

5099
Extracurricular Drug Testing Program

The school district supports and values student participation in extracurricular activities, but such participation in school district extracurricular activities is a privilege and not a right. Students in all extracurricular activities in grades 9-12 shall be subject to mandatory and random testing for the presence of alcohol or illegal drugs.

1. Purpose of Random Drug Testing

- a. The school district has recognized that observed and suspected drug, alcohol, and nicotine use and abuse has increased among the student population, including students participating in extracurricular activities.
- b. The school district seeks to provide safe, drug-free schools.
- c. The school district seeks to deter the use of illegal and prohibited drugs, nicotine, and alcohol among students.
- d. The school district recognizes that students who use illegal and prohibited drugs pose a threat to the health and safety of themselves, other students, teachers, administrators, and other persons.
- e. The school district finds that the drug and alcohol problem among the student body will be effectively addressed by making sure that the large number of students participating in extracurricular activities do not use drugs and alcohol.

2. Notice. Each student who participates or seeks to participate in extracurricular activities shall be given a copy of this policy. For purposes of this policy, student participation in an extracurricular activity shall hereinafter refer to students who try out for, compete in, perform in, practice with, serve as managers for, or otherwise formally participate in any extracurricular activities covered by this policy. This policy may also be included in the student handbook.

3. Drug Testing Coordinator. The Drug Testing Coordinator shall be the High School Principal or his or her designee unless otherwise indicated.

4. Extracurricular Activities. This policy applies to any activity that meets the guidelines of an extracurricular activity at the school district which includes but is not necessarily limited to the following:

Band	Golf	Speech / Debate
Basketball	Jazz Band	Student Council
Choir / Vocal	National Honor Society	Track
Cross Country	One Act / Play Production	Volleyball
FFA	Quiz Bowl	Wrestling
Football	Show Choir	

5. Students Who Are Required to Submit to Drug Testing

- a. **Grades.** All students in grades 9-12 who participate in any extracurricular activity or competition are part of the pool subject to random drug testing.
- b. **Testing Period.** The annual testing period during which students in

extracurricular activities shall be part of the pool subject to random drug testing is hereinafter referred to as the "School/Activity Year." The School/Activity Year shall commence on August 1st, and shall conclude on May 31st of the following calendar year.

- c. **Consent.** A student and his or her parent(s)/guardian(s) must sign a consent form before the student shall be eligible to try out for, practice with, compete in, perform in, serve as manager for, or otherwise formally participate in any extracurricular activities covered by this policy. Only one signed consent form must be submitted during the School/Activity year. However, the signed consent form must be submitted to the Drug Testing Coordinator within five (5) school days of the start of the school quarter during which the student first intends to participate in any extracurricular activity. If the signed consent form is not submitted within five (5) school days of the start of the school quarter during which the student first intends to participate in any extracurricular activity, the student will be ineligible to participate in any extracurricular activities until the beginning of the subsequent school quarter, and only after the signed consent form has been submitted. Students in grades 9-12 who enroll mid-quarter must submit a signed consent form to the Drug Testing Coordinator within five (5) school days of his or her first day of school attendance, otherwise he or she will be ineligible to participate in any extracurricular activities until the beginning of the subsequent school quarter, and only after the signed consent form has been submitted.

This policy shall become effective immediately on January 1, 2019. The consent form is attached to this policy.

- d. **Selection Pool Eligibility.** Students shall remain in the selection pool for an entire School/Activity Year. Students shall become and remain eligible for testing from the date the consent form is submitted to the Drug Testing Coordinator through the remainder of the School/Activity Year.
- e. **Withdrawal.** Students who have a consent form on file remain eligible for drug tests from the date the consent form is received by the school district and throughout the remainder of the school year or until the student files a Withdrawal of Student from Activity form signed by the student and his or her parent(s)/guardian(s). A student who files a Withdrawal of Student from Activity form after selected for a random drug test but before submitting to the test or after testing positive shall be ineligible to participate in any extracurricular activities subject to drug testing for one School/Activity Year effective from the date the Withdrawal of Student from Activity form is received by the Drug Testing Coordinator.
6. **Drugs.** Students participating in extracurricular activities are prohibited from using, possessing, distributing, manufacturing, or having drugs present in their system. "Drugs" means:
- a. Any substance considered illegal by the Uniform Controlled Substances Act, Neb. Rev. Stat. § 28-401 *et seq.*
- b. Any substance which is controlled by the Food and Drug Administration unless prescribed to the student by any licensed medical practitioner authorized to prescribe controlled substances or other prescription drugs (A test that indicates the presence of only prescription drug(s) in a student, for which the student has

