

**DRUG USE IN SCHOOL ACTIVITIES****(Random Drug and Alcohol Testing)**Student Extracurricular Activities Drug and Alcohol Testing Policy

The Floyd Municipal Schools Board of Education, in order to:

- Help prevent students from using illegal/illicit drugs and alcohol;
- Protect the health and safety of its students from the use and abuse of illegal/illicit drugs, alcohol, and performance-enhancing drugs;
- Ensure that students involved in extra-curricular activities set an appropriate example for their fellow students, for whom they are often

role models; Give students additional reasons for declining to use drugs; and, provide any student found to be using or abusing drugs or alcohol with assistance in overcoming this use or abuse, hereby adopts this Student Extra-Curricular Activities Drug and Alcohol Testing Policy.

**A. Statement of Purpose and Intent**

1. It is the intent and desire of the Floyd Municipal Schools Board of Education, administration, and staff that every student in the Floyd School District (the District) refrains from using or possessing illegal/illicit drugs/alcohol. Members of the Board of Education, administration, Floyd High School athletic department, community, parents, and staff have joined forces to determine the best possible means of addressing concerns of drug and alcohol use among teenagers in the Floyd Municipal Schools. There is evidence that the problem of illegal/illicit drug and alcohol use is prevalent throughout the county, which includes the Floyd Municipal School District. Concerns arise in that the Floyd Municipal Schools serve a population of students from within district and throughout the county.

Primary concern for the students who attend Floyd Municipal Schools is rooted in concern over steady incidences of drug-dog alerts, law-enforcement arrests and investigations involving students who attend the Floyd Schools, and law enforcement involvement with family members of students who attend Floyd Schools. With a great increase in the number of violent crimes being committed in the nation's school districts, and the direct link between drug use and violent crimes, the evidence of a regional problem is alarming. This Policy is intended to supplement and complement all other policies and regulations of the Floyd Municipal Schools and the New Mexico Public Education Department regarding possession or use of illegal/illicit drugs/alcohol and the promotion of healthy

lifestyles among students.

2. Participation in school-sponsored extra-curricular activities is a privilege, not a statutory requirement. Students who participate in these activities are looked to as examples and admired by the student body and community and are expected to hold themselves as good examples of conduct. Accordingly, as part of the privilege of participation, students involved in extracurricular 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/illicit drugs or alcohol.

3. The purpose of this Policy is to prevent drug/alcohol use, to educate these students as to the serious physical, mental, and emotional harm caused by illegal/illicit drug/alcohol use, to alert parents and students with possible substance abuse problems to the potential harm of illegal/illicit drug/alcohol use, to prevent injury, illness and harm as a result of illegal/illicit drug/alcohol use, and to strive for an environment free of illegal/illicit 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 of any student found to be in violation of the Policy to participate in any extra-curricular activity program. There will be no academic sanction for violation of this Policy.

4. Illegal/illicit drug/alcohol use of any kind is incompatible with participation in any program offered by the District. For the safety and well being of the student involved in any program of extra-curricular activity, the Floyd Board of Education has adopted this Policy for use by all students involved in any such program.

5. Based upon the foregoing statement of purpose and intent, consent to this drug/alcohol testing Policy is a mandatory prerequisite for all students to participate in any school extra-curricular program.

## **B. Definitions**

1. "Extra-curricular activities" are any school-sponsored non-academic activities in which students generally are invited to participate as a supplement to the curricular aspects of their educations.

2. "Drug/alcohol use test" means a scientifically substantiated method to test for the presence of illegal/illicit drugs, alcohol, performance-enhancing drugs, or the metabolites thereof, in a person's urine.

3. "Random selection basis" means a mechanism for selecting students for drug/alcohol testing. The District will use a random selection process to select students for testing.

