

## **DRUG USE IN SCHOOL ACTIVITIES**

### **Cloudcroft Municipal School Extra-Curricular Drug and Alcohol Testing Policy**

#### **Statement of Need and Purpose**

The Board recognizes the critical importance of its educational mission to promote academic achievement and a safe and secure environment at all campuses in the District. The Board has a strong commitment to the health, safety and welfare of its students. The Board has developed a random drug and alcohol testing program as a reasonably effective means of addressing the District's legitimate concerns in preventing and deterring drug and alcohol use.

Drug and alcohol abuse is one of the most serious problems confronting our society today. Results of studies throughout the United States indicate that education alone, as a preventive measure, is not effective in combating substance abuse. Our commitment to maintaining school-sponsored activities in the District in a safe and secure educational environment requires a clear policy and supportive programs that reasonably relate to prevention and deterrence of substance abuse by students involved in a school-sponsored extracurricular activity.

Based upon careful and extensive research, the Board believes a random drug and alcohol testing program is in the best interest of the District's students for at least the following reasons:

- Use of illegal drugs in a school-sponsored extracurricular activity by students poses a threat to the student's health and safety, as well as to other students.
- To provide students with a legitimate reason to refuse to use illegal drugs and undermine the effects of peer pressure.
- To educate, help, and direct students away from drug and alcohol abuse and toward a healthy and drug free lifestyle.
- To encourage students who use drugs to seek help by participating in drug treatment programs.
- To ensure that students involved in extracurricular activities set an appropriate example for their fellow students for whom they are often role models.

Participation in a school-sponsored extracurricular activity is a privilege, not a right. This policy applies to all District students in grades eight (8) through twelve (12) who desire to participate in a school-sponsored extracurricular activity at the high school level.

For purposes of this policy, *activity* shall include any extracurricular activity, but not be limited to:

- Any school-sponsored athletic activity; or
- Any school-sponsored club; or
- Any school-sponsored organization such as yearbook, newspaper, student government, drama, music, honor society, or any other organization of a similar nature.

For purposes of this policy, *drugs* shall include, but not be limited to:

- All controlled substances prohibited by law.
- All alcoholic beverages.
- All performance enhancing substances, including but not limited to, anabolic steroids.
- Any prescription or over-the-counter drug, except those for which permission to use in school has been granted pursuant to Board policy.
- Hallucinogenic substances.
- Inhalants.

This random drug testing program is not considered a punitive disciplinary action or considered to imply a violation of the student discipline policies and/or regulations. It is designed to create a safe, drug free environment for students and to assist students in getting help when needed. No student shall be penalized academically, expelled or suspended from school as a result of any verified "positive" test, however, a student will be removed from the activity or position in accordance with Policy JKDA - Removal of Students from School-Sponsored Activities.

This random drug testing program does not affect the current policies, practices, or rights of the District pertinent to drug possession or use, where reasonable suspicion is obtained by means other than drug testing through this policy. The District reserves the right to test any student who at any time exhibits cause for reasonable suspicion of drug usage.

The Superintendent is responsible for establishing and enforcing additional rules or procedures for the District's random drug testing program.

*Adopted:* March 9, 2009

CROSS REF.: [JKDA](#) - Removal of Students from School-Sponsored Activities

[LC](#) - Relations with Education Research Agencies

**DRUG USE IN SCHOOL ACTIVITIES****Cloudcroft Municipal School Extra-Curricular Drug and Alcohol Testing Policy****Consent Form**

Each student who participates in an activity as defined in Policy JJIE and the student's parent or guardian are required to sign and return the "Consent Form" prior to the student's participation in any activity. The consent form will include an acknowledgement of understanding and acceptance and agreement to abide with the random drug and alcohol testing (random drug testing) policy and procedures. The policy and procedures will be posted on the Cloudcroft Municipal School's (CMS's) web site or a copy of the policy will be made available upon request. A student who fails to sign and return the consent form will not be allowed to practice or participate in any activity until the consent form is properly signed and returned.

All students desiring to participate in an activity will be subject to random drug testing at the beginning and during the activity. Any student who refuses to submit to random drug testing will not be allowed to practice or participate in an activity.

Before random drug testing begins, an orientation session will be held by the activity's coaches or sponsors and the Activities Director to inform students of the testing procedures, privacy arrangements, and other information to assist students in understanding the process.

**Non-Punitive Nature of Policy**

No student will be penalized academically, suspended or expelled from school as a result of any verified "positive" test conducted in accordance with Policy JJIE and this regulation. Records regarding random drug testing results will not be disclosed to criminal or juvenile authorities except to comply with a judicial order or lawfully issued subpoena. The District will make a reasonable effort to notify the parent or the eligible student before making a disclosure under this provision unless directed otherwise by a court of competent jurisdiction.

