

# Floresville Independent School District MANDATORY DRUG TESTING PROGRAM

## PURPOSE OF THE DRUG TESTING PROGRAM

The District has a vital interest in maintaining a safe, secure, and healthy learning environment for all of its students. We know that the use of illegal drugs poses a serious health and safety risk to the user, those associated with the user, and potentially to the public. Therefore, as a proactive measure to keep our students and schools' drug free, the District is adopting a random drug testing policy for students in grades 7-12 who: (1) participate in school-sponsored extracurricular (to include co-curricular) activities, and (2) students wishing to park their vehicles on school property.

The purposes of the drug-testing program are to ensure the health and safety of all students in extracurricular activities and students seeking parking permit privileges; deter student use of illegal drugs; offer students a credible means to resist peer pressure as it relates to the use of illegal drugs; and provide a source of information to parents of any student who may be using illegal drugs.

## *STUDENTS SUBJECT TO DRUG TESTING*

**A. UIL Athletic and Extra/co-curricular Club Participants.** Drug use can increase the risk of injury to students participating in school-sponsored, competitive extracurricular activities and since these students are often role models to other students, the District shall require all students in grades **7 through 12** who participate in school-sponsored, extracurricular activities and clubs to undergo mandatory random drug testing.

Participation **does not include attendance** at school events such as athletic contests, drama productions, or social functions. Students may be permitted to continue attendance in courses for credit related to the above activities. However, if participation in an extracurricular activity is required for the class or affects the student's grade, the student may be required to satisfy participation requirements in an alternate way.

**B. Students Parking on School Property.** Since drug use can increase the risk of injury to students driving to and from school, the District shall require all students in grades 9 through 12 who receive a parking permit allowing them to park vehicles on school property during the school day to undergo random drug testing.

## *INFORMED CONSENT FOR TESTING*

Before a student is eligible to participate in extracurricular activities or to receive a parking permit, the student shall be required annually to sign a consent form agreeing to be subject to the rules and procedures of the drug-testing program. If the student is under the age of 18, the student's parent or guardian shall also sign a consent form. If appropriate consent is not given, the student shall not be allowed to participate in extracurricular activities or to receive a parking permit

## *DISSEMINATION OF INFORMATION*

- Before a student in grades 7 - 12 participates in contests, competitions in UIL, Athletics, extra/co-curriculars, and/or receives a parking permit to park on school property, parents must sign the Student Handbook and Student Code of Conduct, which gives written parental consent for random drug testing

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- Information pertaining to random student drug testing will be disseminated through extra/co-curricular parent meetings and/or at orientation

### *TESTING PROCEDURES*

A. Each school year, the district will test a minimum of one-hundred students (100). The testing entity will select the dates for conducting the random drug tests; the selection of dates will not follow any recognizable pattern.

**B. Random selection of students.** The District will provide the third-party administrator with a list of all identified participants through the use of student identification numbers; not individual names. Students will be chosen for testing by computer-generated random selection conducted by the third-party administrator. The random selection process is intended to eliminate subjective factors from playing a role in the selection of the students to be tested.

**C. Testing standards.** Testing will be conducted through accepted scientific means using approved practices and procedures established by the testing laboratory selected by the district. The testing parameters shall be set at industry standards as defined by the National Institute for Drug Abuse. The testing laboratory will be certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and have greater than five (5) years' experience in toxicology testing and chain-of-custody procedures. The drug test is performed by urinalysis. The specimen is analyzed using immunoassay methodology. All presumptive positive results are confirmed by a second test of the same specimen using a gas chromatography/mass spectroscopy methodology.

The testing laboratory may use quantitative results to determine if positive results on repeat testing indicate recent use of illegal drugs or the natural decline of levels of the illegal drug from the body. If the testing laboratory feels the quantitative levels do not reflect current use, then a negative result may be reported.

**D. Collection of the sample.** Upon the testing entity's arrival at school, the randomly selected student names will be given to the designated school official, who will arrange for these students to report to the collection area. The names of selected students will not be called over the public address system.

