

CUSD Random Student Drug-Testing Program Handbook

To Prevent Drug Use

GOVERNING BOARD POLICY JJIE

Drug abuse is one of the most serious problems confronting our society today. Results of studies throughout the United States indicates that education alone, as a preventive measure, is not effective in combating substance abuse.

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. To that end, the Board has developed a random student drug testing program as a reasonably effective means of addressing the district's legitimate concerns in preventing and deterring drug use.

The district's commitment to maintaining school-sponsored activities 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 and community input, the Board believes a random drug testing program is in the best interest of the district's students for 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.
- A random drug testing program will provide students with a legitimate reason to refuse the use illegal drugs and undermine the effects of peer pressure.
- The random drug testing program will educate, help, and direct students away from drug abuse and toward a healthy and drug free lifestyle.
- The random drug testing program will encourage students who use drugs to seek help by participating in drug treatment programs.

Participation in a school-sponsored extracurricular activity is a privilege, not a right. This policy applies to all District students in grades nine (9) through twelve (12) who participate in a school-sponsored extracurricular activity.

For purposes of this policy, school-sponsored extracurricular activities shall include any extracurricular sport governed by the Arizona Interscholastic Association and Spirit line.

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

- All controlled substances prohibited by law.
- Any legal medication not specifically and lawfully prescribed for the student.
- Hallucinogenic substances.
- Inhalants.

This random drug-testing program 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 because of a verified "positive" test. Likewise, no drug test results will be disclosed or given to any law enforcement agency. However, a student will be removed from the activity in accordance with the consequences described in the student drug-testing handbook.

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, in accordance with Board Policy JJIE, to test any student who at any time exhibits cause for reasonable suspicion of drug usage and remove the student from an activity or position in accordance with Board Policy JKDA - Removal of Students from School-Sponsored Activities.

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

CUSD RANDOM STUDENT DRUG TESTING INFORMATION

RANDOM STUDENT DRUG-TESTING WILL OCCUR IN ALL AIA SPORTS AND SPIRITLINE

All students in ninth through twelfth grade who participate in Arizona Interscholastic Association (AIA-eligible) sports and/or spirit line at Arizona College Prep, Basha High School, Camille Casteel High, Chandler High School, Perry High School and Hamilton High School will be part of the random drug-testing pool. AIA-eligible sports include badminton, baseball, basketball, beach volleyball, cross-country, flag football, football, golf, soccer, softball, spiritline, swim/dive, tennis, track, Unified Sports, volleyball, and wrestling.

DRUGS FOR WHICH WE WILL TEST

Students will be tested for the substances that include but are not necessarily limited to the following: all amphetamines, benzodiazepines, cannabinoids, cocaine, opiates, oxycodone, and phencyclidine. The district will modify this list as needed to reflect changing patterns of drug use.

CONSEQUENCES FOR A POSITIVE DRUG TEST

There are no academic consequences for a positive drug test. A student with a positive test will continue to attend classes and earn credits toward graduation. However, a positive drug test will result in increasing loss of eligibility for AIA-eligible activities. Consequences are cumulative for the entire time a student participates in AIA-eligible sports and/or spirit line, which could be four years; there is no "clean slate" at the end of a sports season or school year.

Self-Reporting Option:

Any student that has been using drugs has the option to self-report. A student who would like to 'self-report' must report to the site administrator overseeing the RSDT program PRIOR to being chosen for a random drug test. All students who self-report will receive the First Positive Drug Test consequence and will be suspended from all scrimmages, games, performances, and competitions, for four weeks, effective from the day the self-report was communicated to the site administrator. The student must attend and fully cooperate in a District-approved substance abuse counseling program. The student's parent/guardian is responsible for all fees associated with the counseling, if any. The student is responsible for maintaining and submitting to the project director all documentation needed to demonstrate the satisfactory completion of the counseling.

First Positive Drug Test: A) The student may choose to be suspended from all AIA-eligible extra-curricular sports and activities, including practices, scrimmages, games, performances, and competitions, for eight weeks, effective from the day the parent is informed that his or her student's drug test is positive. **OR** B) The student may choose to be suspended from all AIA- eligible extra-curricular sports and activities, including scrimmages (practices are permissible), games, performances, and competitions, for four weeks, effective from the day the parent is informed that his or her student's drug test is positive AND attend and fully cooperate in at least six district-approved substance abuse counseling sessions of one hour each. The parent is responsible for all fees associated with the counseling, if any. The student is responsible for maintaining and submitting to the district program supervisor all documentation needed to demonstrate the satisfactory completion of the counseling. If a student does not cooperate in the counseling sessions, if he or she is late for any session, or if he or she fails to attend any of the sessions, then the student will revert to Part A of this consequence and start the full eight-week suspension from AIA-eligible sports and activities with no time credited.

