

ELIDA MUNICIPAL SCHOOLS
ELIDA, NEW MEXICO
STUDENT DRUG-ALCOHOL TESTING POLICY

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Adopted by the Elida Board of Education
July 17, 2012

ELIDA MUNICIPAL SCHOOLS
ELIDA, NEW MEXICO
STUDENT DRUG-ALCOHOL TESTING POLICY

RATIONALE AND NEED STATEMENT

The staff, administration, and parent council have proposed the implementation of a student drug-alcohol testing policy for the students involved in extracurricular activities due to a four-fold set of reasons:

Reason 1: To provide for the health and safety of all student athletes and students in extra curricular activities.

Reason 2: To undermine the effects of peer pressure by providing a legitimate reason for students in extra curricular activities not to use drugs.

Reason 3: To prepare students to enter into today's workforce where drug/alcohol testing is required with severe consequences.

Reason 4: To encourage students in extra curricular activities who use drugs to participate in drug treatment programs.

According to police reports, a large percentage of thefts, burglaries, and assaults among teens are centered around drug/alcohol use. The reason for this is to procure funds for or settle disputes over drug/alcohol, or to settle problems caused by the lack of inhibition or judgment when the frontal lobe of the brain is affected. These problems, though outside the realm of the school, are brought into the school environment due to the close proximity of the students. This threatens the learning environment of all students. Students have also reported suspicious behavior. Due to the fact that the reports came from students, the reliability of the suspicion is great. The trained educators who work with the students daily have become aware of several signs of apparent drug/alcohol abuse among the students, i.e., change in behavior, drop in grades, attendance problems, academic performance problems, etc. Therefore, the staff believes that the safe and drug free learning environment is being compromised.

As the staff and administration began devising the policy, the first objective became to enable students to ward off peer pressure. It was apparent that the students need to be provided an "excuse" to say NO. This policy can provide that excuse. It is imperative that the policy be consistent at protecting the welfare of the students. This policy is in **no way** a punitive measure, but is presented as a positive recourse for the majority of students at Elida Junior/Senior High School where approximately 80% of the students participate in extracurricular activities. By enacting this tool, it is believed that students can be put on the right track and many at risk behaviors associated with drug/alcohol use will be in decline, e.g., teen pregnancies, academic performance issues, school safety issues, etc.

The school is in the forefront of school-to-work transition. As the students are prepared to enter the workplace, drug/alcohol testing for employment will be a reality. Currently, over 75% of the staff at the junior/senior high school is subject to a random drug/alcohol test. The workers of tomorrow are going to be faced with this from now on. Just as the students are taught to develop resumes and portfolios, perform for interviews, and fill out job applications, drug testing also needs preparatory work. The consequences and ramifications will be much easier to handle in a help-driven situation than in a loss of livelihood down the line.

There is an adage that says, "What you don't stop today will never be stopped." It is necessary for the school to lead the fight to stop the negative choices the students are making. The earlier a young person receives help, the more likely it is that success can be reached. The staff and administration believe it is necessary to aid the students by providing 1) a safe and drug free learning environment, 2) an excuse to ward off peer pressure, 3) a school-to-work transition lesson, and 4) a method by which students can seek counseling and participation in drug treatment programs.

This policy is not intended to be disciplinary or punitive in nature. The sanctions of the Policy relate solely to limiting the opportunity of any student found to be in violation of the Policy to participate in an activity program. There will be no academic sanction for violation of this Policy unless the student also violates other provisions of the student handbook policies. THIS POLICY IN NO WAY LIMITS THE SANCTIONS WHICH MAY BE APPLICABLE UNDER STUDENT HANDBOOK POLICIES.

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STUDENT DRUG-ALCOHOL TESTING POLICY

The Elida Municipal Board of Education, in an effort to protect the health and safety of its students involved in extra-curricular activities from illegal drugs/alcohol and/or performance-enhancing drug use and abuse, thereby setting an example for all other students adopts the following Policy for drug/alcohol testing of students involved in extra-curricular activities.

