

# O'DONNELL I.S.D.

## DETERRENT TO ILLEGAL DRUG AND ALCOHOL USE

2019-2020

Approved by O'Donnell ISD Board of Trustees  
December 12, 2019



## **PURPOSE/OBJECTIVES**

The purpose of the drug testing policy is:

1. To prevent illegal drug and alcohol use.
2. To educate students on the serious physical, mental, and emotional harm caused by illegal drug and alcohol abuse.
3. To alert students with possible substance abuse problems to the potential harms of illegal drug and alcohol abuse.
4. To strive for an environment within the District free of illegal drug and alcohol use and abuse.
5. To prevent injury, illness and harm as a result of illegal drug or alcohol abuse.
6. To give students a valid reason to resist peer pressure to use illegal drugs or alcohol.

## **GUIDELINES FOR DRUG AND ALCOHOL TESTING**

### **DRUG AND ALCOHOL TESTING**

The District shall implement a drug and alcohol testing program for students in grades 7 through 12 who participate in extracurricular activities. No participant shall be penalized academically for testing positive for using an illegal drug or alcohol. The results of drug tests pursuant to this policy shall not be documented in any student's academic records. Information regarding the results of drug tests shall not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the District shall not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent or guardian shall be notified before the District shall respond.

### **CODE OF STUDENT CONDUCT**

The conduct of a student in extracurricular activities should reflect positively on oneself, community, parents, the District and the activity in which one is participating. The student who participates in extracurricular activities is a role model for the District and fellow students and shall set and uphold the highest standards of conduct. Any action that reflects detrimentally on the District shall not be tolerated.

### **PARTICIPATION IN SCHOOL ACTIVITIES**

Participation in school-sponsored extracurricular activities is a privilege. Extracurricular activities regarding this policy include band, athletic programs, cheerleading, literary activities, One Act Play, or any other club or organization that participates in performances, contests, demonstrations or competitions. The District's Board of Trustees may by resolution add or remove extracurricular activities from the drug-testing program. Any board action to add activities shall be applied prospectively.

### **PARTICIPANTS/ SELECTION FOR TESTING**

At the beginning of each school year all participants in extracurricular activities and their parents shall receive copies of these procedures for the drug testing

program and the accompanying consent forms. No student shall be allowed to practice or participate in any extracurricular activity nor shall the student be tested until the student has returned the properly signed "Student Acknowledgement Form" and "Parental Consent for Random Drug Testing Program for Extracurricular Activities and the Voluntary Drug Testing Program" form. Any refusal by the parent or the student to sign the consent form shall be treated as a forfeiture of participation in extracurricular activities.

Each participant shall be subject to random drug and alcohol testing for the entire school year or until they discontinue participation in extracurricular activities.

A student shall also be required to provide breath, saliva or urine samples (whichever are appropriate) when there is reasonable suspicion that the student is under the influence of illegal drugs or alcohol at school or a school related event , whether such event occurs on or off campus.

## **CONFIDENTIALITY**

All information relating to testing or the identification of persons as illegal drug or alcohol users shall be protected by the District as confidential, unless otherwise required by law or authorized in writing by the student or the student's parent or guardian. Results of tests shall only be reported to the student, parents/guardians of the student and to the administrator(s) involved. Action shall be taken and activity sponsors and coaches shall be notified of a suspension from activities only after the appeal process is complete or no longer applicable.

## **SUBSTANCES SUBJECT OF DRUG TESTING**

The District shall not test for medical conditions under this policy. Drug testing may screen for any illegal drugs

that the District, in its discretion, may choose, including, but not limited to, the following:

1. Marijuana, cocaine, narcotics, amphetamines, methamphetamines, barbiturates, LSD and PCP;
2. All illegal performance enhancing drugs; and,
3. Alcohol.

\*The term "illegal drug" means all drugs that an individual may not buy, use, sell or distribute under Federal or Texas law, including any prescribed medication for which a student does not have a current prescription. The District will determine

which drugs it will screen for prior to identifying the students that are to be tested.

## **TESTING METHODS**

Drug tests shall be conducted by urinalysis or mouth swab, whichever the District chooses at its sole discretion. Alcohol tests may be conducted by urinalysis, breathalyzer or saliva analysis, whichever the District chooses at its sole discretion. All tests shall be conducted in accordance with administrative regulations in a manner that shall safeguard the privacy of the student.

## **SANCTIONS**

The principal shall assess the disciplinary sanctions for a student who is found to be under the influence of illegal drugs or alcohol while at school or a school-related activity according to District policy.