4. "Illegal/illicit drugs/alcohol" means

(a) Alcohol: Any liquor, wine, beer, or other substance having alcohol content,

(b) Drugs: Any drug, including illegal/illicit drugs, marijuana, inhalants, legal prescription and over-the-counter drugs used or possessed or distributed for unauthorized purposes, including, but not limited to marijuana, cocaine, opiates, amphetamines, methaqualone, benzodiazepines, phencyclidine (PCP), methadone, barbiturates, and propoxyphene.

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.

6. "Positive" when referring to a drug/alcohol test administered under this policy means a toxicological test result that demonstrates the presence of illegal/illicit drug(s)/alcohol or a performance enhancing drug or the metabolites thereof, using the standards customarily established by the testing laboratory administering the drug/alcohol use test.

7. "Substance Use Violation" refers to a positive urinalysis (Urine test). The District will not test for substances or purposes other than drug or alcohol use prohibited by this policy.

### **C. Procedures**

1. Each student in grades 7-12 shall be subject to the random testing program during each year in which he or she elects to participate in any school extra-curricular program, including athletics, or in any required training program that is a prerequisite to the extra-curricular program.

2. Each student shall be provided with a copy of the "Student Extra-Curricular Activities Drug/Alcohol Testing Policy" and "Student Extra-Curricular Activities Drug/Alcohol Testing Consent" which shall be read, signed, and dated by the student and parent or legal guardian before that students shall be eligible to practice or participate in any extra-curricular program. The consent shall be to provide a urine sample (a) as chosen by the random selection basis; (b) upon reasonable suspicion based on specific observations concerning the appearance, speech, or behavior of the student that indicate the effects of drug/alcohol use; (c) upon personal observation of a substance use violation by a District coach, sponsor, faculty member, or administrator during the school year; (d) when a student voluntarily discloses, or a parent reports, use or abuse by the student. No student shall be allowed to practice or participate in any extra-curricular program unless the student has returned the properly signed "Extra-Curricular Activities Drug/Alcohol Testing Consent" and met all other eligibility requirements as set

forth by District.

3. Selection for Testing

(a) On the first day of each month, one number between 1 and 31 will be randomly selected for the date of the unannounced testing for that month. If that day falls on a weekend or a non-school day, an additional number will be drawn until a testing day has been determined. The testing date will be known only by the testing company.

(b) Ten percent of the students in the pool of students who have elected to participate in extra-curricular activities shall be randomly selected to be tested.

(c) Students will be selected by a random selection process on the testing dates. A random number generator will be used to determine which students are to be tested to ensure that all students in the pool 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 successive tests.

(d) A refusal to provide a sample, or the alteration or falsification of a specimen or test result, will be treated as resignation from all extra-curricular activities programs for the remainder of the current school year. In addition, if the student refuses to provide a sample, the student must pass a drug/alcohol test prior to participation in any future program of extra-curricular activities. The cost of the testing for a student to return to participation, after a refusal, will be paid by the parent/student. The student's parent/legal guardian will be notified of the student's refusal to provide a sample or in the event of an alteration or falsification of a specimen or result. At the time of testing, a parent/legal guardian may overrule a student's refusal and submit the child to testing. Parents (Students) who indicate "no participation" in any athletic or activity programs, upon enrollment (or at the beginning of each year), and later choose to participate will be subject to a drug test (as per the procedures outlined in this policy), prior to participating and at the parent's expense.

(e) The random testing of students will be performed by a certified drug testing company contracted by the District. The company chosen 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, such as the use of split samples.

(f) In the event of a positive result parents or legal guardians will be notified, by the building principal or his designee, and given the opportunity to present any information/explanation to the Principal for a positive result.

