

**Section:** J Students

**Policy Code:** JCDAB Student Drug Testing Program Extracurricular Activities

**Policy:**

**Student Drug Test Policy**

**STATEMENT OF PURPOSE AND INTENT**

The Jackson County School District (JCS D) recognizes that drug use by students participating in CTE, athletics, cheer, dance, band, and/or choir, a drivers' education course, and those who drive and park on campus (hereinafter "participating students") present special concerns about the dangerous combination of drugs and participation in these activities. While the misuse or abuse of illegal drugs, prescription and even nonprescription drugs is unsafe for any student, the additional demands placed upon participating students make such misuse or abuse dangerous.

In response to the serious health risks and other risks posed by participating students' use, JCS D has implemented a drug testing policy which is designed to provide early detection of drug use and to eradicate or reduce significantly use and influence of prohibited drugs and other chemicals by participating students.

In pursuit of these purposes, JCS D declares that the use of prohibited drugs, or intoxication and physical influence thereof, by participating students is inherently unsafe. Such use, intoxication or influence should be detected and prevented and such participating students should be counseled, educated and monitored. This policy is adopted to promote the safety, health and well-being of participating students and is not intended to be disciplinary or punitive in nature. The sanctions provided for herein relate solely to limiting the opportunity of any student found to be in violation of the policy to participate in the covered activity. There will be no academic sanction for violation of the policy and the policy is intended to complement all other policies of the JCS D regarding the possession or use of illegal drugs. Beginning July 1, 2017, this policy will become effective.

All students enrolled in JCS D who are in 7th grade or higher and who (1) participate in any JCS D High School or Middle School CTE, athletic program, cheer, dance, choir, and/or band or (2) obtain a parking permit to allow them to drive and park on a JCS D campus or (3) enroll in a drivers' education course shall be subject to drug testing to the extent and manner provided for in this policy.

The Board authorizes the superintendent to implement procedures in furtherance of the goals of this policy.

**DEFINITIONS**

"Athletic Department" shall mean the Athletic Departments for each of the attendance centers within the JCS D.

“Confirmation test” means a drug test on a specimen to substantiate the results of a prior drug test on the specimen. The confirmation test may use an alternate method of equal or greater sensitivity than that used in the previous drug test.

“Drug test” means a chemical test administered for the purpose of determining the presence or absence of a drug in a person’s bodily fluids.

“Illegal drug” means (a) a prohibited drug as set forth below, (b) a drug listed as illegal under Mississippi law, (c) a drug which is illegal to use under Mississippi law without a prescription, or (d) which is controlled by the Food and Drug Administration.

“Initial test” means an initial drug test to determine the presence or absence of drugs or related metabolites in specimens.

“Medical Review Officer” or “MRO” means a licensed physician, either a Doctor of Medicine or Doctor of Osteopathy, or other medical or scientific expert knowledgeable in drug abuse disorders, employed to help the JCSD interpret, evaluate and monitor its drug testing program.

“Negative drug test” means a drug test that does not show evidence of a prohibited drug in a person’s system.

“Participating Students” are students participating in athletics, cheer, dance, choir, and/or band and/or those who obtain a parking permit to allow them to drive and park on campus, and/or enroll in a drivers' education course.

“Positive drug test” means a drug test that indicates the presence of a prohibited drug in a person’s system.

“Prescription medication” means a drug prescribed for use by a duly licensed physician, dentist or other medical practitioner licensed to issue prescriptions.

“Prohibited drug” means any drug which is considered a part of the group of drugs listed in Section IV. PROHIBITED DRUGS/ALCOHOL below.

“Random testing” means a neutral selection basis of testing for drugs which provides a mechanism for selecting participating students for testing that: (i) results in an equal probability that any student from a pool of students subject to the selection mechanism will be selected, and (ii) does not give JCSD and school personnel the discretion to waive the selection of any student selected under the mechanism, unless a student has a significant cognitive disability documented in their Individualized Education Plan.

“Specimen” means a tissue or product of the human body chemically capable of revealing the presence of drugs in the human body. For the purposes of drug testing, this includes urine as the primary specimen. If urine is unavailable, a hair specimen will be collected and tested as an alternative.

“Calendar Year” means 365 days from the date a violation is declared.

“JCS D” means Jackson County School District.