**Test Results**

A "*non-negative*" result will in no way reflect guilt or constitute action against the student. Only a drug test that has been confirmed using gas chromatography/mass spectrometry (GC/MS) and verified by a medical review officer (MRO) as positive, tampered with, or substituted ("positive") will be considered for the disciplinary action as defined within Policy JJIE and this regulation.

The principal will be notified of a student testing "positive." The principal or designee will notify the student and the student's parent or guardian.

If the test is verified "positive" the principal will require a meeting with the student and the student's parent or guardian and the Activities Director at the school office.

The student and the student's parent may be given names of counseling and assistance agencies that the family may choose to contact for help at their own expense.

Any student involved in an activity whose test is verified "positive" will be subject to the following consequences:

- *First violation:*

- The student will be suspended from participation in all extracurricular activities for ten (10) consecutive school days beginning from the date following the day of verification of a positive test. Students will not be allowed to attend or participate in practices during this time.
- Students will be required to fulfill the requirements of his/her class schedule including participation in any classes during the suspension period.

- *Second violation:*

- The student will be suspended from participating in all extracurricular activities for ninety (90) consecutive school days. The term will be reduced to forty-five (45) consecutive school days if the student completes a drug education program at the expense of the student or his/her parent/guardian. Students will not be allowed to attend or participate in practices during this time.
- Students will be required to fulfill the requirements of his/her class schedule including participation in any classes during the suspension period.

- *Third and subsequent violations:*

- The student will be suspended from participating in all programs of extracurricular activities for one hundred eighty (180) consecutive school days. Students will not be allowed to attend or participate in practices during this time.
- The student will be required to attend a drug education program at the expense of the student or his/her parent/guardian as a condition of any further participation in school extracurricular activities.
- Students will be required to fulfill the requirements of his/her class schedule including participation in any classes during the suspension period.

If the penalty period for any violation is not fulfilled during the season or competition period in which the violation occurred, the remainder of the penalty will be applied to the next extracurricular season or competition period in which the student participates.

Removal from an activity or position is not considered a disciplinary action nor does it imply a violation of the student discipline policies and/or regulations. The principal will follow Policy JKDA before removing a student from an activity or position.

### **Urine Test Refusal or Tampering**

If the student is unable to produce a sample, the student will be given a maximum of forty (40) fluid ounces of water. If the student is still unable to produce a sample within three (3) hours, the uncollected sample will be considered a refusal to test and the principal will be notified. The student's parents will be notified and the principal will follow Policy JKDA before removing the student from the activity or position.

If at any time during the testing procedure the collector has reason to believe or suspect that a student is tampering with the sample, the monitor may request a second sample or stop the procedure and the principal will be notified. The student's parents will be notified and the principal will follow Policy JKDA before removing the student from the activity or position.

If the seal is tampered with or broken, after leaving the student's possession and prior to arriving at the lab, the sample is invalid. The principal will request a second sample. The student will remain eligible for an activity subsequent to a retest.

### **Financial Responsibility**

The District will pay for all initial drug testing, random or reasonable suspicion. If a student has a verified "positive" test result, then any subsequent testing at a lab approved by Substance Abuse and Mental Health Services Administration (SAMHSA) shall be paid for by the student or the student's parent or guardian.

Counseling and treatment by non-school counseling or assistance agencies are elective and shall be paid for by the student or student's parent or guardian.

### **Testing Procedures**

All student drug testing will be conducted using a Food and Drug Administration (FDA)-approved Rapid Response On-Site test. In the event that the rapid response test displays a "Non-Negative" result, substitution, or adulteration, a sample from that void will be sealed in the presence of the student. An additional chain of custody will be completed and signed by the collector and the student. This sample will then be sent to a Substance Abuse and Mental Health Service Administration (SAMHSA)-certified laboratory, where the sample will be scientifically verified and

signed positive or negative by a certifying scientist. A sample with a "positive" result will be forwarded to a medical review officer for verification.

The selection of participants to be tested will be done using a scientifically random method. A minimum of seven (7) students participating in extracurricular activities shall be tested for drugs and alcohol during each month of the school year. Random testing selection shall be as follows:

- Students are to be placed in and remain in the activity pool for random selection for the duration of the activity in which they are participating.
- A valid random selection procedure will be used.
- Dates of testing will not be announced.