A Medical Review Officer (MRO), working in conjunction with the certified drug testing company and the laboratory conducting the test, will be available to review any information/explanation presented. Parents or legal guardians may provide any doctor's prescriptions of any drugs that the student may be taking that might affect the outcome of the drug/ alcohol use test. Parents may be present when the principal contacts the MRO and may use the school fax machine to send information to the MRO, if confidential information is being transmitted. The MRO will provide a response within 24 hours, indicating the final results, positive or negative, to be determined using any information provided by the parent. Upon MRO final verification of a positive result the Principal or his/her designee will be notified and will immediately contact the student and his or her parents or legal guardians to review and implement the consequences. A parent may request that a separate test be conducted on the remaining portion of the urine sample (split sample). The parent/student shall bear the cost of the additional testing on the split sample. The student will be subject to the appropriate consequence while a second test is conducted.

(g) No student shall receive an academic penalty solely as the result of a positive test result.

4. In addition to students chosen at random pursuant to this paragraph, students may be required to undergo testing individually on the basis of reasonable, individualized suspicion of substance abuse violations.

#### **D. Violations:**

A student found to have been in violation of this policy by his or her school principal shall be subject to the following consequences:

##### 1. FIRST VIOLATION

(a) A Parent or Legal Guardian/Superintendent or his/her designee conference will be required when a student commits a first violation.

(b) The student will be suspended from participating in program of extra-curricular activities for 10 consecutive days beginning from the date and time of verification of a positive test.

(c) The student will be required to fulfill the requirements of his/her class schedule including participation in any classes during the suspension period.

(d) The student may be required to attend a drug education program at the expense of the student or his or her parent or guardian as a condition of any further participation in school extra-curricular activities. A student or parent/legal guardian may request list of resources drug education,

counseling, or other services from school counseling office.

(e) The student will be subject to a monthly drug/alcohol test for 3 months, after a positive test result.

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

## 2. SECOND VIOLATION

1. A Parent or Legal Guardian/Superintendent or his/her designee conference will be required when a student commits a second violation.

2. The student will be suspended from participating in all extra-curricular activities programs for four (4) consecutive weeks from the date and time of verification of a positive test.

3. The student will be required to fulfill the requirements of his/her class schedule including participation in any classes during the suspension period.

4. The student may be required to attend a drug education program at the expense of the student or his or her parent or guardian as a condition of any further participation in school extra-curricular activities. A student parent/legal guardian may request list of resources drug education, counseling, or other services from school counseling office.

5. The student will be subject to a monthly drug/alcohol test for 6 months, after a positive test result.

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

## 3. THIRD AND SUBSEQUENT VIOLATIONS

1. A Parent or Legal Guardian/Superintendent or his/her designee conference will be required when a student commits a third violation.

2. The student will be suspended from participating in all programs of extra-curricular activities for six (6) consecutive months.

3. The student will be required to fulfill the requirements of his/her class schedule including participation in any classes during the suspension period.

4. The student may be required to attend a drug education program at the expense of the student or his or her parent or guardian as a condition of any further participation in school extra-curricular activities. A student or parent/legal guardian may request list of resources for drug education,

counseling, or other services from the school counseling office.

**E. Appeals process**

1. A student may appeal a suspension under this policy by providing a written notice of appeal with the Superintendent and a copy to the Principal whose decision is being appealed within five school days of the Principal's decision. The notice shall state the reasons the suspension should be reversed. The Principal, within 3 work days of the appeal, shall provide the Superintendent and student/parents or guardians the reasons the suspension should be sustained.
2. The Superintendent or his/her designee shall review the Principals suspension decision in light of the provisions of this policy and issue a decision in writing, within 5 work days of the appeal, sustaining or reversing the suspension.
3. A student may appeal the Superintendent's decision to the Board of Education by providing a notice of appeal to the Superintendent within five school days of the date of the Superintendent's decision. The Superintendent shall provide the Board and the student/parents or guardians with the reasons the suspension should be sustained. The Board's decision shall be final.
4. Students will remain ineligible for extra-curricular activities pending appeals.

*Adopted:* Date of Manual Adoption

CROSS REF.: JKDA - Removal of Students from School-Sponsored Activities  
LC - Relations with Education Research Agencies