- or can provide proper authorization or documentation of the drug(s) having been medically prescribed, shall be considered a negative test);
- c. Alcohol for any student under the age of 21. Alcohol shall have the meaning as provided in NEB. REV. STAT. § 48-1902(1).
 - d. Tobacco, vapor products, or alternative nicotine products, for any student under the age of 18. Tobacco, vapor products, and alternative nicotine products, shall have the meanings as provided in NEB. REV. STAT. § 28-1418 and NEB. REV. STAT. § 28-1418.01.

7. Testing Procedures

- a. **Student Selection.** All students who participate in extracurricular activities will be included in a master list and will be subject to random drug screening. The master list shall be submitted to the company employed by the district to conduct the testing.
- b. **Type of Test.** The school district reserves the right to utilize breath, saliva, hair or urinalysis testing procedures. Urine and oral fluid samples which screen positive will be confirmed by GC/MS (Liquid Chromatography / Mass Spectrometry). Positive saliva or breath alcohol tests will be confirmed by EBT (Evidential Breath Tester).
- c. **Collection Site.** The Drug Testing Coordinator will designate the collection site at which student will provide specimens. The collection site may be off the premises of the school district.
- d. **Collection Procedures.** The school board will select a Drug Program Administrator (DPA). The DPA shall randomly select the students subject to drug testing from the master list. The DPA will maintain and follow generally accepted industry standards for collecting, maintaining, shipping, and accessing all specimens. The DPA will seek to obtain the sample in a manner designed to insure accurate testing protocols while minimizing intrusion into a student's privacy. The DPA and the school district will provide a copy of the collection procedures upon request. For the collection of a urine sample, a DPA or school staff member, who is the same sex as the student, may be present in the restroom to monitor against tampering while the student discharges urine.
- e. **Drugs.** Students may be randomly tested for any drugs, including but not limited to alcohol, amphetamines, marijuana or cannabinoids, cocaine, methadone, methaqualone, nicotine, propoxyphene, hallucinogens, opiates, phencyclidine, synthetic opiates and PCP, steroids, barbiturates, benzodiazepines, alcohol, any prescription drug that was obtained without proper authorization, and any other mind-altering substance.
- f. **Results.** The DPA shall notify the student and the Drug Testing Coordinator of any positive test after the initial screening. The school representative shall notify the student's parents. The DPA will use a secure method to transmit all positive test results to the DPA's Medical Review Officer (MRO). The MRO will be certified by an MRO accreditation body. The MRO will be responsible for reviewing test results and determining whether the use of a substance identified by the sample analysis is from illicit use or a legitimate medical use. Prior to making a final decision, the MRO or his or her assistant shall contact the student

and his or her parent(s)/guardian(s) to discuss the result either face-to-face or over the telephone. If the MRO determines the test results are negative, no further action shall be taken against the student. The MRO will report results of verified positives to the DPA. The DPA shall then notify the Drug Testing Coordinator of the positive test result. The Drug Testing Coordinator shall notify the student and his or her parent(s)/guardian(s) and any staff members responsible for implementing the consequences of this policy.

