

The School Board of Indian River County Bylaws & Policies

Unless a specific policy has been amended and the date the policy was revised is noted at the bottom of that policy, the bylaws and policies of The School Board of Indian River County were adopted on August 13, 2013.

2431.02 - RANDOM STUDENT DRUG TESTING FOR INTERSCHOLASTIC EXTRACURRICULAR COMPETITIVE ACTIVITY PARTICIPANTS

PURPOSE AND INTENT

- A. The School Board is committed to providing a healthy and safe environment for interscholastic extra-curricular competitive activity participants.
- B. The Board desires to be proactive in ensuring the safety of all students participating in interscholastic extra-curricular competitive activities, and to undermine the effects of peer pressure by providing an additional and legitimate reason for students to refuse to use illegal drugs.
- C. The Board desires to encourage student participants in interscholastic extra-curricular competitive activities who use drugs to participate in drug treatment programs.

AUTHORITY

- A. The U.S. Supreme Court established the authority of public schools to test students for illegal drugs. In *Pottawatomie County Board of Education v. Earls*, 536 U.S. 822 (2002), the Court held that schools could perform random drug tests for all middle and high school students participating in competitive extra-curricular activities.
- B. Student participation in interscholastic extra-curricular competitive activities is a privilege not a right, and this policy is intended to protect the health and safety of students; therefore the Board is authorized to implement this policy pursuant to F.S. 1001.43(1).

EFFECTIVE DATE AND SCOPE

- A. This policy shall become effective July 1, 2015.

- B. All high schools within the School District that offer interscholastic extra-curricular competitive activities shall implement this policy. Interscholastic extra-curricular competitive athletic activities include all Florida High School Athletic Association (FHSAA) sanctioned, recognized or club activities as well as all non-FHSAA sanctioned, recognized and club activities, including practices and contests. Interscholastic extra-curricular competitive performing arts activities include all band, chorus, orchestra, and drama activities, including practices, performances, and contests. Interscholastic extra-curricular competitive academic activities include but are not limited to Math Team, Academic Games, Envirothon, Future Business Leaders of America, and Debate Team, including practices, performances, and contests.
- C. The Random Student Drug Testing Coordinator (Coordinator) is the employee designated by the principal at each high school to coordinate and oversee the implementation of this policy.

REQUIREMENTS

- A. All students who wish to participate in interscholastic extra-curricular competitive activities shall be subject to random drug testing in accordance with this policy.
- B. All records generated pursuant to this policy are confidential student records under the Family Educational Rights and Privacy Act (FERPA) and will be securely stored separate from the student's cumulative file. Such records shall be disclosed only to school personnel who have a need to know and will not be turned over or disclosed to any law enforcement personnel or authorities. In the event of a positive drug test result from a student athlete in an FHSAA sanctioned, recognized or club activity the Board is required to report to FHSAA any violation involving a schedule 3 narcotic. However, the student's name will not be released to FHSAA, only statistical information.
- C. Prior to participating in interscholastic extra-curricular competitive activities, the student and the student's parent/guardian shall sign and deliver the Consent To Random Student Drug Testing For Interscholastic Extra-Curricular Competitive Participants Form (Form 2431.02 F1) to the student's school. The consent shall be valid for twelve (12) months from date of signature. A student who does not have a current consent on file will not be allowed to participate, which includes attendance at any practice, tryout, game, contest, performance, or competition.

SELECTION AND TESTING OF PROCESS

- A. Random drug testing of interscholastic extra-curricular athlete students may be conducted at various times throughout the school year, and at least once per athletic season (fall, winter, and spring), at the direction of the principal. Ten percent (10%) of the total number of male students and ten percent (10%) of the total number of female students

participating in interscholastic athletics at the time of random selection shall be tested at each high school. Accurate and complete student rosters shall be used.

- B. Random drug testing of interscholastic extra-curricular competitive performing arts and academic students may be conducted at various times throughout the school year, and at least once per school year at the direction of the principal. Ten percent (10%) of the total number of students participating in interscholastic extra-curricular competitive performing arts or ten percent (10%) of the total number of students participating in interscholastic extra-curricular competitive academics at the time of random selection shall be tested at each high school. Accurate and complete student rosters shall be used.

- C. Random selection will be handled by the Coordinator at each high school and will be done by a lottery using a numeric selection process. Student names will remain unknown until the random selections are completed.

- D. Those students randomly selected for drug testing shall be required to produce a urine sample on the same day the student is selected for testing.
 - 1. If the student is absent that day, the sample shall be provided on the first day the student returns to school.

 - 2. If the student is unable to produce a sample when requested, the student will be allowed to return within two (2) hours the same day to provide the sample.

