

POLICY NO. 5088 - RANDOM ILLEGAL DRUG, ALCOHOL AND NICOTINE TESTING PROGRAM

Drug/Alcohol/Nicotine Use Prohibited

Bayard Public Schools students who participate in the school-sponsored extracurricular activities listed below shall not use alcohol, nicotine, or illegal drugs.

Purposes of the Policy

1. To promote the safety and health of students participating in school-sponsored extracurricular activities.
2. To discourage alcohol, nicotine, and illegal drug use and provide students a reason to refute peer pressure to use alcohol, nicotine, and illegal drugs.
3. To encourage students who have used alcohol, nicotine, and/or illegal drugs to seek and receive the appropriate interventions, education, and treatment.

Random Drug Testing

All students in grades 7 through 12 who participate in the school-sponsored extracurricular activities listed below must participate in the District's Random Drug Testing Program, as spelled out in this policy. In addition, students in grades 7 through 12 who do not participate in the extracurricular activities listed below may choose to opt into the District's Random Drug Testing Program with the written constant of their parents or guardians.

Applicable School-Sponsored Extra-Curricular Activities

In addition to those students who opt into the District's Random Drug Testing Program, this policy applies to students who participate in the following school-sponsored extracurricular activities (referred to "Applicable Activities"):

Student Council, National Honor Society, Quiz Bowl, One Act, Speech, Destination Imagination, Football, Volleyball, Cross Country, Cheerleading, Wrestling, Girls Basketball, Boys Basketball, Track, Girls Golf and Boys Golf.

Consent Forms/Duration

Prior to participating in an Applicable Activity, a student and his or her parent or guardian must have consented in writing, on a form provided by the District, to the District's Random Drug Testing Program and provided the form to the District. The consent form shall remain effective unless and until the student or his or her parent or guardian withdraws the consent in writing to the District. If a student and his or her parent or guardian have not consented to the District's Random Drug Testing Program, then the student is ineligible to participate in any Applicable Activity. If a student or his or her parent or guardian withdraws his or her previous written consent, then the student is ineligible to participate in any Applicable Activity for at least the remainder of the then-current school year and must provide a new written consent before the student once again becomes eligible to participate in any Applicable Activity. School Administration may request an updated consent form from a student and parent or guardian at any time, but no less frequently than at least once for each school year and upon any amendment to this Policy.

Random Drug Testing Procedure

Use of Drug Program Administer/Medical Review Officer: The District shall contract with a qualified drug program administrator ("DPA") and medical review officer ("MRO") to administer and review the random drug tests. The DPA and MRO shall abide by all applicable laws and best practices related to testing, transporting and preserving specimens, confirming tests, and confidentiality.

Drugs Tested For: Alcohol, nicotine, and any substance, the use of which is considered illegal under Nebraska law, may be tested for, as determined by the DPA and/or MRO from time to time, provided that the determination of which drugs will be tested for in a particular test shall not be made between the time a student is identified for a test and the test of that student.

Random Nature of Tests: The Superintendent, in conjunction with the Activities Director, shall determine from time to time the frequency of tests and the number of students to be tested. All students who consent to be tested will be entered into a testing pool, but identified by number only. From the testing pool, the DPA will determine who will be tested.

Sample Collection: Samples will be collected as directed by the DPA on the same day the student is selected for testing. Breath, saliva, or urine samples may be required. If a urine sample is required, the student shall provide the sample in a private bathroom or stall, alone, with the door closed.

Determining Results: The DPA, in conjunction with the MRO, will determine if the drug test has a positive result which identifies the use of alcohol, nicotine, or illegal drugs.

Communicating Results: The MRO shall convey all positive test results to the parent or guardian of the student and allow the student or his or her parent or guardian to discuss the result with the MRO. All positive results shall also be conveyed to the Activities Director.

Positive Tests/Consequences

The following consequences of a positive result shall apply:

For the first offense the student shall not be allowed to participate in, but must still practice for the activity with the team or group, and shall not attend any school sponsored activity for fourteen (14) calendar days from the date of written notification and must complete a minimum of eight (8) hours of professional drug education and counseling. (The education course and or counseling will be the parents' or student's expense).

The eight (8) hours of professional education/counseling must be completed before the student can again begin participation in the activities program.

A second violation of these rules and regulations during any one year period, will result in the student being ineligible to compete in or participate in or attend any extracurricular activity for the 12 month period beginning on the date of the first offense.

Failure or refusal to participate in the actions described above after a positive test will make the student ineligible for all Applicable Activities for one calendar year.

Positive results will not lead to any academic consequences or disciplinary actions, except as specified above. The results of alcohol, nicotine, and drug tests administered under this policy shall be (1) disclosed only to school staff members, coaches, and activity sponsors who need to know the information to carry out their duties and/or the consequences set forth in this policy; and (2) kept in a separate file and not become a part of the student's academic or discipline records.

The results of alcohol, nicotine, or drug tests will not be disclosed to law enforcement or other juvenile or criminal enforcement authorities except as required by a judicial order, lawfully issued subpoena, or other legal process, provided that to the extent allowed by law, upon receipt of any judicial order, subpoena, or other legal process, the District shall make a reasonable effort to notify the student and parent or guardian in advance of compliance so that they may seek protective action.

Refusal to Submit to a Drug, Nicotine or Alcohol Test

If a student (either by himself or herself or by his or her parent or guardian) refuses to submit to a drug, nicotine, or alcohol test for which the student is selected, then at the student's and his or her parent's or guardian's option, the refusal may be treated as (1) the withdrawal of consent to test and the student shall be ineligible to participate in any Applicable Activity for at least the remainder of the then-current school year and must provide a new written consent before once again becoming eligible to participate in any Applicable Activity or (2) a positive test result for which the provisions pertaining to positive test results shall apply (without any right to appeal).

Tampering with Samples

If a student tampers with any drug, alcohol, or nicotine test or sample, the student will be subject to discipline as determined appropriate by School Administration, which could include, without limitation, ineligibility from any Applicable Activity for up to a year.

Appeal Procedures.

Within five calendar days after a positive test result, the student may make an appeal in writing to the Superintendent. Filing an appeal with the Superintendent will stay any consequences as a result of the positive test until the Superintendent rules on the appeal. If the appeal involves the validity of the test result, then the Superintendent will consult with the DPA and MRO prior to ruling on the appeal. The Superintendent's ruling on the appeal will be final.

Policy Not Limiting

This policy shall not limit any other District policy, rule, or procedure regarding student discipline and/or student drug alcohol, and nicotine use.

Adopted: 1-14-19

Revised:

Reviewed: