

# Italy Independent School District



## Student Rights and Responsibilities Drug Testing Guidelines & Consent Form

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Reviewed/Revised/Approved 6/19/2023  
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## **STUDENT DRUG-TESTING PROGRAM:**

As part of our comprehensive drug-testing program, Italy Independent School District will offer student drug testing, with parental consent, to students in grades 7-12 participating in school-sponsored extracurricular activities, as well as student drivers. Drug and alcohol abuse negatively affect a student's safety, personal life, health, and academic performance.

With parental consent, students in grades 7-12 who plan to participate in any school-sponsored extracurricular activities, receive a District parking permit, or drive on campus are encouraged to participate. This program will consist of an initial annual drug test as well as random testing throughout the school year.

### **PURPOSE:**

The purpose of the student drug-testing program is to:

1. Promote the importance of being drug free in the District.
2. Provide a safe and drug-free environment for all students in the District.
3. Provide a drug awareness and life skills training program that is age and grade-level appropriate for all students in the District.
4. Provide students in the District a deterrent to drug use and a tool to combat peer pressure.
5. Provide a drug education program and support system for students who test positive for drug use.
6. Ensure the health and safety of the students within the District.

### **REQUIRED DRUG-TESTING PROGRAM:**

Before any Italy ISD student enrolled in grades 7-12 may participate in any school-sponsored extracurricular activities, receive a District parking permit, or drive on campus, both the student and the parent/guardian shall agree in writing that the student shall submit to the initial annual drug test and subsequent random drug-testing throughout the school year in accordance with these guidelines.

Extracurricular activities include, but are not limited to:

- Athletics
- Band
- Cheerleading
- FFA
- Civil Air Patrol

- National Honor Society
- National Junior Honor Society
- National Art Honor Society
- National Junior Art honor Society
- Yearbook
- Student Council
- UIL One Act Play
- UIL academic competitions.

A student re-enrolling in the District after testing positive and withdrawing from the District shall be enrolled at the same offense level on which the student was placed before withdrawing.

## **SUBSTANCES TESTED:**

The drug-testing program shall only test for the presence of the following illegal substances:

- amphetamines
- barbiturates
- benzodiazepine
- cocaine
- MDMA (Ecstasy)
- opiates (codeine, heroin, morphine, and papaverine)
- phencyclidine (PCP)
- marijuana
- methadone
- tetrahydrocannabinols (THC or cannabinoids)
- propoxyphene.

The drug-testing program shall also test for the presence of nicotine(cotinine).

Testing shall be performed as outlined in TESTING PROCEDURES AND PROTOCOLS, below.

## **SANCTIONS:**

**Sanctions for positive drug testing offenses are CUMULATIVE from 7th grade until graduation. Sanctions DO NOT start over with each new school year.**

Sanctions for a positive drug test are as follows:

### ***FIRST OFFENSE:***

1. The parent/guardian shall be contacted to discuss the offense and the student's sanctions within ten school days of the date of the results are received by the District.

2. The appropriate campus administrators and personnel shall be notified of the student's positive test result.
3. The student:
  - a. Shall be suspended from the athletic program, extracurricular, and co-curricular activities for **two school weeks/8 school days**, including postseason. Weekends and holidays that fall between the start of the suspension and the last day of the suspension will also be part of the suspension period. If the suspension occurs during the offseason/summer, the suspension from activities will begin with the first week of competition/activity. If the suspension occurs during the end of the sport season or period of extracurricular activity, the suspension will begin/continue with the next competition.
  - b. Shall lose driving privileges for **two school weeks/8 school days**. This suspension shall be effective immediately and shall carry over into the following school year.
4. The student shall be expected to attend all practices associated with his or her participation in the District's athletic program or extracurricular and co-curricular activities.
5. The student shall complete a minimum of 3 hours of drug counseling from a certified drug counselor employed outside of the district within 30 school days of the parent/guardian being notified of the offense. The student, or his or her parent/guardian, shall be responsible for the cost of these counseling sessions. The student shall provide the District documentation verifying completion of the counseling.
6. The student shall be tested in each of the next four random tests. Testing may carry over into the next school year. The student, or his or her parent/guardian, shall be responsible for paying for the cost of these required drug tests in advance or in monthly installments.
7. The student or parent may request a retest of the original sample at his/her expense with a SAMHSA Certified lab. Such a request must be made in writing within 48 hours of the meeting. Any sanctions will remain in effect during the re-test period.
8. If the lab reports a trace, but not enough for a positive result, of a tested substance to school designee, that designee will inform the parent/guardian of the trace finding simply for the parent's concern. No school sanctions will result from a trace finding.
9. Students must obtain written approval from the principal or principal's designee before reinstatement of privileges.