All offenses for testing positive for an illegal drug or alcohol are cumulative for the participant's enrollment in grades 7-8. Once the student has completed the eighth grade, the consequences shall be cumulative in grades 9-12. All students enrolling in the District with no prior enrollment in the District shall begin with a clean record.

Any attempt to deceive the test or the test administrators shall be considered a positive result and will be punished as a positive result.

Any student who has tested positive for an illegal drug as a result of properly taking prescribed medication shall be deemed to have a negative test.

## **FIRST POSITIVE TEST RESULT**

On the first positive test result, the student and the student's parent shall be notified that the student shall be suspended from participating in all practices, performances, or competitions in all activities for thirty (30) days beginning with the date of notification to the student and parent or, if applicable, on the date the appeals process is completed.

The student must complete a District-approved drug awareness program within the suspension period. If the student fails to complete the drug awareness program within the suspension period which will include counseling, he or she will not be allowed to participate in extracurricular practice, performance, or competition until the program is completed.

The student may begin practicing with extracurricular activities following fifteen days of the suspension if the student has completed the District- approved drug awareness program.

The first time participant tests positive, he or she shall be removed from the random testing pool and be tested at each random testing for one calendar year, beginning with the next random testing date after the student and parent notification or, if applicable, after the date the appeals process is completed. The student may begin competing in activities after the expiration of the suspension period if the student has tested negative on all drug tests administered in accordance with this policy.

## **SECOND POSITIVE TEST RESULT**

On the second positive test result, the student and the student's parent shall be notified that the student shall be suspended from participating in all extracurricular practices, performances, or competitions for sixty (60) days beginning with the date of notification to the student and parent or, if applicable, on the date the appeals process is completed.

The student must complete a District-approved drug awareness program which includes counseling within the suspension period. If the student fails to complete the drug awareness program within the suspension period, he or she will not be allowed to participate in extracurricular practice, performance, or competition until the program is completed. The student may begin competing in activities after the expiration of the suspension period if the student has tested negative on all drug tests administered in accordance with this policy.

The second time the participant tests positive, he or she shall be removed from the random testing pool and shall be tested at the time of each random testing for a period of one calendar year, beginning with the next random testing date after the student and parent notification or, if applicable, the date the appeals process is completed.

## **THIRD POSITIVE TEST RESULT**

On the third positive test result, the student and the student's parent shall be notified that the student shall be suspended from participating in all practices performances, or competitions in all activities for one full calendar year beginning with the date of notification to the student and parent or, if applicable, on the date



the appeals process is completed.

The student must complete a District-approved drug awareness program including counseling within the suspension period. If the student fails to complete the drug awareness program within the suspension period, he or she will not be allowed to participate in extracurricular practice, performance, or competition until the program is completed.

The third time a participant tests positive, he or she shall be removed from the random testing pool and shall be tested at the time of each random testing for a period of one calendar year, beginning with the next random testing date after the student and parent notification or, if applicable, the date the appeals process is completed.

The student may begin competing in activities after the expiration of the suspension period if the student has tested negative on all drug tests administered in accordance with District policy.

### **SUBSEQUENT POSITIVE TEST RESULT**

On a subsequent positive test result, the student shall be permanently removed from all extracurricular activities, except as provided under the section entitled **SANCTIONS** above. Students who have had more than three positive test results during enrollment in junior high, however, may regain eligibility for participation in extracurricular activities only by being tested at the time of each random test for a period of one calendar year beginning with enrollment in the high school.

### **STUDENTS OPTING OUT OF PROGRAM/ ACTIVITY**

If a student who leaves or quits a program activity after testing positive wants to be reinstated, he or she must have the permission of the sponsor/coach and principal and test negative at the next random testing. If these requirements are met, he or she shall be reinstated to the program/activity in the same capacity as when he or she left the program activity and be required to complete any suspension period, if any, still in effect.

## **SELECTION FOR TESTING**

### *Initial Testing:*

Following the return of a signed student acknowledgement and parental consent form, an initial drug test shall be administered for each student at the beginning of the school year. After the initial testing, the student shall be placed in the testing pool for the remainder of the school year. A student who moves into the District after the school year has begun shall undergo an initial drug test before he or she will be eligible for participation in extracurricular activity.

The initial test for students who miss the administration at the beginning of the school year or who request to become a participant in an extracurricular activity after the school year begins shall be the next possible random administration following the completion and return of the required consent and acknowledgement forms. If the student is unwilling to delay participation until the next random testing date, however, the student may travel, at his own expense, to the testing laboratory with which the District contracts.