 - 3. Students who are not in regular attendance at school, such as home school students, charter school students, and virtual school students shall provide a sample on the first day the student presents at school. All students providing samples shall do so under the supervision of the Coordinator in a manner which will minimize intrusiveness and embarrassment to the student while ensuring there is no tampering with the sample. Students shall be required to produce a sample while in a private restroom stall while the Coordinator remains outside the restroom entry door. Each sample container shall be checked for appropriate temperature and will be sealed and labeled with a number for identification purposes.

- E. The sample will be tested for the presence of one or more of the following illegal substances:
 - 1. Cocaine

 - 2. Amphetamine

3. Methamphetamine
4. Marijuana
5. Opiates

Samples will not be screened for the presence of any other substance or the existence of any physical condition other than drug intoxication.

- F. The initial drug test of the sample will be a sensitive, rapid, and reliable immunoassay procedure (also referred to as a point of collection test) performed at the school. If the initial drug test renders a negative result, then no further analysis will be conducted. If the initial drug test renders a positive result, the Coordinator shall immediately contact the student's parent/guardian by phone, in the presence of the student, to discuss the positive initial drug test result.
- G. The student's parent/guardian has the right to appeal the initial drug test positive result on the day of the random drug testing. In the event the parent/guardian requests an appeal, the Coordinator shall immediately deliver the sealed sample container to the testing laboratory for a confirmation drug test at the parent/guardian's expense. The confirmation drug test must be a more rigorous procedure and must be different in scientific principle from the initial drug test. If the confirmation drug test renders a negative result, then the drug test will be deemed negative, no further analysis or action will be taken, and the Coordinator shall reimburse the parent/guardian for the cost of the confirmation drug test. If the confirmation drug test renders a positive result, the positive drug test results shall be provided to the testing laboratory's medical review officer (MRO). An MRO is a licensed physician employed by the testing laboratory, and knowledgeable in the interpretation and evaluation of a student's positive confirmation drug test. The parent/guardian and student shall have the opportunity to confidentially discuss the test results with the MRO and provide any relevant medical information to the MRO that would assist the MRO in verifying the confirmation drug test as positive or negative, such as a properly prescribed medication. If the MRO determines the test results should be negative, then no further action shall be taken and the negative test result will be reported to the parent/guardian and Coordinator. If the MRO verifies a positive drug test result, the MRO shall submit a report of such result to the student's parent/guardian and the Coordinator.
- H. During the pendency of any confirmation drug test, the student's eligibility to participate in interscholastic extra-curricular competitive activities (excluding practice) shall be suspended.
- I. The failure or refusal of a student to provide a urine sample pursuant to this policy shall be treated as a positive confirmation drug test. The failure of the Coordinator to follow the selection and testing process shall

render the random drug test invalid and no consequences shall apply to any affected student.

CONSEQUENCES

A. Athletics

1. First positive result. For the first positive drug test, the student athlete will be given the option of either participating in a drug treatment assistance program and submission to weekly drug testing for six (6) weeks, or suspension from participation in interscholastic athletics (excluding practice) for the remainder of the current athletic season and the next athletic season.
2. Second positive result. For the second positive drug test result in any two (2) consecutive school years, the student athlete will be suspended from participating in interscholastic athletics (excluding practice) for the remainder of the current athletic season and the next athletic season.
3. Third positive result. For the third positive result in any two (2) consecutive school years, the student athlete will be suspended from participating in interscholastic athletics (excluding practice) for the remainder of the current athletic season and the next two (2) athletic seasons.

B. Performing Arts and Academics

1. First positive result. For the first positive drug test, the student will be given the option of either participating in a drug treatment assistance program and submission to weekly drug testing for six (6) weeks, or suspension from participation in interscholastic extra-curricular competitive performing arts and academics (excluding practice) for the remainder of the current semester and the next semester.
2. Second positive result. For the second positive drug test result in any two (2) consecutive school years, the student will be suspended from participating in interscholastic extra-curricular competitive performing arts and academics (excluding practice) for the remainder of the current semester and the next semester.
3. Third positive result. For the third positive result in any two (2) consecutive school years, the student will be suspended from participating in interscholastic extra-curricular competitive performing arts and academics (excluding practices) for the remainder of the current semester and the next two (2) semesters.

- C. Non-Punitive Nature of this Policy. No student shall be penalized academically for testing positive for drugs under the policy. The results of drug tests pursuant to this policy will not be documented in any student academic records and information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities, without a valid, binding subpoena or other legal process, which the school will not solicit.

REVIEW

The Superintendent shall annually evaluate the implementation and effectiveness of this policy and shall recommend any changes to the Board.

STUDENT CODE OF CONDUCT

- A. Nothing in this policy shall be construed to limit the applicability or enforcement of the student code of conduct, including all of its provisions pertaining to drugs.
- B. In the event the student is on a behavior contract or stipulated order which includes a requirement for random drug testing, a positive drug test under this policy shall also be considered a positive drug test under the behavior contract or stipulated order.

Adopted 3/24/15

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