## **ADMINISTRATIVE PROCEDURE**

### **Concurrent Drug Testing Policies**

This policy and the JCS D policy on drugs as listed JCS D Student Handbook shall be administered separately and concurrently. Tests occurring under this policy shall not be used for or considered for the purposes of the JCS D Assertive Discipline Program; however, test results under the Assertive Discipline Program may be considered for the purposes of eligibility to participate in CTE, athletics, cheer, dance, choir, and/or band or to drive to and park on the JCS D campus or to enroll in drivers' education course and for testing or monitoring under this policy. Participating students are subject to all related policies concerning this subject area.

### **Implementation**

All participating students and their parents or guardians will be notified of this policy upon (1) entering an athletic program, CTE, cheer, dance, choir, and/or band, or (2) seeking a JCS D parking permit, or (3) enrolling in drivers' education course. The JCS D Superintendent and/or his or her designees shall be responsible for the fair, impartial and complete implementation of this policy and for ensuring the no-notice, surprise nature of all testing. The JCS D Administration shall be responsible for the coordination and execution of all testing through a third party vendor, which is the MRO. The initial method of collection will be done by urinalysis.

### **Consent/Refusal to Consent**

The parents or legal guardians of participating students will be asked to sign a consent form acknowledging this policy, authorizing the test for prohibited drugs as provided for in this policy and consenting to the release of the tests results to the MRO, Superintendent and/or his/her designees on a need to know and confidential basis. The test results will also be provided to the parents/guardians of the participating student. If a participating student and/or his or her parent/guardian declines or fails to sign the consent form, the student will be ineligible to participate in any JCS D CTE, athletic program, cheer, dance, choir, and/or band or to drive and park on the JCS D campus or to enroll in drivers' education course. The consent form to be used for purposes of this policy shall be formulated by the MRO and Superintendent.

### **Annual Testing**

As an annual prerequisite for participation in a JCS D CTE, athletic program, cheer, dance, choir, and/or band, or for permission to drive and park on the JCS D campus, or enrolling in drivers' education course, parents/guardians of participating students must sign a consent form acknowledging this policy, authorizing the test for prohibited drugs as provided for in this policy. Any student who tests positive for drugs may be ineligible to participate in JCS D CTE, athletics, cheer, dance, choir, and/or band or to drive and park on the JCS D campus or enroll in drivers' education course as provided in this policy, or, in the discretion of the Principal or Athletic Director, and approved by the Superintendent, may participate subject to the

provisions of Section "Appeal" of this policy.

### **Random Testing**

Participating students will be tested on a random basis for use of prohibited drugs. Random testing shall be conducted no less than two (2) times during a school year and may be conducted during the school year at any other time during the school year as determined by the Superintendent. The random testing shall not be announced or revealed prior to the time of commencement and shall be conducted on a no-notice, surprise basis. The JCSD Superintendent and his designees shall determine the percentage of participating students tested in any one (1) random test not to exceed ten percent (10%) of eligible students on a specific campus or the designated amount budgeted by the school board for the cost of the MRO contract for drug analysis tests. Once the percent is established for the year it will be applied consistently in each attendance center. The Superintendent and his designees shall take all reasonable steps to assure the integrity, confidentiality, and random nature of the MRO selection process. This would include, but not necessarily be limited to the MRO:

1. Assuring that the names of all participating students are in the pool.
2. Assuring that the person drawing the names has no way of knowingly choosing or failing to choose particular students for the testing.
3. Assuring that the identity of students for testing is not known to those involved in the selection process.
4. Assuring the direct observation of the selection process by at least two certified employees of the District as determined by the Superintendent.

### **Specimen Collection**

All specimens will be collected under reasonable and sanitary conditions. Individual dignity and privacy will be preserved to the extent practicable. Universally accepted standards for testing, labeling, storage and transportation of specimens will be strictly followed by the testing facilities. The MRO will request information before each confirmation test regarding prescription and non-prescription drugs and any other information which could lead to a false positive test. JCSD staff shall be present only for supervising of students during random testing. No JCSD staff shall be involved in the collection, storage, labeling, or handling of specimens from random testing unless necessary because of the student's handicapping condition that has been previously documented.

### **Testing Procedures**

A laboratory certified by the National Institute of Drug Abuse will be designated by JCSD to perform all initial drug tests and selection of students. The laboratory and the MRO will be responsible for the handling and safe delivery of all positive specimens to the confirmation laboratory and such delivery will be accomplished through proper chain of custody procedures.