Students who request to become a participant in an extracurricular activity after the school year begins must also obtain permission from the coach or director/sponsor of the sport or activity in question, the athletic director (if applicable), and the principal.

### *Random Testing:*

Following the initial drug screening of all students subject to this policy, high school participants shall make up one random testing pool and junior high participants shall make up another random testing pool. Ten percent (10%) of the members of a pool shall be selected for testing on each random test date. Random tests will be conducted at least once per six weeks for both the high school and junior high school pools.

Students who are selected for testing during one random test date shall also be subject to future random tests and, if selected, may be tested in consecutive tests.

Students selected for testing shall be accompanied to a restroom by a monitor. The monitor shall give the student a form where the student may list any medication he or she is taking or explain any legitimate reason for having been in contact with illegal drugs. If the student is taking or has recently taken prescribed medication, he or she may be required to provide proof of his or her prescription. The student is not required to disclose any medical condition or any medical information

revealed by disclosing use of medication shall be kept strictly confidential by the District, unless lawfully compelled to disclose.

The monitor shall not observe the student while the sample is being produced but shall stand outside the restroom and listen to guard against a sample being tampered with and ensure the proper chain of custody.

All urine samples shall be identified with a random number assigned to the student, sealed, and submitted to a laboratory for testing. The sample shall be divided into two separate bottles in the event a test for an appeal is needed. If at any time a sample is being collected the monitor has reason to believe that a student is tampering with a sample, the monitor will inform the appropriate administrator who will determine if a new sample is needed.

Any laboratory chosen by the District to conduct drug tests shall have a detailed written procedure to assure proper chain of custody, security of the samples, proper laboratory controls, and the use of specifically validated testing methods.

## **VOLUNTARY STUDENT TESTING**

Students who do not participate in extracurricular activities, but whose parents desire their child to be drug tested may participate in the District 's Voluntary Random Drug Testing Program. Parents must make a request to the appropriate principal, and the parent and student must both sign the drug testing consent form. Students who voluntarily participate shall be placed in the applicable high school or junior high pool and be tested in the same manner as students who participate in extracurricular activities.

Any refusal by the student and/or parent to sign the consent form shall be treated as forfeiture of participation in the voluntary testing program. Any refusal by a student in the Voluntary Program to be tested will be reported to his or her parents or guardians.

## **REFUSAL TO BE TESTED**

Any refusal by a participant to take a drug test as required under District policy, act of fraud or action that is intended to deceive the test or the test administrator shall have the same effect and consequences as a positive test.

## **MISSED TEST**

If a student to be tested is absent when urine samples are collected, the parent shall be notified. The student shall then produce a urine sample upon returning to school as soon as deemed possible by the principal or at the next random testing at the principal's discretion.

## **CONFIRMATION OF A POSITIVE TEST RESULT**

Testing a urine sample is a two-step process. If the initial test is positive, it will be confirmed by a second test on the same sample. A sample shall not be reported as positive unless both tests are positive. The laboratory will return the test results of all students tested to the District as soon as possible. If a test result is positive, the appropriate Principal will immediately contact the student and the student's parents/guardians.

## **APPEAL PROCESS**

Within seventy-two hours of being notified of a test result, parents/guardians of any participant testing positive shall have an opportunity to schedule a conference with the Principal, at which time the student or parents/guardians may explain the positive result. Parents/guardians may provide any doctor's prescriptions of any drugs that the student was taking that might have affected the outcome of the test and may request a retest. Upon such a request, the urine sample from the second bottle originally obtained shall be retested by a different lab of the original lab's choosing in accordance with the original lab's procedures. If the retest is negative, the participant will remain in good standing. If the retest is positive, the parents/guardians are responsible for the cost of the retest, and the participant shall be subject to consequences under this policy. If a parent fails to make a request for a retest within 72 hours of receiving notice of a positive test result, the appeals process will be waived and the second sample will not be tested.

A student or parent may appeal a decision made under the District's drug-testing program in accordance with District policy FNG(LOCAL).

## **REASONABLE SUSPICION TESTING**

Any student may be required by the principal or designee to take a drug or alcohol test when there is a reasonable suspicion by school personnel that the student is

under the influence of illegal drugs or alcohol at school or a school-sponsored event, on or off campus. Reasonable suspicion shall be based on specific personal observations concerning the student's appearance, speech, or behavior indicating the effects of drug or alcohol use. Information provided by a reliable source, if based on personal knowledge, may also constitute reasonable suspicion.