Second Positive Drug Test or Refusal: The student will lose eligibility for AIA-eligible sports and/or spirit line for one year starting from the date he or she provided the urine specimen that produced the second positive drug test. The

student may not try out, practice, play, perform or compete in any manner until the one-year ineligibility period is over. If the student wants to try out for an AIA-eligible sport or activity following the one-year suspension, the student must submit to and pass a drug test through the designated Testing Company at parent expense.

Third Positive Drug Test or Refusal: The student will permanently lose eligibility for all AIA-eligible sports and activities for the duration of his or her enrollment in the Chandler Unified School District.

Please Note: The consequences that follow a positive drug test will be imposed independently of the rules or regulations for a given sport or spirit line. Team rules or regulations may be more stringent than the consequences outlined above. Accordingly, a student may not be allowed to participate in a sport or spirit line for a designated period even after completing drug-testing program consequences, because he or she is also bound by the consequences of violating rules or regulations.

PROCEDURES TO ENSURE PARENTAL NOTIFICATION AND INVOLVEMENT

- Both a parent and the student must sign (written or electronic) the permission form for the student to participate in the AIA-eligible sport and/or spirit line, as well as the form consenting to year-long participation in the CUSD Random Student Drug-Testing Program, or the student will not be allowed to participate in the sport or spirit line.
- The CUSD Random Student Drug-Testing Program Site Administrator will make every reasonable effort to inform a parent by email that his or her student was randomly selected for drug testing earlier that day. No prior notice that testing will take place is given.
- The CUSD Random Student Drug-Testing Program Site Administrator will mail a letter of results to parents of students who produce negative drug tests.
- A certified Medical Review Officer will telephone the parents of any student who produces a positive drug test to discuss the matter with them.
- The district program supervisor and site administrator will meet with a positive-test student and his or her parents to discuss consequences and counseling options.

PROCEDURES AND CONFIDENTIALITY

Each student who wants to participate in an AIA sport and/or spirit line will use his or her student number for Personal Identification. Student numbers will be entered into a computer data base program designed to generate numbers at random. When a student's ID number is selected, the student will be called upon to provide a urine sample. The student will be assigned to a certified urine collection agency employee, District designated employee, or contracted employee, who will initiate federally approved chain of custody procedures that ensure accuracy and confidentiality. As per these procedures, the student will be asked to enter the mobile on-site trailer to produce a urine specimen. This specimen will be labeled in the student's presence and sent to the Testing Company for analysis. The lab will report negative results to the site administrator within 48 hours after receiving the urine specimens. The site administrator will then notify each student's parent by mail that the result of the drug test was negative.

The Testing Company will report all non-negative results directly to our contracted Medical Review Officer (MRO), who is a physician specifically trained and federally certified to review substance abuse laboratory reports. The MRO will telephone the student's parent to determine if there is a reason why a particular substance was detected in the student's urine specimen. If the student's parent can produce a legal prescription or other evidence that would cause the non-negative test result, the MRO will rule the specimen to be negative and report that finding to the project director. If the parents cannot produce legal justification, the MRO will rule the specimen to be positive and report that finding to the project director.

APPEAL

A parent may request a second test based on the student's unused urine specimen stored at the Testing Company. If the parent wants another lab to perform the test, the district administrator will provide the name of two other labs certified by the United States Department of Health and Human Services (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA). The parent must coordinate with the Testing Company to arrange shipping in a manner that retains the unbroken chain of custody. The parent is responsible for all shipping and retesting costs. Please note that the student remains in suspension from all AIA-eligible sports and/or spirit line during the appeal process.

TESTING FOLLOWING A STUDENT'S RETURN TO ELIGIBILITY

Students who resume eligibility for AIA sports and/or spirit line after the first positive drug test will be required to submit to one non-random test during the first six weeks. The program will pay for this test.

KEY ASPECTS OF THE CUSD RANDOM STUDENT DRUG-TESTING PROGRAM

- The student will continue to participate in all classes to continue earning credits necessary to graduate from high school. The student will not lose the ability to earn academic credits because of a positive drug test.
- School and program personnel will treat all positive drug tests with confidentiality, sharing information only on a need-to-know basis. Drug-testing records will be stored with the district program supervisor, not with the student's regular school records.
- Law enforcement officials, including the School Resource Officer, will not be called, or involved because of a positive drug test. The purpose of the CUSD Random Student Drug-Testing Program is to deter or stop drug use, not to punish or incarcerate.

QUESTIONS AND ANSWERS

Is there a significant drug problem on any Chandler Unified School District high school campus?

No, the problem is not significant in CUSD high schools – and we want to keep it that way. Substance abuse is epidemic throughout the nation among people of all ages. Students tell us that they have easy access to drugs and that they sometimes feel peer pressure to use these illegal substances when they are away from school. We want to do everything possible to help our students stay drug-free and. This promotes student learning and protects their health and safety.