1. STATEMENT OF PURPOSE AND INTENT

- 1.1 It is the desire of the Board of Education, administration, and staff that every student in the Elida School District refrains from using or possessing illegal drugs/alcohol. Notwithstanding this desire, the administration and Board of Education realize that their power to restrict the possession or use of illegal drugs/alcohol is limited. Therefore, the sanctions of the Policy relate solely to limiting the opportunity of any students determined to be in violation of the Policy to participate in extra-curricular activities. This Policy is intended to supplement and complement all other policies and regulations of the Elida Municipal School District and the New Mexico State Board of Education regarding possession or use of illegal drugs/alcohol.
- 1.2 Participation in school sponsored extra-curricular activities is a privilege. Students who participate in these activities are respected by the student body and are expected to hold themselves as good examples of conduct, sportsmanship, and training. Accordingly, students involved in extra-curricular activities carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible example of conduct, which includes avoiding the use or possession of illegal drugs/alcohol.
- 1.3 The purpose of this Policy is to prevent drug/alcohol use, to educate students as to the serious physical, mental, and emotional harm caused by illegal drug/alcohol use, to alert students with possible substance abuse problems to the potential harm of illegal drug/alcohol use, to prevent injury, illness and harm as a result of illegal drug/alcohol use, and the strive for an environment free of illegal drug/alcohol use and abuse. **This policy is not intended to be disciplinary or punitive in nature. The sanctions of the Policy relate solely to limiting the opportunity for any student found to be in violation of the Policy to participate in extra-curricular activities. There will be no academic sanction for violation of this Policy.**
- 1.4 Illegal drug/alcohol use of any kind is incompatible with participation in extra-curricular activities on behalf of the Elida School District. For the safety and well being of the students

involved in extra-curricular activities, the Elida Board of Education has adopted this Policy for use by all students involved in extra-curricular activities. Therefore, consent to the drug/alcohol testing Policy is a **mandatory prerequisite** for all students to participate in any extra-curricular activity.

2. DEFINITIONS

- 2.1 “Extra-curricular activities” are defined to include the following activities: New Mexico Activities Association Activities and events, such as: Student Council, National Honor Society, Cheerleading, and all school sponsored activities. (See Exhibit A for a complete list). The activity is not necessarily directly related to instruction of the essential knowledge and skills by may have an indirect relation to some areas of the curriculum. In addition, an activity shall be subject to the provisions for an extra-curricular activity if any one of the following criteria apply:
- a. the activity is competitive;
 - b. the general public is invited; or
 - c. admission is charged;
 - d. the activity is the result of being elected or appointed to a position of honor.
- 2.2 “Drug/alcohol use test” means a scientifically substantiated method to test for the presence of illegal drugs/alcohol or performance-enhancing drugs or the metabolites thereof in a person’s urine, hair, and/or saliva.
- 2.3 “Random selection basis” means a mechanism for selecting students for drug/alcohol testing. The District will use a random selection process to select and request a student to be tested after the initial test for everyone. A random number generator to calculate which students are to be tested will be utilized to ensure students will have an equal chance of being selected on an unannounced basis for the testing. Students who are selected to be tested during one test period will be eligible for future tests, and if selected, may be tested in consecutive tests. The Lab in charge of testing will be utilized for doing the random selection of students.
- 2.4 “Illegal drugs/alcohol” means any substance that an individual may not sell, possess, use, distribute, or purchase under either Federal or New Mexico law. “Illegal drugs/alcohol” includes, but is not limited to, marijuana, cocaine, opiates, amphetamines, methaqualone, benzodiazepines, phenocyclidine (PCP), methadone, barbiturates, and propoxyphene. “Illegal drugs/alcohol” includes, but is not limited to, all prescription drugs obtained without authorization; and over-the-counter drugs upon reasonable suspicion that they are being used in an abusive manner, and all alcohol.
- 2.5 “Performance-enhancing drugs” includes anabolic steroids and any other natural or synthetic substance used to increase muscle mass,

strength, endurance, speed or other athletic ability. The term “performance-enhancing drug” does not include dietary or nutrition supplements such as vitamins, minerals, and proteins that can be lawfully purchased in over-the-counter transactions.