A student reasonably suspected of being under the influence of illegal drugs or alcohol shall be required to provide a urine, breath and/or saliva sample for testing, whichever is/are determined appropriate by the District. The procedures for collecting and testing urine samples and for reporting positive test results shall be as described in this policy.

Any refusal by a student to take a drug or alcohol test based on reasonable suspicion for being under the influence of alcohol or illegal drugs shall have the same effect and consequences as testing positive for drugs or alcohol and the Student will be subject to discipline according to District policy.

## **DEFINITIONS**

### **Extracurricular Activities:**

Extracurricular activities regarding this policy include band, athletic programs, cheerleading, literary activities, One Act Play, or any other club or organization that participates in performances, contests, demonstrations or competitions.

Clubs and organizations that may meet on school property but are not sponsored by the school are not within the scope of this policy. Also, clubs or organizations that do NOT participate in contests, performances, demonstrations or competitions are not within the scope of this policy, even if such clubs are sponsored by the school.

### **Drug Testing:**

For this plan, the scientific analysis of urine, breath or saliva for the purpose of detecting an illegal drug or alcohol.

### **Good Standing**

Having met requirements in order to be able to pursue all educational and extracurricular activities as are available, with no restrictions or consequences.

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**Illegal Drug:**

Any drug that is not legally obtainable; any drug that is legally obtainable but has not been legally obtained; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs include but are not limited to: cannabis substances (such as marijuana and hashish), cocaine, heroin, phencyclidine, PCP, and so-called "designer drugs".

**Premises of O'Donnell I.S.D.**

All property of the school district, including, but not limited to, the facilities and surrounding areas on district-owned or leased property, parking lots, and storage areas. The term also includes school district owned, leased, or used vehicles and equipment wherever located .

**Random Drug Testing:**

A testing process in which selection for testing is made by a method employing objective, neutral criteria, which ensures that every person subject to testing has a substantially equal statistical chance of being selected. This method does not permit subjective factors to play a role in selection.

**Reasonable Suspicion:**

Based on specific personal observation concerning the appearance, speech, or behavior of the student that indicates the effects of drug or alcohol use. Information provided by a reliable source, if based on personal knowledge, may also constitute reasonable suspicion.

**Under the Influence:**

A condition in which a person is affected by a drug or alcohol in any detectable manner.

**O'DONNELL  
INDEPENDENT SCHOOL DISTRICT  
PARENTAL CONSENT FOR RANDOM DRUG TESTING PROGRAM  
FOR EXTRACURRICULAR ACTIVITIES  
AND THE VOLUNTARY DRUG TESTING PROGRAM**

I, \_\_\_\_\_, parent of \_\_\_\_\_, a student enrolled in O' Donnell Jr./Sr. High School, hereby agree to the following:

I understand the school district 's policy regarding substance abuse. I understand that it is the practice of the District to conduct random and reasonable suspicion drug and alcohol tests for the purpose of carrying out this policy.

I understand that my child cannot be compelled to give a urine, breath or saliva sample (hereafter "sample"). I understand that if he/she gives a sample, it will be tested for illegal drugs and/or alcohol. I understand that as a condition of my child's participation in Jr./Sr. High School extracurricular activities and to be in good standing, my child must give a sample when requested by the District. If my child is not involved in extracurricular activities, I hereby request that my child be allowed to participate in O'Donnell JSD ' s Voluntary Random Drug Testing Program and waive his/her rights to the extent needed for O'Donnell ISD to conduct drug testing under its Voluntary Drug Testing Program. I understand that if my child fails to provide a sample or his or her sample reveals an unexplained presence of an illegal drug and/or alcohol, the District will implement the steps associated with the random drug testing policy, student handbook , and student code of conduct, if applicable.

Prescription drugs currently being taken as prescribed (including lotions, oils with CBD)

Comments :

At this time, I hereby agree to my child giving a urine, breath or saliva sample.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Witness





**O'DONNELL INDEPENDENT SCHOOL DISTRICT  
STUDENT ACKNOWLEDGEMENT FORM**

I have received and read a copy of the O'Donnell I.S.D. Drug Deterrent Policy . I understand that this policy is part of the school district's rules, and that it applies to all O'Donnell ISD students, grades seven through twelve who participate in extracurricular activities or who participate in the O'Donnell ISD Voluntary Random Drug Testing Program.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/ Guardian Signature

\_\_\_\_\_  
Date













