainder of the school year at parents' expense by the school drug testing company. The time and date will be unknown to the student and determined by the superintendent or designee.

C. For the Third Offense:

Complete suspension from participation in all interscholastic or extra-curricular activities including all meetings, practices, performances, and competition for **176 school days**. Any activity that extends into the summer will be included. The student remains subject to all disciplinary policies, state law, and the student code of conduct.

D. For the Fourth Offense:

Suspension from participation in all activities covered under this policy for the remainder of the student's time in public education.

VI. Refusal to Submit to Drug Use Test

A participating student, who refuses to submit to a drug test authorized under this policy, shall not be eligible to participate in any activities covered under this policy including all meetings, practices, performance and competitions for the remainder of the school year. Additionally, such student shall not be considered for any interscholastic activity honors or awards given by the school.

Shallowater Independent School District is committed to cooperating with parents/guardians in an effort to help students avoid illegal drug use. The Shallowater Independent School District believes accountability is a powerful tool to help some students avoid using drugs and that early detection and intervention can save lives.

Appendix A.

SHALLOWATER INDEPENDENT SCHOOL DISTRICT
REASONABLE SUSPICION OBSERVATION FORM
(CONFIDENTIAL)

Student Name: _____

A. NATURE OF THE INCIDENT/CAUSE FOR SUSPICION

- ___ 1. Observed/reported possession or use of a prohibited substance
- ___ 2. Apparent drug or alcohol intoxication
- ___ 3. Observed abnormal or erratic behavior
- ___ 4. Arrest or conviction for drug-related offense
- ___ 5. Evidence of tampering on drug test
- ___ 6. Other (e.g., flagrant violation of school regulations, serious misconduct, fighting or argumentative/abusive language, refusal of instruction, unauthorized absence) (please specify)

B. UNUSUAL BEHAVIOR

- ___ 1. Extreme mood or personality change
- ___ 2. Verbal abusiveness
- ___ 3. Physical abusiveness
- ___ 4. Withdrawal, depression, or unresponsiveness
- ___ 5. Inappropriate verbal response to questioning or instruction
- ___ 6. Other erratic or inappropriate behavior (e.g., hallucinations, disorientation, excessive euphoria, confusion) (please specify)

C. PHYSICAL SIGNS OR SYMPTOMS

- ___ 1. Possessing, dispensing, or using controlled substance
- ___ 2. Slurred or incoherent speech
- ___ 3. Unsteady gait or other loss of physical control; poor coordination
- ___ 4. Dilated or constricted pupils or unusual eye movement
- ___ 5. Bloodshot or watery eyes
- ___ 6. Extreme fatigue or sleeping in class
- ___ 7. Excessive sweating or clamminess to the skin
- ___ 8. Flushed or very pale face
- ___ 9. Highly excited or nervous

- ___ 10. Nausea or vomiting
- ___ 11. Odor of alcohol
- ___ 12. Odor of marijuana
- ___ 13. Dry mouth (frequent swallowing/lips wetting)

C. PHYSICAL SIGNS OR SYMPTOMS (CONTINUED)

- ___ 14. Dizziness or fainting
- ___ 15. Shaking hand or body tremors/twitching
- ___ 16. Irregular or difficult breathing
- ___ 17. Runny sores or sores around nostrils
- ___ 18. Inappropriate wearing of sunglasses
- ___ 19. Puncture marks or "tracks"
- ___ 20. Other (please specify) _____
- _____
- _____
- _____

D. WRITTEN SUMMARY

Please summarize the facts and circumstances of an incident or student actions and any other pertinent information not previously noted that cause you to have reasonable suspicion that the student has used or is under the influence of a prohibited substance. _____

Signature of Staff Member

Date/Time

Based on the evidence presented and an interview with the student, a reasonable suspicion drug-use test ___ is ___ is not justified.

Signature of Principal

Date/Time

Shallowater Independent School District _____ grade
Student Drug Testing Consent Form

Statement of Purpose and Intent

Participation in school sponsored interscholastic and extra-curricular activities at the Shallowater Independent School District is a privilege. Activity Students carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible examples of conduct, which includes avoiding the use or possession of illegal drugs.

Drug use of any kind is incompatible with participation in interscholastic and extra-curricular activities on behalf of the Shallowater Independent School District. For the safety, health, and well being of the student of the Shallowater Independent School District, the Shallowater Independent School District has adopted the attached Activity Student Drug Testing Policy and the Student Drug Testing Consent Form for use by all participating students in grades 7-12.

Participation in Interscholastic and Extra-Curricular Activities

Each Activity Student shall be provided with a copy of the Activity Student Drug Testing Policy and Student Drug Testing Consent Form which shall be read, signed and dated by the student, parent or custodial guardian, and coach/sponsor before such student shall be eligible to practice or participate in any interscholastic and extra-curricular activities. The consent shall be to provide a urine sample: a) as part of their annual physical or for eligibility for participation; b) as chosen by the random selection basis; and c) at any time requested based on reasonable suspicion to be tested for illegal or performance-enhancing drugs. No student shall be allowed to practice or participate in any activity governed by the policy unless the student has returned the properly signed Student Drug Testing Consent Form.

_____ Student's Last Name	_____ First Name	_____ MI
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I understand after having read the "Student Activity Drug Testing Policy" and "Student Drug Testing Consent Form", that, out of care for my safety and health, the Shallowater Independent School District enforces the rules applying to the consumption or possession of illegal and performance-enhancing drugs. As a member of a Shallowater extra-curricular and/or interscholastic activity, I realize that the personal decision that I make daily in regard to the consumption or possession of illegal or performance-enhancing drugs may affect my health and well-being as well as the possibility endangerment of those around me and reflect upon any organization with which I am associated. If I choose to violate school policy regarding the use or possession of illegal or performance-enhancing drugs any time while I am involved in in-season or off-season activities, I understand upon determination of that violation I will be subject to the restrictions on my participation as outlined in the Policy.

_____ Signature of Student	_____ Date
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We have read and understand the Shallowater Independent School District "Activity Student Drug Testing Policy" and "Student Drug Testing Consent Form." We desire that the student named above participate in the extra-curricular and/or interscholastic programs of the Shallowater Independent School District and we hereby voluntarily agree to be subject to its terms. We accept the method of obtaining urine samples, testing and analysis of such specimens, and all other aspects of the program. We further agree and consent to the disclosure of the sampling, testing and results as provided in this program.

_____ Signature of Parent or Custodial Guardian	_____ Date
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_____ Signature of Coach/Sponsor or Principal	_____ Team/Activity
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