

# Kimberly School District

## STUDENTS 3350 Revised

### Extracurricular Activities Drug-Testing Program

#### **PHILOSOPHY**

Based upon the input of parents, students, teachers, coaches, and others involved in student activities programs, officials representing the Kimberly School District find that a mandatory random drug testing program for all high school students involved in Idaho High School Activities Association (IHSAA) sanctioned activities is necessary for the following reasons:

- Health and safety of the individual and others – any student participating in a student activity under the influence of an illegal drug or alcohol is a danger to everyone.
- Prevention – many students will be able to say “no” to drugs because they will have a legitimate reason; “I want to participate.”
- Students who publicly represent our school district in various IHSAA sanctioned activities and who test “drug free” will serve as role models for other students, especially younger students, encouraging those other students to become “drug free” or discouraging those other students from ever experimenting with drugs or alcohol.
- Intervention – students desiring to participate in IHSAA activities will seek professional, clerical, or parental assistance for their drug or alcohol problems.

The Board of Trustees for the Kimberly Joint School District #414 believes that this program gives a strong message to the student body and to the community that drugs and alcohol are not acceptable and offers assistance in getting free and staying free from drugs.

This program is not intended to, nor shall be used in any manner which results in the exclusion from participation, or in denial of benefits, services, programs, or activities of the District to, or in discrimination against, any qualified individual with a disability, solely on account or by reasons of such disability. This program shall be interpreted and administered in accordance with Title II of the Americans with Disabilities Act (42 [U.S.C.](#) 12020 *et. Seq.*) and Section 504 of the U.S. Rehabilitation Act of 1973 (29 [U.S.C.](#) §794).

#### **DEFINITIONS**

**Activity:** District-sponsored, IHSAA-sanctioned, interscholastic activities as identified in the IHSAA's Rules and Regulations Manual.

**Activity Season:** If identified by the IHSAA, the period beginning on the first day of practice allowed by the IHSAA for any activity in which a student participates and ending the last day of competition for the school year.

**Alcoholic Beverages or Alcohol:** Any beverage that contains alcohol, including, but not limited to beer, wine, wine coolers, and liquor.

**Student:** Any student participating in a district-sponsored, IHSAA-sanctioned activity.

**Disability:** This term shall have the same meaning ascribed in 42 [U.S.C.](#) 12010 (2) or as otherwise defined under the U.S. Rehabilitation Act of 1973.

**Drug:** Any controlled substance as defined in Idaho Code §37-2705 or §37-2707, except those possessed and/or used pursuant to a valid prescription.

**IHSAA:** Idaho High School Activities Association.

**Positive Results:** Confirmation of a student's random drug test for the presence of alcohol or drugs; an arrest or citation for the unlawful consumption of alcohol or drugs; or being identified as being present at a place where alcohol and drugs are being consumed provided such student tests positive for drugs and/or alcohol or admits to consuming the same.

**Qualified Individual with Disability:** An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, meets the essential eligibility requirements

for participating in programs or activities provided by the District. The term specifically excludes any person who is currently engaging in the illegal use of drugs or alcoholic beverages when the District acts in the basis of such use.

### **EFFECTIVE DATE**

Kimberly Joint School District #414 (the District) will, effective October 16, 1998, begin conducting a mandatory random drug testing program for high school students participating in activities.

### **WRITTEN CONSENT REQUIRED – SUSPENSION**

Before participating in any activity, the student and the student's custodial parent or lawful guardian shall execute and deliver to the District a written consent form attached hereto as Exhibit "A." Any student who refuses or fails to provide the duly executed consent form or who refused or fails to comply with the provisions of this policy shall not be allowed to participate in any activity or program sponsored by the District.

Any student who willfully provides a false saliva sample or who otherwise tampers with a saliva sample or undertakes any effort to obstruct (as defined in this policy), adulterate, or impair the accuracy of a drug test, shall likewise be prohibited from or suspended from participation in any activity, or until an unadulterated and accurate saliva sample is provided. Such options shall be determined solely at the discretion of the superintendent.

### **STUDENT SELECTION**

The District shall take all reasonable steps to assure the integrity, confidentiality, and random nature of the selection process including, but not necessarily limited to:

- Ensuring that the names of all students are in the appropriate pool.
- Ensuring that the person drawing names has no way of knowingly choosing, or failing to choose, particular students for the testing.
- Ensuring that the identity of students drawn for testing is not known by the person making the selection or by persons involved in the testing.
- Ensuring direct observation of the selection process by at least two (2) adults.