### **Finding of Drug Use Consequences**

If a student violates this policy, the consequences described below will apply only to the component of the activity impacted by the violation (i.e., CTE, athletics, dance, cheer, band, choir, driving on campus, and/or driving during drivers' education class). The student's grade will not be lowered because of the student's suspension from participation in these activities;

however, a student will not be allowed to drive until a negative test result occurs, which could negatively impact a grade in a drivers' education class. The student may be expected to complete alternative assignments during the suspension in order to maintain his or her grade.

1. **First Violation** If the initial test for drugs indicates a negative result, no further test will occur unless there is good reason to suspect the quality of the specimen sample. If the initial test indicates a positive result, a confirmation test will be conducted immediately. Should the confirmation test also indicate a positive result for a participating student, the following consequences shall be imposed:
  - a. The district will notify the student and his or her parent/guardian via a phone call and in writing of such positive test results.
  - b. The student shall be suspended from participation in all athletics, cheer, dance, choir, and/or band activities (which encompasses, for purposes of this policy, all participation including: tryouts, practices and competitions) and from driving to and parking on a JCSD campus or being enrolled in a drivers' education course for a minimum of thirty (30) days, which can be reduced by half upon the successful completion in a drug counseling and/or drug education program and passing a second drug test.
  - c. The student shall submit to a mandatory drug test at a laboratory certified by the National Institute of Drug Abuse that will be designated by JCSD, on or about thirty days after the date on which JCSD received notification of the confirmation tests positive result. Parent/Guardian will be responsible for the cost of the test and JCSD will determine time frame it will be administered. A positive test result shall constitute a separate violation of this policy and shall be treated as a second violation.
  - d. The student shall be required to participate in and complete a drug counseling or education program developed by and provided by JCSD. Refusal to participate in the counseling and/or education program, as set forth in this paragraph, will be treated and handled as a second positive test result.
  - e. The student will not be allowed to resume participation until he/she has had a negative drug test at the expense of the parent/guardian.
  - f. After successfully returning from a first violation, the student may be required to submit to additional unannounced retests within the calendar year of the violation at the discretion of the district. If the student receives a positive result at this point, a second violation is declared.
  
2. **Second Violation** Should a participating student test positive for a second time in any one calendar year, the following consequences shall be imposed:
  - a. The MRO or district will notify the student and his or her parent/guardian in writing and/or via phone call of such positive test results.
  - b. The student shall be suspended from participation in all athletics, dance, and cheer, choir, and/or band activities (which encompasses, for purposes of this policy, all participation including: tryouts, practices and competitions) and from driving to and parking on a JCSD campus or being enrolled in a drivers' education course for a minimum of sixty (60) days.

- c. The student shall submit to a mandatory drug test at a laboratory certified by the National Institute of Drug Abuse that will be designated by JCSD, on or about sixty (60) days after the date on which JCSD received notification of the confirmation tests' positive result. Parent/Guardian will be responsible for the cost of the test and JCSD will determine time frame it will be administered. A positive test result shall constitute a separate violation of this policy and shall be treated as a third violation.
  - d. The student shall be required to attend a drug counseling or rehabilitation program at the expense of the parent/guardian. A drug counselor shall refer the student to a JCSD approved outside drug counseling agency. Documentation of attendance and completion of counseling must be submitted to the principal before participation/eligibility is reinstated.
  - e. After successfully returning from a second violation, the student may be required to submit to additional unannounced retests within the calendar year of the violation at the discretion of the district. If the student receives a positive result at this point, a third violation is declared.
3. **Third Violation** Should a participating student test positive for a third time in any two calendar years, the following consequences shall be imposed:
- a. The MRO or district will notify the student and his or her parent/guardian in writing and/or via telephone of such positive test results.
  - b. The student shall be suspended from participation in all athletic, dance cheer, choir, and/or band activities and from driving to and parking on the JCSD campus and from drivers' education course for a minimum of one (1) calendar year.
  - c. The student shall be required to attend a drug counseling or rehabilitation program at the expense of the parent/ guardian. A drug counselor shall refer the student to a JCSD approved outside drug counseling agency. Documentation of attendance and completion of counseling must be submitted to the principal before participation/eligibility is reinstated.
  - d. The JCSD reserves the right to require the student to submit to mandatory drug testing during the calendar year of the violation as often as deemed appropriate by the administration. The student will not be allowed to resume participation until he or she presents a negative result on retest. No positive test results as described in this policy will be used as grounds to discipline, suspend or expel a participating student, except for the guidelines provided in this policy.