- g. Request for a Retest.** A split specimen will be collected for all testing methods, with the exception of alcohol testing. A positive alcohol test will be confirmed with an EBT device. A student's parent(s)/guardian(s) may request that the split specimen be tested at a second nationally certified laboratory from a list provided by the MRO. The request for the test must be submitted in writing to the MRO (with a copy sent to the Drug Testing Coordinator) within 72 hours of being notified of the final testing result. The student and his or her parent(s)/guardian(s) must pay the associated costs for an additional test in advance. The costs will be reimbursed if the result of the split sample test is negative. The student will remain subject to the consequences of this policy during the retesting procedure.
- 8. Negative Tests.** Students and their parents/guardians will receive verbal or written notice when the student's test result is negative.
- 9. Consequences for Testing Positive.** Whenever the test results indicate the presence of a drug, Drug Testing Coordinator shall schedule and hold a confidential meeting with the student, parent/guardian, and sponsor/coach. Other members of the school's administration may also attend the meeting. At the meeting, the Drug Testing Coordinator shall explain the drug testing procedures and the policy of the district. **All offenses are cumulative through each School/Activity Year.** The consequences shall be as follows:

 - a. First Offense**

 - i.** The student shall be required to attend and participate in practice for all extracurricular activities covered by this policy in which the student participates, other than those for which the student has an excused absence according to school policy or team rules.
 - ii.** The student will be ineligible to publicly perform in the six (6) subsequent extracurricular competitions or performances, in which he or she would have been otherwise eligible and able to perform, for any extracurricular activities covered by this policy. One competition or performance shall be considered one full day of competition(s)/performance(s), for each extracurricular activity (e.g. two or more contests/performance(s) that occur on the same day in the same sport/activity shall count as only one competition/performance for ineligibility purposes). The day of confirmation of the positive test result shall be the first day of the ineligibility period. If the end of the activity ineligibility period precedes the end of the School/Activity Year, then the end of the School/Activity Year shall be considered the end of the activity ineligibility period.
 - iii.** The student will remain in the random pool during the ineligibility period.

If, during the ineligibility period, results from a random test again indicate the presence of a drug in the student, it will be considered a second offense. The ineligibility period for the second offense will begin upon the conclusion of the ineligibility period for the first offense.

b. Second Offense

- i. The student shall be required to attend and participate in practice for all extracurricular activities covered by this policy in which the student participates, other than those for which the student has an excused absence according to school policy or team rules.
- ii. The student will be ineligible to publicly perform in the twelve (12) subsequent extracurricular competitions or performances, in which he or she would have been otherwise eligible and able to perform, for any extracurricular activities covered by this policy. One competition or performance shall be considered one full day of competition(s)/performance(s), for each extracurricular activity (e.g. two or more contests/performances that occur on the same day in the same sport/activity shall count as only one competition/performance for ineligibility purposes). The day of confirmation of the positive test result shall be the first day of the ineligibility period. If the end of the activity ineligibility period precedes the end of the School/Activity Year, then the end of the School/Activity Year shall be considered the end of the activity ineligibility period.
- iii. The student will remain in the random pool during the ineligibility period. If, during the ineligibility period, results from a random test again indicate the presence of a drug in the student, it will be considered a third offense.

c. Third Offense

- i. The student shall not be allowed to attend or participate in practice for any extracurricular activities covered by this policy.
- ii. The student will be ineligible to publicly perform in any subsequent extracurricular competitions or performances for the remainder of the School/Activity Year for any extracurricular activities covered by this policy.

10. Refusal to Test

A student who refuses to submit to a drug test authorized under this policy, or fails or refuses to comply with any other provision of this policy, shall be deemed to have submitted a positive test.

11. Tampering

Tampering is the use of any agent or technique which is designed to avoid detection of a drug and/or compromise the integrity of a drug test and is prohibited. This includes providing false urine samples (for example, urine substitution), contaminating the urine sample with chemicals or chemical products, the use of diuretics to dilute urine samples, and the use of masking. If the Drug Testing Coordinator determines that a student tampered with a drug test, the student shall be deemed to have submitted a positive test.

The use of any such agent or technique shall be treated as a positive test for drugs prohibited by this Policy and shall be subject to the penalties set forth in Section 9 of this Policy.