- 2.6 “Positive” when referring to a drug/alcohol test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal drug/alcohol or a performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug/alcohol use these.
- 2.7 “Diluted sample”, when referring to a drug/alcohol test administered under this policy, mean a toxicological test result with a Creatinine concentration level less than 20mg/dL. A diluted urine sample is most likely due to increased water intake. It can be a result of short-term water loading (flushing) in an attempt to dilute any drug below testing cutoff concentrations.
- 2.8 “Adulteration” or “tampering” is any attempt to alter the outcome of a urine drug test by adding a substance to the sample, attempting to switch the sample, or otherwise interfere with the detection of illicit or banned substances in the urine, or purposefully over hydrating oneself in an attempt to dilute the urine to decrease possible detection of illicit or banned substances. A Creatinine concentration level less than 5mg/dL usually indicates that the specimen is not consistent with the human urine.

3. **PROCEDURES**

3.1 All students in grades 7-12 who wish to participate in the school extra-curricular program must declare the intention at the time of their registration for school each year. They will then be subject to the initial test. An initial test will be conducted each school year. The random testing program is in place for the entire school year. Students will be subject to random drug testing or they must discontinue that participation in extra-curricular activities. Students who request to declare their intentions to participate in extra-curricular activities after their enrollment in school must have an acceptable reason for not doing so at the appropriate time and must appear before the appeals committee. Students who declare late must prove themselves drug/alcohol free with an initial test. Then, they will be added to the pool of participants and be subject to the random testing for as long as they participate in the program.

There will be a meeting scheduled whose purpose is to inform students and parents about the Drug/Alcohol Testing Program. This meeting will require the attendance of all students grades 7-12 who wish to participate in the school extra-curricular programs.

1.1 3.2 Each student shall be provided with a copy of the “Student Drug/Alcohol Testing Policy” and “Student Drug/Alcohol Consent” which shall be read, signed, and dated by the student and parent/ custodial guardian before that student shall be eligible to practice or participate in any extra-curricular activities. The consent shall be to provide a urine/saliva/hair sample: (a) as chosen by the random selection basis; (b) upon reasonable suspicion, based on specific observations by an Elida Schools coach/sponsor, faculty member, or administrator, concerning the appearance, speech, or behavior of the student that indicates the effects of drug/alcohol/tobacco use; (c) upon personal observation of a substance use violation by a Elida School coach/sponsor, faculty member, or administrator during the school year; (d) a personal confession by a student of substance use or a violation reported to the parent/custodial guardian of the student; (e) a request by the parent to have their child tested.

3.3 **All extracurricular students will do an initial test.**

- a. On the first day of each month, one number between 1 and 31 will be randomly sorted for the date of the unannounced testing for that month. If the number falls on a day which is a school day, that will be the testing day for that month. If the date falls on a weekend or during a school holiday, another number will be drawn. At the discretion of the administration, a monthly test can be cancelled, provided it is cancelled previous to the first day of the month to be cancelled.
- b. **At least (20) twenty percent** of the students in the pool (extracurricular activity participants) shall be randomly selected. The participants will be randomly selected on the first day of the month.
- c. Students not included in the extra-curricular pool and whose parents volunteer and request that the student participate in the testing program will be placed in the pool and subject to the random selection process to be tested as a student extra-curricular participant. The school will pay for a parent-requested test only once per year. Each subsequent parent-requested test will be paid for by the parent.
- d. A random selection process will select students on the testing dates. A random number generator to calculate which students are to be tested will be utilized to ensure students will have an equal chance of being selected on an unannounced basis for the testing. Students who are selected to be tested during one test period will be eligible for future tests, and if selected, may be tested in consecutive tests.