At the option of the District, all students may be tested for drug or alcohol use at the beginning of any activity season. In addition, random testing may be conducted during the activity season on a weekly basis or any other frequency determined by the District. Selection for random testing will be by lottery drawing from a "pool" consisting of all students participating on an activity team. Separate pools shall be established on a team-by-team basis.

### **PROCEDURES FOR RANDOM DRAWING**

Prior to the start of practice for a particular activity, all students who plan to participate in such activity shall submit a signed and notarized consent in the form attached hereto as Exhibit A. Throughout the school year, at least five percent (5%) of the total number of students involved in IHSA sanctioned activities for the season will be tested bimonthly (twice a month). To assure the anonymity of the participants, each student will be assigned a number at the beginning of the school year. These numbers and the identity of the student to whom such number is assigned will be known only to the student and the superintendent or his/her designee. The superintendent or his/her designee will keep the number lists in a secure place where access is limited only to the superintendent or his/her designee. All lists will be destroyed within thirty (30) days after the end of the school year (except for the numbers for students who have tested positive for use of illegal drugs or alcohol may be kept until the student is eligible to participate in IHSA-sanctioned activities).

After all numbers are drawn for a particular week, they will immediately be returned to the pool of

numbers for that activity in order to assure randomness of draw. It is possible that the number of an athlete may be drawn several times during the season, school year, or not drawn at all.

### **SAMPLING PROCEDURE**

On the day the numbers are drawn, those students selected will be notified and must promptly report to the designated place to produce a saliva sample. They will be given a saliva sample collector and will be asked to use the collector and extract an amount of saliva from their mouth necessary to implement the test. They shall then hand the collector to the staff member conducting the test.

The saliva sample collector will then be sealed with the number of the student printed clearly on the outside.

Saliva samples will be collected at a time to be determined by the superintendent or his/her designee. All students selected for testing shall be tested on the same day. If the student is absent on that day, they will be tested on the day they return to school.

### **PRESCRIPTION MEDICATION**

Students who are taking prescription medication must provide a copy of the prescription or a doctor's verification when requested by the MRO (Medical Review Officer) of that testing lab with instructions for the lab to consider the student's use of such medication in conducting its analysis. Prescription information provided by the student will not be disclosed to any school official. Students who refuse or fail to provide timely verification of prescriptive drug use and who test positive will be subject to the actions specified below for "positive tests", irrespective of their prescription medication.

### **SCOPE OF TESTS**

The testing device is designed to test for one or more controlled substances or for alcohol. Saliva samples will not be screened for the presence of any substance other than any illegal drugs or alcohol, nor for the purpose of identifying the existence of any disability or physical condition.

### **ACCESS TO RESULTS**

The testing official or official at the testing lab will be authorized to report results only to the superintendent or to such other adult person(s) as the superintendent may designate. Test results may be provided to the superintendent or his/her designee by telephone, provided the superintendent or his/her designee recites a predetermined code designed to uniquely identify his/her person. Test results shall be destroyed at the expiration of one year after the last day of the activity season for the school year, except with respect to students who have tested positive.

### **ADDITIONAL COVERAGE OF POLICY**

In addition to the mandatory random drug testing procedures explained below, it shall also be a violation of this policy if any student:

- Is arrested and/or cited for unlawfully consuming alcoholic beverages and/or illegal drugs; or
- Is identified as being present at a site where alcohol and/or illegal drugs are being consumed, provided such student tests positive for such drugs and/or alcohol: or such student admits to the consumption of drugs and/or alcohol.

In the event a student is found to have violated this Policy as set forth above, such violations shall be subject to the same consequences as if a "positive result" had occurred.

### **PROCEDURES IN THE EVENT OF A POSITIVE RESULT**

Whenever a student's first test result indicates the presence of an illegal drug or alcohol the following procedures shall be followed:

- The student shall be suspended from participation in their sporting activity as indicated by policy.
- If the sample tests negative for the presence of illegal drugs or alcohol, the student will be notified and no further action will be taken.