### **Appeal**

A participating student has the right to appeal a decision under this policy by following the grievance procedure as outlined in JCSD Student Handbook and shall be afforded all student due process rights as provided by law. Participation in CTE classes, athletics, dance, cheer, choir, and/or band and parking at JCSD or enrolling in drivers' education course is a privilege only and a student has no property right or interests in such participation.

### **Medical Review Officer**

As part of this policy, JCSD will utilize the services of a medical review officer (MRO) as designated by JCSD. The MRO will interpret, monitor, and evaluate all positive test results so as to determine whether any alternative medical explanation could account for the positive

results. The MRO must be a licensed physician, or group of licensed physicians, knowledgeable in drug abuse disorders.

### **Confidentiality**

The results of a student's drug test shall not be released to anyone other than the Medical Review Officer (MRO), the Superintendent or his/her designees and the student's parents/guardians. Results may also be released to the Board of Trustees, the school attorney, athletic department personnel, and/or school advisor on a need-to-know and confidential basis. No other person may receive the test results without the express authorization and consent of the participating student's parent/guardian.

### **Cost**

JCSD will bear the cost of the initial drug and confirmation test required by JCSD under this policy. The participating student or his or her parent/guardian will pay the costs of any retest requested by the student and of all tests required after a violation of this policy, as outlined in Section "Appeal" above. If a parent requests that blood testing or any other alternate method of equal or greater sensitivity be utilized then the parent will be responsible for the additional costs associated with the testing method.

### **Use of Prescription or Legal Non-prescription Drugs**

Prior to an initial drug test, a participating student may voluntarily disclose the use of any prescription or non-prescription drugs, but will not be required to do so. If the initial test results are positive, the MRO shall request from the student and/or the parent/guardian information regarding what, if any, prescription and non-prescription drugs, the student was using at the time of the test.

### **Refusal to Submit To Test**

Refusal of any student to submit to testing conducted for any group of students during the school year or upon being selected for random or designated testing will constitute a "violation."

### **Self-Referral (Not Allowed After Selection for A Random Test)**

In the event a student wishes to self-refer himself/herself for drug/alcohol usage, it will NOT initially constitute a "violation." A student may self-refer only one (1) time during his/her school career. When a student submits a self-referral, the following shall occur:

1. An administrator/parent conference will be scheduled by the student's Principal.
2. The student will be ineligible to participate in his/her sport, cheer, dance, choir, and/or band and from driving to and parking on a JCSD campus or driving when enrolled in a drivers' education course, until he/she has enrolled in a recognized Drug Assistance/Education program.
3. The student must also then be declared physically safe to participate by a licensed medical physician before being allowed to return to participation.
4. Failure of the student to successfully complete the Drug Assistance/Education program will constitute a violation and the student will not be allowed to participate in any school sponsored CTE classes, athletic, dance, cheer, choir, and/or band activities and

from driving to and parking on a JCSD campus or being enrolled in a drivers' education course.

### **Prohibited Drugs/Alcohol**

JCSD will test for the use of prohibited drugs in the following groups:

1. Marijuana
2. Cocaine
3. Opiates
4. Amphetamines
5. Phencyclidine (PCP)
6. Spice (synthetic marijuana)

### **Drug Assistance Program Procedures for Intervention Program**

In the event that a student chooses to enroll in a designated Drug Counseling or Rehabilitation program the following steps may be considered:

1. The student and his/her parent(s) or legal guardian(s) will be provided with information regarding those designated drug/alcohol intervention programs that are available in our vicinity.
2. The student and his/her parent(s) or legal guardian(s) will be responsible for providing for the cost of the program.
3. The student and his/her parent(s) or legal guardian(s) will be responsible for transportation to and from the program.
4. To ensure that the student successfully completes the program, the parent/guardian will sign a release of information form with the treatment center giving the center the right to share information with the school system's designee. The school will receive a report from the treatment center advising the District of the student's attendance and degree of success.