## **SECOND OFFENSE:**

1. The parent/guardian shall be contacted to discuss the offense and the student's sanctions within ten school days of the date of the results are received by the District.
2. The appropriate campus administrators and personnel shall be notified of the student's positive test result.
3. The student:

- a. Shall be suspended from the athletic program, extracurricular, and co-curricular activities for ***six school weeks/24 school days***, including postseason. Weekends and holidays that fall between the start of the suspension and the last day of the suspension will also be part of the suspension period. If the suspension occurs during the offseason/summer, the suspension from activities will begin with the first week of competition/activity. If the suspension occurs during the end of the sport season or period of extracurricular activity, the suspension will begin/continue with the next competition.
  - b. Shall lose driving privileges for ***six school weeks/24 school days***. This suspension shall be effective immediately and shall carry over into the following school year.
4. The student shall be expected to attend all practices associated with his or her participation in the District's athletic program or extracurricular and co-curricular activities.
5. The student shall complete a minimum of 5 hours of drug counseling from a certified drug counselor employed outside of the district within 45 school days of the parent/guardian being notified of the offense. The student, or his or her parent/guardian, shall be responsible for the cost of these counseling sessions. The student shall provide the District documentation verifying completion of the counseling.
6. The student shall be tested in each of the next four random tests. Testing may carry over into the next school year. The student, or his or her parent/guardian, shall be responsible for paying for the cost of these required drug tests in advance or in monthly installments.
7. The student or parent may request a retest of the original sample at his/her expense with a SAMHSA Certified lab. Such a request must be made in writing within 48 hours of the meeting. Any sanctions will remain in effect during the re-test period.
8. If the lab reports a trace, but not enough for a positive result, of a tested substance to school designee, that designee will inform the parent/guardian of the trace finding simply for the parent's concern. No school sanctions will result from a trace finding.
9. Students must obtain written approval from the principal or principal's designee before reinstatement of privileges.

### ***THIRD OFFENSE:***

1. The parent/guardian shall be contacted to discuss the offense and the student's sanctions within ten school days of the date of the results are received by the District.
2. The appropriate campus administrators and personnel shall be notified of the student's positive test result.
3. The student:
  - a. Shall be suspended from the athletic program, extracurricular, and co-curricular activities for ***1 semester/70 school days***;

- b. Shall lose driving privileges for **1 semester/70 school days**.

This suspension shall be effective immediately and shall carry over into the following school year.

4. The student shall be expected to attend all practices associated with his or her participation in the District's athletic program or extracurricular and co-curricular activities.
5. The student shall complete a minimum of 10 hours of drug counseling from a certified drug counselor employed outside of the district within the 1 semester suspension period of the parent/guardian being notified of the offense. The student, or his or her parent/guardian, shall be responsible for the cost of these counseling sessions. The student shall provide the District documentation verifying completion of the counseling.
6. The student shall be tested in each of the next four random tests. Testing may carry over into the next school year. The student, or his or her parent/guardian, shall be responsible for paying for the cost of these required drug tests in advance or in monthly installments.
7. The student or parent may request a retest of the original sample at his/her expense with a SAMHSA Certified lab. Such a request must be made in writing within 48 hours of the meeting. Any sanctions will remain in effect during the re-test period.
8. If the lab reports a trace, but not enough for a positive result, of a tested substance to school designee, that designee will inform the parent/guardian of the trace finding simply for the parent's concern. No school sanctions will result from a trace finding.
9. Students must obtain written approval from the principal or principal's designee before reinstatement of privileges.
10. If during the 1 semester/70 school days suspension the student has two consecutive negative drug testing results from the random testing samples taken, the student will have a ONE TIME opportunity to be reinstated at the Second Offense step. If they test positive again at that step, they will move directly to the Third Offense step without another opportunity to move back.