## **Laboratory Analysis Procedures**

### *Security and chain of custody:*

- Drug testing laboratories shall be secure at all times. They shall have in place sufficient security measures to control access to the premises and to ensure that no unauthorized personnel handle specimens or gain access to the laboratory process or to areas where records are stored. Access to these secured areas shall be limited to specifically authorized individuals whose authorization is documented. With the exception of personnel authorized to conduct inspections on behalf of federal agencies for which the laboratory is engaged in urine testing or on behalf of Department of Health and Human Services (DHHS), all authorized visitors and maintenance and service personnel shall be escorted at all times. Documentation of individuals accessing these areas, dates, and time of entry and purpose of entry must be maintained.
- Laboratories shall use chain of custody procedures to maintain control and accountability of specimens from receipt through completion of testing, reporting of results during storage, and continuing until final disposition of specimens. The date and purpose shall be documented on an appropriate chain of custody form each time a specimen is handled or transferred and every individual in the chain shall be identified. Accordingly, authorized technicians shall be responsible for each urine specimen or aliquot in their possession and shall sign and complete chain of custody forms for those specimens or aliquot as they are received.

### *Receiving:*

- When a shipment of specimens is received, laboratory personnel shall inspect each package for evidence of possible tampering and compare information on specimen bottles within each package to the information on the accompanying chain of custody forms. Any direct evidence of tampering or discrepancies in the information on specimen bottles and the chain of custody forms attached to the shipment will be immediately reported. Where *Cloudcroft Municipal Schools* has used the split sample method and the laboratory observes that the split specimen is not testable, inadequate, or unavailable for testing, the laboratory shall nevertheless test the primary specimen. Where *Cloudcroft Municipal Schools* uses the split sample

collection method, the laboratory shall log in the split specimen, with the split specimen bottle seal remaining intact. The laboratory shall store this sample securely. When directed in writing by the medical review officer (MRO) to forward the split specimen to another DHHS-certified laboratory for analysis, the second laboratory shall analyze the split specimen by gas chromatography/mass spectrometry (GC/MS) to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen.

*Specimen processing:*

- Laboratory facilities for urine drug testing will normally process specimens by grouping them into batches. The number of specimens in each batch may vary significantly depending on the size of the laboratory and its workload. When conducting either initial or confirmatory tests, every batch shall contain an appropriate number of standards for calibrating the instrumentation and a minimum of ten percent (10%) controls. Both quality control and blind performance test samples shall appear as ordinary samples to laboratory analysts.

*Initial test:*

- The initial test shall use an immunoassay that meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these five (5) drugs or classes of drugs:

Initial test cut-off levels

<u>Substance</u>	<u>(ng/ml)</u>
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2000*
Phencyclidine	25
Amphetamines	1.0

\* -25 ng/ml if immunoassay specific for free morphine.

- These cutoff levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

*Confirmation test:*

- All specimens identified as positive on the initial test shall be confirmed using GC/MS techniques at the cutoff levels listed in this paragraph for each drug. All confirmations shall be by quantitative analysis. Concentrations that exceed the linear region of the standard curve shall be documented in the laboratory record as "greater than highest standard curve value."

<u>Substance</u>	<u>Confirmation cut-off level</u>
Marijuana metabolites	15 ng/ml
Cocaine metabolites	150 ng/ml
Phencyclidine (PCP)	25 ng/ml
<u>Aphetamines</u>	
Amphetamine	500 ng/ml
Methamphetamine	500 ng/ml
<u>Opiate metabolites</u>	
Codeine	2000 ng/ml
Morphine	2000 ng/ml
6-acetylmorphine (6-AM)	10 ng/ml

### **Chain of Custody**

The designated collector will set up the collection environment (which may include mobile units), supervise the chain of custody and provide training and instructions to those who supervise the random drug testing program. The collector is responsible for seeing that samples are transported to the laboratory when needed. All aspects of the random drug testing program will be conducted in a manner that is designed to minimize the nature of intrusiveness during collection of the sample while insuring an accurate chain of custody.

If any tampering or cheating has occurred at any time during the collection process, the principal will notify the student's parents and the student will be removed from the school-sponsored activities for the remainder of the school year in accordance to Policy JKDA - Removal of Students from School-Sponsored Activities.

### **Confidentiality and Statistical Reporting**

The test results will be kept in confidential files separate from the student's educational records and will be released by the principal to other District employees on a "need to know" basis. District employees who may have knowledge of the results of a random drug test will not release the results of the test to anyone, unless directed otherwise by a court of competent jurisdiction or lawfully issued subpoena. The District will make a reasonable effort to notify the parent or the eligible student before making a disclosure under this provision unless directed otherwise by a court of competent jurisdiction.

To maintain confidentiality, the container which contains the collected sample and corresponding custody and control form will only have the name of the student on

copies released to the school and the medical review officer. The sealed bottle will be initialed by the student. A random identification number will be assigned to the student by the service agent for purposes of drug and alcohol testing. The medical review officer will have access to the student's name and phone number for review and possible substance identification. All records and subsequent actions shall be kept in a file separate from the student's regular file. The test result sheet will be locked and secured in a location that is only accessible to the principal. The designated service agent will also maintain student records of drug and alcohol testing only and database for random selection process. This database is maintained using a recognized drug testing program software with several levels of security and all hard copy documentation is kept in a locked filing cabinet within a locked fire-proof room. Access to information maintained by the service agent is available only to designated representatives of Cloudcroft Municipal Schools. A list of these representatives will be given to the designated service agent by the Superintendent on school letterhead.