Is a random student drug-testing program legal?

Yes. In 1995, the United States Supreme Court ruled (*Vernonia School District v. Acton*) that “special needs” exist in the public-school context and that the drug problem among the student body is effectively addressed by making sure that the large number of students participating in competitive, extra-curricular activities do not use drugs. In 2002, the United States Supreme Court upheld the right of a school district to require middle school and high school students to consent to a urine analysis testing for drugs in order to participate in any extra-curricular activity and ruled that this does not violate the Fourth Amendment of the United States Constitution (*Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al*). The CUSD Random Student Drug-Testing Program is designed to prevent drug use while protecting students' Fourth Amendment Rights by adhering closely to all aspects of the Supreme Court rulings.

Is urine drug testing considered to be an invasion of privacy?

No. The United States Supreme Court supports urine collection as a reasonable way to conduct a drug-testing program. Urine drug testing is a widely used practice. Athletes who want to compete at the collegiate or Olympic level must also agree to participate in drug testing using urine samples. Plus, it is a standard procedure that many people will experience in the workforce.

How accurate are drug tests?

Results are extremely accurate. The Testing Company is certified by the United States Department of Health and Human Services (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA). This is the highest possible level of accreditation. The Testing Company first screens a urine specimen for illegal substances. If this initial screening produces a positive result, then the specimen is subjected to a confirmation test using more sensitive technology. If this second test confirms the presence of illegal drugs, then a scientist reviews all documentation, including the chain of custody paperwork, to ensure that all procedures have been properly followed.

Why don't we test all the high school students?

There is currently no legal precedent that allows for the drug testing all students in a school. However, the law clearly supports drug-testing students who participate in after-school sports and activities because participation in extra-curricular activities is considered a privilege, not a right.

Can my student opt out of the random drug-testing pool and still participate in an AIA-eligible sport and/or spirit line?

No. Both a student and his or her parent must sign (written or electronic) the drug-testing permission slip if the student participates in an AIA sport and/or spirit line.

How long will a student remain in the drug-testing pool?

A student will stay in the drug-testing pool for the entire season of sport. Example: a three-sport athlete would remain in the pool for essentially the entire school year.

Who decides which students are tested on any given day?

The students will be selected at random. A personal identification number (PIN) will be assigned to each student who participates in an AIA sport or activity. These PIN numbers will be entered into a computer software program. The software will generate, at random, the amount of student numbers requested.

Can a student be tested more than once?

Yes. After a student's PIN has been drawn for testing, it is returned to the pool of AIA participants. Using this random system, it is possible that some students will be selected more than once, and others will not be drawn at all.

Where and how are the students tested?

A certified urine collection agency will go to each high school. Each student will be assigned to a collector. The student will enter the restroom stall alone to provide a urine specimen. The student will watch the collector label and seal the urine container, then sign the chain of custody papers.

How many students will the drug-testing program identify?

Our goal is not to "catch" students. We would like to have all negative test results. This would mean our drug-testing program is working. However, some students may be currently using drugs. This number is expected to decline annually.

How will the school District pay for this program? Will the financial support for other school programs decrease because of this program?

CUSD will pay all costs for this program. Funds for other school programs are not related to the drug-testing program. The CUSD Random Student Drug-Testing Program will produce a safer learning environment that enhances student achievement.

If a student tests positive because he or she took medication prescribed for a family member or other person, will the test still be ruled as positive? Will the student still be penalized as outlined above?

Yes, the student will experience the consequences as outlined above. It is a legal misdemeanor for other people, even parents, to give medication to anyone other than the person to whom the medication was prescribed. This is never a safe or acceptable practice.

What if my student takes an over-the counter (OTC) medication?

The drug tests that detect over-the-counter medications have cut-off limits that are set high enough so that OTCs, when taken as directed, will not produce a positive drug test result.

Will drug test results be kept confidential?

Yes. All drug test results will be kept in a locked cabinet in a locked room, away from the students' regular school records. This information will be released only on a need-to-know basis, such as to the assistant principal, the district program supervisor, and the coaches and/or activity teachers who work directly with a drug-positive student in the extra-curricular sport and/or spirit line. Classroom teachers and other school personnel not directly involved in the student's extra-curricular sport and/or spirit line will not be informed about positive drug-test results or any legal prescription medication the student takes, nor will these school personnel have access to any other part of the student's file. Likewise, no information about a student's positive drug test may be released in any manner to the School Resource Officer or any other law enforcement official or agency.

What if my student is selected for a drug test and refuses to provide a specimen?

The student will be considered a positive result and will receive all consequences as noted.

What if my student, once selected does not remain with the school/district personnel the entire time (pick-up to providing sample)?

The student will be considered a positive result and will receive all consequences as noted.