#### **FOURTH OFFENSE:**

1. The parent/guardian shall be contacted to discuss the offense and the student's sanctions within ten school days of the date of the results are received by the District.
2. The appropriate campus administrators and personnel shall be notified of the student's positive test result.
3. The student ***shall be suspended from all activities and driving privileges for the remainder of the student's tenure in the District, unless he or she is reinstated under the following procedure:***
  - a. After one calendar year, the student may apply for reinstatement into the program. To apply for reinstatement, the student must:

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- i. Test negative on the next scheduled drug test. The student, or his or her parent/guardian, shall be responsible for the cost of these required drug tests.
  - ii. Submit a written letter requesting reinstatement into the program.
  - iii. Submit a letter of recommendation from a certified drug counselor employed outside of the District.
  - iv. Agree that once reinstated, he or she shall take the next eight consecutive drug tests. The student, or his or her parent/guardian, shall be responsible for the cost of all eight required drug tests prior to official reinstatement. After the eighth consecutive test, the student shall enter the random drug testing pool.
  - v. Agree to enter the program understanding that one positive drug test result shall constitute suspension from all activities and driving privileges for the remainder of the student's tenure in the District.
- b. A committee shall be formed and composed of a campus administrator, the athletic director, the student support counselor, and the school health advisory committee (SHAC) coordinator. The committee shall conduct a hearing, review documentation, and vote within 30 calendar days of the application submission. Committee members shall ensure that all documentation and discussions regarding a student shall be strictly confidential. A vote for reinstatement must be unanimous. The decision shall be final for one calendar year, at which time the student may again apply for reinstatement.

## **TESTING PROCEDURES AND PROTOCOLS:**

Every eligible male and female student in grades 7-12 shall be subject to an initial annual drug test as well as random testing throughout the school year.

Approximately 10 percent of the eligible student names shall be randomly selected by the District vendor from a computer program multiple times throughout the school year as funding permits.

Those selected shall submit a sample immediately upon request.

All specimens shall be collected and shall adhere to the following strict chain-of-custody procedures:

1. Before any Italy ISD student enrolled in grades 7-12 may participate in any school-sponsored extracurricular activities, receive a District parking permit, or drive on campus, both the student and the parent/guardian shall agree in writing that the student shall submit to the initial annual drug test and subsequent random drug-testing throughout the school year in accordance with these guidelines.

2. Students subject to random drug testing shall be selected from a pool of eligible students.
3. Students assigned to random drug testing will be required to turn in all cell phones and electronic devices to the district staff assigned to the testing site or as designated by administration. Devices will be returned after the sample is provided and they are excused from the testing site.
4. Screenings shall be completed by an independent laboratory under contract with the District, using an accepted immunological screening procedure. The laboratory is subject to change at the District's sole discretion.
5. Certified laboratory personnel and professional staff shall administer testing.
6. A student taking prescription medication must provide a current prescription dated on or before the drug test time frame in his or her name within a week of the positive test notification. If a prescription in the student's name is not provided to the appropriate school administrator in time specified, the test shall count as a positive and sanctions shall apply. (Prescription medication information may also be provided to the district at the beginning of the school year, or upon receipt of a new prescription, regardless of whether they take the prescribed medication at school.)
7. Each student selected to be tested shall provide a urine sample to the designee within two hours. Failure to produce a urine specimen in the allotted time period shall constitute a positive screening, unless there is a documented medical reason for the failure. Tampering or attempting to tamper with a sample shall also constitute a positive screening. The laboratory personnel administering the test shall take a minimum of 30 milliliters of urine, which may be used as needed during the appeal process.
8. Students required to provide a sample shall do so in a private stall with a door. The laboratory personnel or professional staff person shall stand outside the stall door.
9. Before entering the stall, the student shall be required to empty his or her pockets and shall not be allowed to take anything into the stall but the collection container.
10. The District vendor shall take collected specimens to an independent laboratory for processing.

All positive screenings shall be confirmed by either student admission or an additional test from a split sample that may include gas chromatography/mass spectroscopy (MS/GC) testing by the District vendor.