4. SAMPLE COLLECTION AND TESTING PROCEDURES

- 4.1. Students who are selected to be tested for drug use will be required to provide a urine, saliva, or hair sample within 60 minutes of the time they are requested to do so. Prior to the sample being produced, the student will remove personal items from pockets and leave jackets, purses, backpacks, etc., in a designated area.
- 4.2 All aspects of the drug use testing program will be conducted in a manner that will safeguard the personal and privacy rights of the students to the maximum degree possible. The drug testing program is purposefully designed to focus specifically on detection of alcohol and drug use and shall not be used to detect or disclose any other health conditions.
- 4.3 The administration shall designate a faculty/staff member of the same sex as the student to accompany the student to a restroom or other private area where the urine sample is to be produced under the supervision of a designated health care professional. The monitor/s **shall not** observe the student while the sample is being produced but shall remain within hearing distance in order to guard against tampered samples and to ensure an accurate chain of custody of the sample.
- 4.4 A refusal to provide a sample or providing a tampered/adulterated sample will be treated as a violation and the appeal process will be forfeited.
- 4.5 If at any time during the sampling procedure a monitor has reason to believe that a student is tampering with the sample, the monitor may inform the administration that will then determine if a new sample should be obtained.
- 4.6 The monitor shall give each student a form on which the student may list any medications he/she has taken or any other legitimate reasons for having been in contact with illegal drugs/alcohol or performance-enhancing drugs in the preceding thirty (30) days. The medication list may be submitted to the lab in a sealed and confidential envelope.
- 4.7 All urine/saliva/hair samples will be identified with a student number that is verified to be solely unique to that student, sealed, and submitted to a professional laboratory for testing. Any

laboratory chosen by the school district to conduct the testing shall be required to have detailed written procedures to assure proper chain of custody of the samples, proper laboratory control, and scientifically validated testing methods.

- 4.8 The laboratory will immediately contact the administration by telephone if the results of the drug use tests for any extra-curricular student of any reasonable suspicion that the drug or alcohol test is positive. The administration will immediately contact the student and the student's parents/custodial guardians and schedule a conference at which time the student or parents may offer any explanation of the positive result. Parents/custodian guardians may provide any doctor's prescriptions of any drugs that the student was taking that might have affected the outcome of the drug use or alcohol test and may request that another test be conducted on the remaining portion of the urine sample. Any such re-test shall be at the expense of the parent/custodial guardian.
- 4.9 In the event the test results conclude that a sample is diluted, the student will be required to submit a new sample immediately.
- 4.10 No student shall be penalized academically for testing positive for illegal drugs. The results of drug tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of the drug tests will 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 students parent/custodial guardian will be notified in writing at least 72 hours before response is made by the District.

5. Substance Violations

All offenses are cumulative for the student's enrollment in grades 7-12 in Elida Schools. A student who tests positive on a drug/alcohol test administered pursuant to the terms of these procedures will be subject to the sanctions contained herein. If a student tests positive on final test of school year, the participant will automatically be placed in mandatory testing for the next year and will follow guidelines.

- 5.1 Self-referral (Cannot submit a self-referral on random test day if already chosen)

An administrator/parent conference will be required when a student initiates a self-referral.

After a self-referral, a student will be ineligible to participate until he/she has enrolled in a drug/alcohol assistance program that is designed to meet the needs of the student through mandatory counseling. A student may elect to pursue private counseling to fulfill this requirement or the District will refer counseling. Failure to enroll and attend the drug education program for at least eight (8) hours will result in the student being dropped from extracurricular activities and may not return to activities until drug education has started. When eligible to return, the student must have a counselor's clearance stating that he/she is considered to have completed the program...