The designated service agent, it's employees, certified laboratory, or medical review officer may not release any statistical information about the number of positive drug tests to any person, research agency, organization, news publication or media without expressed written consent of the Board. Any request to the Board to release statistical information shall be done by following the procedures in Policy LC - Relations with Education Research Agencies. The designated service agent will provide the principal with a quarterly report showing the number of tests performed, rate of positive and negative tests, and what substances were found.

### **Collection Process for Urine Tests**

The certified testing laboratory's testing procedures are based on Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines:

- Cludcroft Municipal Schools will assign a monitor for the collection procedures. The monitor will be a school employee and shall monitor and observe the collection procedures, but may not interfere or be involved with those procedures.
- The monitor shall escort selected students to the collection site, which may be mobile and on site. Students will not be allowed to go to the student's locker. The monitor should not bring all of the students to the collection site simultaneously, but may call a few students at a time.
- Before the sample is collected, students must fill out, sign and date any forms which may be required by the collector.
- The drug testing custody and control form will be completed by the student and collector.
- Students will be instructed to remove all extra coats, vests, jackets, sweaters and personal items before entering the collection area. No purses, bags or containers may be taken into the collection area with the student. Students will then be instructed to rinse their hands with water, and dry them in the presence of the monitor prior to entering the restroom.

- The collector shall add a coloring agent (bluing) to the water in the urinal or toilet before the student enters and ensure that the restroom water has been turned off and all cleaning supplies and possible contaminates have been removed from the restroom.
- A sanitized kit containing a collection cup and two (2) sealed bottles will be given to the student prior to entering the restroom. The student will be instructed to urinate directly into the provided container and should provide a sufficient amount of urine (sixty milliliters [60 ml]) in one (1) attempt.
- The door of the restroom will be closed so the student is alone. The collector will wait outside the restroom with the monitor.
- The student will be allowed four (4) minutes in the restroom to provide the needed sample.
- The student will bring the sample out to the collector, in witness of the monitor; the collector will verify sample temperature using the temperature strip on the cup.
- In witness of the monitor and student, the collector will pour thirty milliliters (30 ml) of the sample into one (1) of the sanitized bottles, and fifteen milliliters (15 ml) of the sample into the second sanitized bottle.
- The collector will then test the remaining sample using a rapid response on-site test and adulterant strip.
- Should the rapid response on-site test give a *negative* reading, the sample, in totality, will be disposed of and the appropriate custody and control form will be completed.
- In the event that the rapid response on-site test reveals a "*nonnegative or adulterated*" result, another custody and control form will be initiated for the purpose of sending the uncontaminated samples in bottles A and B to a SAMHSA certified laboratory.
- The bottles will be sealed with tamper evident seals in witness of the collector and the student.
- The collector will date the seals on each bottle and the student will initial the seals on each bottle.
- The medical review officer portion of the laboratory custody and control form will be completed.
- The sample and the laboratory portion of the custody and control form will be sent to the SAMHSA certified laboratory for testing.
- The student will be given a copy of any and all custody and control forms completed during testing.
- When the sample is secured by the collector, the student will return to the activity or class. If the student returns to class, then the student shall be given a signed return to class pass noting the time that the student left the collection site.
- After it has been sealed, the sample will be transported to the testing laboratory by the laboratory courier service.

## **Certified Testing Laboratory Responsibilities**

The certified laboratory will ensure that a certifying scientist reviews all drug testing results. Any sample testing positive for illicit or banned substances will be handled in the following manner:

- The certifying scientist will review the collection procedures to determine if any discrepancies have occurred in the chain of custody.
- The certifying scientist will forward a positive test to a medical review officer, a physician certified and trained in drug testing, for review and possible substance identification.
- When a drug test result has been returned by the laboratory to the medical review officer, the medical review officer shall notify the student telephonically of the drug test result and proceed with the verification process. For example, the medical review officer may choose to conduct medical interviews, review medical history, or review any other relevant biomedical factors. The medical review officer must review all positive results. Evidence to justify a positive result may include, but is not limited to a valid prescription; or verification from the individual's physician verifying a valid prescription.
- The medical review officer, based on the information given, will certify the positive or negative test results and report the result to the designated service agent by telephone or e-mail and mail. The designated service agent will immediately report the results in the same manner to the principal.

The Superintendent is responsible for establishing and enforcing additional rules or procedures for the District's random drug testing program.

*Adopted:* March 9, 2009

CROSS REF.: [JKDA](#) - Removal of Students from School-Sponsored Activities

[LC](#) - Relations with Education Research Agencies