The District vendor shall send the results to the appropriate drug program administrator. The student's name and identification number shall identify all specimens.

Noncompliance with the testing procedures by a student shall be considered a violation of this policy and grounds for removal of all privileges.

Any student refusing to be tested, as well as any student tampering with or attempting to tamper with a sample, shall be subject to sanctions as if positive. Failure to provide a specimen



within two hours shall constitute a refusal to test. Readmission to any program shall be contingent upon agreeing to participate in the drug-testing program and having a negative test result.

## **CONFIDENTIALITY:**

The collection and coding of the specimen samples shall be executed in the above manner and shall be collected and transported to the testing facility to ensure confidentiality and proper identification.

Only the student, parent/guardian, campus principal, drug program administrators, athletic director, coach or sponsor/director, and appropriate campus and central office employees shall be given the test results from the drug program administrators.

All test results shall be destroyed upon graduation or when the student no longer has UIL eligibility.

A student re-enrolling in the District after testing positive and withdrawing from the District shall be enrolled at the same offense level that the student was placed before withdrawing.

## **WITHDRAWAL FROM THE TESTING PROGRAM:**

Only the parent/guardian or an adult student (18 years or older or married) may withdraw from the drug-testing program. Once a student is enrolled in the program, the student shall remain in the program for the remainder of the school year. If a student withdraws from the program after a positive drug test, he or she shall adhere to all sanctions as if never leaving the program in order to rejoin the program later in the year or any other time. Refusal to do so shall prevent the student from rejoining.

The withdrawal request shall be submitted in writing and shall be signed by the parent/guardian or an adult student.

## **APPEALS:**

If the student and/or the parent/guardian desire to appeal the test result, the appeal shall be submitted in writing.

During the appeal process, a portion of the sample gathered at the original testing opportunity shall be provided to the SAMHSA Certified laboratory of the parent's/guardian's choice, as indicated in writing, including facility address. Secured chain-of-custody procedures shall be required. The sample shall be transferred directly from one laboratory to the laboratory

designated by the parent/guardian. The parent/guardian or student shall be responsible for the payment of this test.

The current student appeal procedure for disciplinary decisions shall be available to parents/guardians and students contesting positive test results.

### **COST INCURRED BY THE PARENT OR STUDENT UNDER THE PROGRAM:**

The District shall not be responsible for any cost incurred by the parent/guardian or student for drug education, counseling, or treatment, including but not limited to residential treatment.

The District shall pay:

1. The cost of the initial annual drug tests required by the District; and
2. The costs for students selected for random testing in the drug-testing program.

Following a positive screening, the student, or his or her parent/guardian, shall be responsible for paying for any and all retests that are required by the District (not part of the random selection process) or requested by the parent/guardian or student, either in advance or in monthly installments.

### **REGULAR DISTRICT DISCIPLINARY SANCTIONS:**

Regular District disciplinary procedures shall be followed for any student who is found to be under the influence of, in possession of, using, or distributing illegal substances or paraphernalia on any District campus or any school-related event.



# Italy Independent School District

300 S. College St. Italy, TX 76651 972-483-7411

\_\_\_\_\_  
Print parent/guardian or adult student name  
DOES consent to participate in the Italy ISD Drug Testing Program.

Our Signatures are evident that we understand the written policy and accept responsibility for full participation.

We further agree and consent to the disclosure of the sampling, testing, and results as provided for in this Program. This consent is given pursuant to all state and federal privacy statutes, including the Family Education Rights and Privacy Act, and Hatch Amendment, and is a waiver of any right of non-disclosure of such test records and results, to the extent authorized in the Program.

We further understand that the student's participation in the program shall continue until graduation or until the student and his/her parent withdraws him/her from the Program **IN WRITING.**

As parents, we are aware of our child's participation and support his/her decision. We are aware that our child has the right to refuse to submit to the testing at any time, but that refusal will be viewed as a positive result and will be handled according to policy.

\_\_\_\_\_  
Student Name (Please Print)

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
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Parent Name (Please Print)

Parent Signature

Date

Contact Number

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE ATHLETIC DIRECTOR OR DISTRICT NURSE PRIOR TO PARTICIPATION IN ANY EXTRA OR CO-CURRICULAR ACTIVITY.**

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