Students will be tested in an isolated facility under the supervision of a school official of the same sex who will assist the testing entity representative. Students will provide a urine sample in a restroom or other private facility behind a closed stall. Neither the supervising school official nor the testing entity representative will directly observe the students providing their urine sample. Facilities are secure with only one student testing at a time.

The urine sample will be collected in a sealed specimen collection container provided by the testing entity. The students will provide the collected sample to the testing entity representative and the supervising school official will confirm that the student's identification information on the sample is correct. The specimen collection container will be sealed and witnessed by the student. The testing entity representative will send all tamper proof specimens to the laboratory for analysis.

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- E. **Refusal to Test or Tampering.** A student who refuses to be tested when selected or who is determined to have tampered with a sample shall be deemed to have a positive test result, and shall be subject to the appropriate consequences. If a student is absent on the day of the random test, another student will take his/her place. The testing entity will provide the district with two other student names as backups for each student selected on the day of testing.
- F. **Substances.** The district reserves the right to test for any and all illegal or controlled substances as determined at the discretion of the District.

*TEST RESULTS*

- A. **Confidentiality of results.** Student privacy will be protected in accordance with all applicable laws. Records of test results will be kept confidential and provided only to parents, administrators, personnel responsible for administering the extracurricular activity, other school officials with a legitimate interest in the information, or as otherwise required by law or overriding health and safety concerns.

Test results are kept separate from other school records. School personnel are only allowed to view the information if they have a legitimate educational interest in the results. Results will not be shared with law enforcement except as required by law. Upon written request of a parent/guardian or a student of legal age, test results may be released to treatment facilities.

- B. **Medical Review Officer (MRO).** The testing entity will provide an MRO for interpreting and verifying test results. The MRO services will be provided by a licensed physician who is certified by the Medical Review Officer Certification Council or the American Association of Medical Review Officers as having proven by examination to have had the appropriate medical training to interpret and evaluate drug test results and thus qualified for certification as an MRO.

- C. **Notification.** Whenever a student's test result indicates the presence of a prohibited substance identified in this policy, the parent or guardian will be contacted by an MRO employed by the testing entity within one school day of receiving the positive test result.

The MRO will confer with a parent or guardian and determine if there is a medical explanation for the positive test result. If the medical explanation is verified by the MRO, the test result will be reported as negative. However, without verification by the MRO, a confirmed positive test result will be reported to the designated school official within one school day of conferring with the student's parent or guardian.

If the MRO is unable to contact the parent or guardian within one school day, the MRO will ask the designated school official for help in locating the student's parent or guardian. This request in no way implies a positive test result. The designated school official should only assume that the MRO has questions for the student's parent or guardian.

The MRO may use quantitative results to determine if positive results on repeat testing indicate recent use of illegal drugs or the natural decline of levels of the illegal drugs or the natural decline of levels of the illegal drug from the body. If the MRO feels the quantitative levels do not reflect current use, then a negative result may be reported.

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Upon receiving notice from the MRO that a student has a confirmed positive test result, the designated school official will contact the student and parents to discuss the consequences of the positive test result.

### *RELATIONSHIP TO THE FISD STUDENT CODE OF CONDUCT*

This drug testing policy does not in any way modify the disciplinary provisions of the *Floresville ISD Student Code of Conduct* or Chapter 37 of the Texas Education Code. If a student sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol the student will be subject to the disciplinary provisions of the *Student Code of Conduct*. **A positive drug test is not in and of itself proof that a student has violated the Student Code of Conduct.** For more information on the District's disciplinary rules regarding drugs and alcohol, please refer to the Floresville ISD *Student Code of Conduct*.

### *CONSEQUENCES*

Any student who tests positive for a drug in a test conducted under the provisions of this policy will face the following consequences.

- A. **FIRST POSITIVE TEST RESULT.** A conference must be held between the designated school official, personnel responsible for administering the extracurricular activities the student participates in (if applicable), the student, and the parent or guardian.

If applicable, the student will be suspended from participation in all extracurricular activities identified in this policy and/or will relinquish all parking privileges for (15) school-days following the date of the conference. *Student may be allowed to practice at the discretion of the campus administrator and club sponsor or coach.* The District will notify the parent/guardian and student of drug and alcohol abuse prevention resources available in the area.