****A student may self-refer only one time during their school career****

5.2 First Violation

An administrator/parent conference will be required when a student commits a first violation.

The student will be suspended from participating for 20 consecutive school days beginning from the date and time of administrator verification of involvement in the first violation. In the event that a student self-reports a substance violation, the suspension may be reduced to 10 consecutive days, and the student will be required to fulfill the remainder of requirements for a first violation.

The student shall be required to attend extracurricular activities scheduled at home sitting with the extracurricular group, but not in uniform. The student will not be allowed to travel to out of town events. This allows the students to provide continued representation and support of their school and activity.

The student will be required to continue to practice if the student is an athlete in an in-season sport and desires to continue that sport.

There will be a mandatory drug education program (minimum of an 8 hour program). The counseling or drug education will be the responsibility of the parents/custodian guardians at their own expense. As a condition of continued participation in extracurricular activities, students are required to submit verification within ten days that treatment is in process. Treatment must be completed within 10 weeks or continued participation is forfeited until completion. The school will also provide a mandatory drug awareness program through the counselor, which will be in addition to outside mandatory counseling/education program.

There will be a minimum mandatory drug screen or lab test monthly for five consecutive tests. Once a student has had five consecutive negative tests under this first violation he/she will be reassigned to the entire random pool.

The student will sign a statement acknowledging the consequences of a second offense.

5.3 Second Offense:

The student will be suspended from participating in all activities of the extra-curricular programs for 40 consecutive school days beginning from the date and time of administration verification of involvement in the second offense. The student shall be required to attend extracurricular activities scheduled at home. The student will sit with his/her group but not in uniform. The student will not attend out of town activities. This allows students to provide continued representation and support of their school.

The student will be required to continue to practice in any sport/s he/she desires to continue to participate in.

There will be a mandatory drug education program (minimum of an 8 hour program). The counseling or drug education program will be the responsibility of the parents/custodial guardians at their own expense. As a condition of continued participation in extra-curricular activities, students are required to submit verification with ten (10) days that treatment is in process. Treatment must be complete within 10 weeks or continued participation is forfeited until completion.

There will be a minimum mandatory drug screen or lab test monthly for twelve consecutive tests. Once a student has had twelve consecutive negative tests the student will be reassigned to the entire random pool. The student will sign a statement acknowledging the consequences of a third offense.

5.4 Third and subsequent offense

The student will be suspended from all activities of the extra-curricular program for one year from the date of the offense.

There will be a mandatory drug education program (minimum of an 8 hour program). The counseling or drug education will be the responsibility of the parents/custodial guardians at their own expense. As a condition of continued participation in extra-curricular activities, students are required to submit verification

within ten (10) days that treatment is in process. Treatment must be complete within 10 weeks or continued participation is forfeited until completion.

The student will be subject to monthly drug use tests during the period of suspension and must test negative on each on

6. **APPEALS PROCESS**

A student may appeal a suspension under this policy by filing a written notice within four (4) school days of notification of suspension. The request for review must state the reasons the suspension should be reversed. The student will remain ineligible pending the appeal. All violations may be appealed to the advisory committee. This committee will be made up of the principal, the superintendant, and three sponsors of extra-curricular activities. The committee will then decide if a violation has occurred. The committee will meet as soon as practicable but no more than eight (8) school days from date of the appeal request. Nevertheless, the principal may suspend the student until the committee reaches a formal decision. The committee shall review the suspension in light of the provisions of this policy and issue a writing sustaining or reversing the suspension within four (4) school days of the committee meeting. The committee's review and decision shall be the final administrative action regarding the violations of this policy.

Adopted by the Elida Board of Education

4/12/2011

Revisions Adopted 11/8/11 and 7/17/11

ELIDA MUNICIPAL SCHOOLS DECLARATION OF INTENT TO PARTICIPATE

NAME _____ GRADE _____

This signifies my intent to participate in the following extra-curricular activities for the current school year. (Students must declare their intention at the time of their registration for each school year.)