### **CONSEQUENCE OF POSITIVE RESULT (FIRST OFFENSE)**

In the event a student tests positive for the use of alcohol or the unauthorized or illegal use of a drug or drugs, the student will be given the option of:

- Complete a suspension from the activities that is greater than 20% and less than 25% of the regular season scheduled event/contest/game in which the student will become ineligible for that period of time. Students who are not able to produce a negative drug screening within 30 calendar days will be removed from the team/activity for the remainder of the activity season in which the student was participating and the next activity season for which the student is eligible and qualified to participate. In addition, students, through the assistance of the school counselor, will develop a personal plan to stay drug and alcohol free and will meet to review the plan on a regular basis with the counselor as deemed necessary by school administration. Lastly, students will submit to weekly drug testing for the remainder of the activity season. During the suspension period students will be required to attend practices/meetings and will not be able to travel with the team if the team leaves during the school day. Failure by the student to complete any of the above criteria will result in student being removed from the team/activity for the remainder of the activity season in which the student was participating and the next activity season for which the student is eligible and qualified to participate.
- Suspension from participation in all IHSAA sanctioned activities for the remainder of the activity season.

Failure by the student to select an option within seventy-two (72) hours after notification of the test results shall be deemed to have selected option two (2).

### **CONSEQUENCE OF POSITIVE RESULT (SECOND OFFENSE)**

If any student tests positive and/or violation of policy 3340 a second time within two (2) calendar years of the first positive test result while enrolled at Kimberly High School or any other high school which conducts a similar drug testing program, the student will be suspended from participating in the IHSAA-sanctioned activity for the remainder of the activity season of the activity in which the student was participating and the ensuing activity season for which the student is eligible and qualified to participate.

### **CONSEQUENCE OF POSITIVE RESULT (THIRD OFFENSE)**

If any student tests positive and/or violation of policy 3340 a third time within two (2) calendar years of the first positive test result while enrolled at Kimberly High School or any other high school which conducts a similar drug testing program, the student will be suspended from participating in the IHSAA-sanctioned activity in which the student was participating and the two ensuing activity seasons for which the student is eligible to participate.

### **NON-PUNITIVE NATURE OF POLICY**

No student shall be penalized academically for testing positive for use of illegal drugs or alcohol, nor shall any student be denied any benefits or services, other than the district sponsored athletic and co-curricular programs as outlined above. The results of drug tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of drug tests shall be kept confidential between the superintendent, the building principal, their designee, the student's custodial parent or legal guardian, and the student.

In particular, test results will not be disclosed to law enforcement or juvenile authorities absent a

valid and binding subpoena or other legal process issued by a court of competent jurisdiction. In the event of service of any such subpoena or legal process, the student's custodial parent or legal guardian will be notified in writing as soon as reasonably possible, but in no event less than seventy-two (72) hours before a response is made by the district unless a response is due within a shorter time frame. Notification shall be made in writing and shall be deemed complete upon the deposit thereof in the U.S. Mail, postage prepaid, addressed to the last known address of the student or his/her custodial parent or legal guardian or upon personal service upon the student's custodial parent or legal guardian. Verbal notification may be given, if time does not permit written notification within the seventy-two (72) hour time frame.

### **VOLUNTARY TESTING PROGRAM**

The Kimberly Public School is truly concerned and committed to helping students who are encountering drug or alcohol problems. The district recognizes that a student with a drug dependency or use problem is not able to work to his/her fullest potential and stands a greater chance of coming into contact with law enforcement personnel due to increased exposure to criminal activity. To assist in the ultimate goal of drug-free schools and drug-free students, the District will provide voluntary drug testing (saliva sample) to any student whose parents request that the testing be done.

The procedure for sampling and testing of saliva samples shall be conducted under substantially the same procedure as set forth above, provided, however, immediate on-site results may be given to the student's custodial parent or legal guardian. The testing will be provided at no cost to parents and will be kept absolutely confidential, except for the superintendent or his/her designee, parent/guardian, student, and test laboratory personnel. No legal or criminal actions will be taken by the District based upon such test results, and no discipline by District officials will result from such voluntary testing. No record will be kept of such voluntary test results. This service is offered solely for the information of the parent(s) and is ultimately their decision what to do with the information. The results of a positive test result obtained pursuant to a positive drug test will not be used as a basis to determine eligibility to participate in district sponsored athletics and co-curricular activities. Notwithstanding the foregoing, voluntary drug testing will not be allowed for any student between the time when he or she has been selected for a random drug test and until the test results therefore have been determined positive or negative.

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