12. Maintenance of Records

All results of drug testing shall be confidential. Procedures for maintaining confidentiality will be developed by the school district and the testing organization. The Drug Testing Coordinator shall maintain records of positive tests in a secure location. This information will not be available to anyone other than appropriate school personnel and parents. This information will be destroyed upon the student's graduation or one year after the student's class graduates. Under no circumstances will this information become a part of the student's permanent file, nor will it be sent to another school when the student moves to another district or transfers to another school. The school district will not share drug testing results with any law enforcement agencies.

13. Appeal.

The school district will rely solely upon the opinion of the MRO to determine whether the positive test result was the result of the consumption of a drug, unless the drug discovered by the MRO was nicotine under the age of 18. For all drugs other than nicotine, there shall be no appeal of the test result to any school administrator or the board of education.

A student under the age of 18 who has been determined by the MRO to test positive for nicotine shall have the right to appeal the decision to the Superintendent or his/her designee(s). The request for a review must be submitted to the Superintendent in writing within five (5) calendar days of notice of the positive test. The appeal must be able to provide substantiating evidence that the student's ingestion of nicotine was the result of unintentional second-hand tobacco smoke inhalation. Until the appeal is received by the Superintendent, the ineligibility period shall be in effect according to the policy. A student, upon requesting a review, will be eligible to participate in any extracurricular activities until the review is completed. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision will be provided, and his/her decision shall be final in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable.

14. Severability

If any portion of this policy is deemed to be contrary to the law of the state of Nebraska or the United States by judicial decision or an act of Congress, then only such portion or provision directly deemed to be unconstitutional shall be stricken, and the remainder of the policy shall remain in full force.

Adopted on: 11/12/2018

Revised on: _____

Reviewed on: _____

PAWNEE CITY PUBLIC SCHOOLS

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Mission Statement:
High Expectations
+Maximum Educational Opportunities
Life-Long Learners

CONSENT TO PERFORM RANDOM DRUG TESTING

Student Name _____ Grade _____

As a student and parent:

- < We understand and agree that participation in extracurricular activities is a privilege that may be withdrawn for violations of the Extracurricular Drug Testing Policy.
- < We have read the Extracurricular Drug Testing Policy and understand the responsibilities and consequences as an activity participant if the student violates the policy.
- < We understand that when students participate in any extracurricular activity, they will be subjected to random drug testing, and if they refuse, will not be allowed to participate in any extracurricular activity as defined in Board Policy 5099. We have read this consent statement and agree to its terms.
- < We understand this is binding while a student is enrolled in Pawnee City Public School District.

CONSENT TO PERFORM DRUG TESTING

We hereby consent to allow the student named on this form to undergo drug testing for the presence of drugs and alcohol in accordance with the Extracurricular Drug Testing Program adopted by the Board of Education. We understand that any samples will be sent only to a qualified laboratory for actual testing. We hereby give our consent to the medical vendor selected by the school board, their Medical Review Office (MRO), laboratory, doctors, employees, or agents, together with any clinic, hospital, or laboratory designated by the selected medical vendor to perform testing for the detection of drugs and to release the results of those tests as provided in the policy. We understand these results will be forwarded to school district officials and will also be made available to us. We agree to sign any necessary releases if requested to do so.

We understand that consent pursuant to this Consent to Perform Random Drug Testing will be effective for all extracurricular activities in which this student might participate during the current school year.

We hereby release the Pawnee City Public Schools Board of Education and its employees from any legal responsibility or liability for the release of such information and records, pursuant to the policy.

Student Signature _____ Date _____

Parent/Guardian Signature _____ Date _____

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WITHDRAWAL OF STUDENT FROM ACTIVITY

I understand that by signing this form I am rescinding my permission for random drug screening and no longer wish to participate in any extracurricular activity. I further understand that I am forfeiting my privilege to participate in athletics and/or extracurricular activities as defined in Board Policy 5099 for the remainder of this school year.

I hereby rescind my consent to the administration of the drug screening and forfeit all participation in extracurricular activities for the remainder of the school year at the school district.

Student's Printed Name: _____

Signature: _____ Date: _____

Parent/Guardian's Printed Name: _____

Signature: _____ Date: _____