Check all that apply:

Athletic Activities

- _____ Football
- _____ Volleyball
- _____ Basketball
- _____ Track/Field
- _____ Cheerleading
- _____ Baseball

Non-Athletic Activities

- _____ National Honor Society
- _____ Student Council
- _____ FFA
- _____ Drama
- _____ Science Fair
- _____ FCCLA
- _____ Other (Specify)

If any activities are checked for participation in this school year, the student will be subject to a drug testing program for the entire school year. Students will be provided a copy of the “Student Drug-Alcohol Testing Policy” and the “Student Drug-Alcohol Testing Consent” which shall be read, signed and dated by the student and parent/custodial guardian before that student shall be eligible to practice or participate in any extra-curricular activities. See policy guidelines for more information. For the current school year, students who register on or before the first day of school will declare their intention and turn in the consent form within three (3) days.

_____ I do not intend to participate in any extra-curricular activities.

Student Signature

Date

Parent Signature

Date

**ELIDA MUNICIPAL SCHOOLS
EXTRA-CURRICULAR DRUG TESTING CONSENT FORM**

Each student participating in the extra-curricular program shall be provided with a copy of the “Extra-Curricular Drug Use Testing Procedures” and the “Extra-Curricular Drug Testing Consent Form” which shall be read, signed and dated by the student and parent/custodial guardian. No student shall be allowed to practice or participate in any extra-curricular program until the student has returned a properly signed and dated Drug Testing Consent Form. The consent shall be to provide a urine, saliva, or hair sample as chosen by the random selection basis and at any other time requested, based on reasonable suspicion, to be tested for illegal drugs.

Student’s Last Name	First Name	Middle Name	SS#
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I understand after having read the “Extra-Curricular Drug Use Testing Procedure” and the “Extra-Curricular Drug Testing Consent Form” that, out of concern for my safety and health, the Elida School District enforces the rules applying to the use of illegal drugs/alcohol. I realize that the personal decisions that I make daily in regard to the use of illegal drugs/alcohol may affect my health and well-being as well as the possible endangerment of those around me and reflect upon any organization with which I am associated. If I choose to violate school policy regarding the use of illegal drugs I understand that I will be subject to the restriction of my participation as outlined in the policy.

Signature of Student	Date
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We have read and understand the Elida School District’s “Extra-Curricular Drug Use Testing Procedures” and the “Extra-Curricular Drug Testing Consent Form”. We desire that _____ (name of student) participate in extra-curricular activities offered by the Elida Municipal School District, and we hereby agree for him/her to be subject to its terms. We accept the method of obtaining urine, saliva, or hair samples, testing, and analysis of such specimens, and all other aspects of the program. We further agree and consent to the reporting of the results as provided in this program.

Signature of Parent/Custodial Guardian	Date
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MEDICATION LIST

I, _____, am currently taking or have taken the following drug-alcohol substances or medications in the last 96 hours (4 days).

Additional medications that may affect the results of this test taken in the last 30 days.

Additional Information.

Signature of Student

Signature of Parent

Date

REFUSAL TO SUBMIT TO RANDOM DRUG TEST

_____ (Name of Student) has been randomly selected for the Elida Municipal Schools Extra-Curricular Drug Test by the random number generated process on _____ (Date).

He/she has refused to provide a sample to be tested on this date as required by the Student Drug Testing Policy. As stated in 4.4 of the policy – refusal to provide a sample will be treated as a violation and appeal process will be forfeited.

I was given a copy of the Student Drug Testing Policy and have signed the Extra-Curricular Drug Testing Consent Form. By refusing to provide a sample, I understand that I am subject to the restrictions as outlined in the policy.

Signed _____

Date Signed _____

Witness _____ (Administrator)

Parent/Guardian Contacted on _____ (Date)

_____ (Time)