In order to have parking and/or extracurricular activity privileges reinstated, the student must:

Provide documentation that he/she attended and successfully completed Floresville ISD's Drug Awareness Training Program or successfully completed counseling from a licensed professional counselor during the suspension period (costs of external services shall be the responsibility of the student and/or parent/guardian);

*Failure to meet these requirements within the designated time frame will result in continuation of the suspension until such time as the student completes the requirements outlined above.*

- B. **SECOND POSITIVE TEST RESULT.** A conference must be held between the designated school official, personnel responsible for administering the extracurricular activities the student participates in (if applicable), the student, and the parent or guardian.

The student will be suspended from participation (including practice) in all extracurricular activities identified in this policy and/or will relinquish all parking privileges for (30) school-days of suspension;

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In order to have parking and/or extracurricular activity privileges reinstated, the student must:

Provide documentation that he/she attended and successfully completed TCHATT's substance abuse counseling or successfully completed counseling from a licensed professional counselor during the suspension period. Floresville ISD's Drug Awareness Training Program will not be offered. The student must complete TCHATT's substance abuse counseling or counseling from a licensed professional counselor during the suspension period.

*Failure to meet these requirements within the specified timelines will result in continuation of the suspension until such time as the requirements are completed.*

**C. THIRD POSITIVE TEST RESULT.** A conference must be held between the designated school official, personnel responsible for administering the extracurricular activities the student participates in (if applicable), the student, and the parent or guardian.

The student will be suspended from participation (including practice) in all extracurricular activities identified in this policy and/or will relinquish all parking privileges for (90) ninety school days and/or the remainder of the academic school year, possibly carrying over into the summer.

In order to have parking and/or extracurricular activity privileges reinstated, the student must:

Provide documentation that he/she attended and successfully completed (2) TCHATT sessions of substance abuse counseling or successfully completed (2) counseling sessions from a licensed professional counselor during the suspension period;

**D. FOURTH POSITIVE TEST RESULT.** Consequences for a fourth positive result will result in the student being removed from all Floresville ISD extracurricular or UIL-sponsored activities for the remainder of the student's secondary school career.

**End of the year suspensions.** A student serving a suspension that is not completed at the end of the school year may carry over into the summer.

**Substance abuse counseling.** The district will approve substance abuse counseling provided by a certified chemical dependency counselor or at any agency certified by the Texas Department of Health or the Texas Department of Alcohol and Drug Addiction Services. A list of approved substance abuse counseling providers may be obtained upon request.

**Failure to report, interfering with samples, or other non-compliance issues.** Any student who does not report for the required drug testing, tampers or assists with tampering of samples, or otherwise fails to follow the expected protocol of this process will be considered a positive test result and be treated accordingly.

**Academically non-punitive.** A positive drug test will not affect the student's grade in any curricular class associated with the extracurricular activity. However, as stated previously, if participation in the

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extracurricular activity is required for the class or affects the student's grade, the student may be required to satisfy participation requirements in alternate ways. The result of the drug tests will not be documented in the student's academic records.

*APPEAL PROCESS*

A parent or student may appeal a positive result in accordance with District Policy FNG (Local) governing student and parent complaints. Consequences established in this drug testing policy will not be deferred pending the completion of the appeal process.

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CONFIRMATION OF DRUG COUNSELING**

This is to certify that \_\_\_\_\_ has  
completed a minimum of \_\_\_\_\_ clock hours or has completed a minimum of  
\_\_\_\_\_ session/s in one or more of the following settings:

Check all that apply

- Floresville ISD drug awareness training
- a series of individual counseling sessions concerning drug-use and abuse by a licensed professional counselor;
- a group counseling program providing intervention for drug use provided by a licensed professional counselor;
- a curriculum-based instructional program on drug-use prevention provided by a licensed professional counselor
- Texas Child Health Access Through Telemedicine (TCHAT) counseling session

Floresville ISD Counselor Signature

Date

Counselor / Therapist Signature

Date

**Counseling Agency Name and Contact Information:**

*Verification may be made as deemed necessary by the designated  
Floresville ISD school official.*