

Students participating in public school represent the community, the school, and their peers. When illegal substances are used by any student, such use impinges upon the school's pride, cohesiveness and performance. As a result, the well-being of the individual, organizations and the general school community is diminished by any student's use of illegal substances and/or alcohol.

As participation in public school, including its elective classes and special organizations is both a privilege and a right, students voluntarily subject themselves to a degree of regulation higher than that which might be imposed by the local community. Students who voluntarily participate in school clubs and organizations have reason to expect intrusions upon normal rights and privileges, including privacy.

The public laws of Idaho also are founded upon the understanding that all persons can become dangerous to the community when use of illegal drugs is practiced. These same laws draw age limits under which our youth are not allowed alcohol which make it an illegal drug for most high school students.

Detection of illegal substances obtained pursuant to this policy will not be used as a basis to discipline a student or penalize him or her academically. Such detection will not be made a part of a student's permanent record, and does not constitute reasonable suspicion, pursuant to Idaho Code 33-210.

### **Philosophy and Rationale for Drug Testing**

If it is reasonably suspected that a student is using illegal drugs or alcohol during school hours or at school sponsored activities, this district's policy on student drug and alcohol use will be followed.

This policy is to oversee the voluntary testing of consenting students with parent consent under the Idaho Drug Free Youth (IDFY) Organization of Idaho. The Administration of Minidoka County Schools believes a voluntary, random drug testing program available to all students in grades seven through twelve is expedient for the reasons noted above. It is also noted that there will not be any cost to students or the school district general fund associated with gathering samples and testing for Idaho Drug Free Youth (IDFY), as well as administrative fees necessary to implement this policy.

### **Definitions:**

1. **Drug:** Controlled substances as defined by Idaho Code 37-2701, except those possessed by/or used pursuant to a valid prescription.
2. **Student:** Any student participating in any clubs or organizations sponsored by any school in the Minidoka County School District.

The following provisions apply:

1. Students who are drug tested under this policy will be given a reasonable opportunity to submit verification of legal drug use. At the time of the testing, each student will be given written notice that he or she has seventy-two (72) hours to submit verification of

any prescription drug use by providing a copy of the prescription, in a sealed envelope, to the drug testing officer. The drug testing officer will submit the sealed envelope, unopened, to a testing laboratory for consideration in making an analysis. The information regarding the use of prescription drugs is confidential and will not be shared with any school official. If the student fails to provide timely verification of legal drug use, he or she will be subject to retesting.

### **Procedures and Guidelines for Testing Voluntary Students**

1. **Parent Consent:** Parental/Guardian consent is not necessary for those students who are 18 years of age. For all students under 18 years of age, voluntary urine analysis must be accomplished to join the Idaho Drug Free Youth (IDFY) organization and randomly done throughout the school year. If a student and or parent/guardian refuses to sign the consent form for voluntary drug testing, or the student refuses to submit to testing, the school district may not show any academic prejudice or persecution for this action by the parent/guardian or student, but the student may not join ~~IDFY~~ IDFY.
2. **Student Selection:** Random testing will be conducted weekly during the school year of approximately 10% of the total number of volunteer members of the Idaho Drug Free Youth organization. The drug testing officer shall take all reasonable steps to assure the integrity, confidentiality, and random nature of the selection process including, but not necessarily limited to:
  - a. Assuring that the names of all participating students are in the pool.
  - b. Assuring that the person drawing names has no way of knowingly choosing, or failing to choose, particular students for the testing.
  - c. Assuring that the identity of students drawn for testing is not known to those involved in the selection process.
3. **Sample Collection:** Voluntary samples will be collected at a time mutually convenient for the school schedule and the IDFY drug testing officer. If the student is unable to produce a sample at any particular time, that student will be allowed to return later that same day to provide the sample. All students providing samples will be given the option of doing so alone in any individual stall with the door closed. A sample cup will be given to each chosen student. A proctor will monitor the testing to assure the validity of the test. The student will give the sample to the proctor who is administering the test. Any negative samples will be disposed of immediately. Upon a positive test, the student will be required to produce a second sample within that same day. This sample will be sent to an independent laboratory for verification of the positive test. The test results will only be kept for one (1) year.
4. **Scope of Tests:** The person collecting the sample will be instructed to test for one or more illegal drugs. Student samples will not be screened for the presence of any substances other than an illegal drug (or alcohol) or for the existence of any physical condition other than drug (or alcohol) intoxication. The drug test may test for amphetamines, cocaine, THC, PCP, morphine and alcohol due to age limitations on drinking for middle and high school students.
5. **Limited Access to Results:** The results of the tests will be disclosed only to the student and parent/guardian, and those school personnel who have to know as determined by the superintendent or designee. The results will not be turned over to law enforcement authorities or used for any internal disciplinary functions.

**6. Consequences/Procedures in Event of a Positive Result:****a. For IDFY members:**

- i. First confirmed positive result:** The student's parent/guardian, school counselor and IDFY board will be notified. At a meeting of the IDFY board, the student tested positive will only be identified by number and the IDFY student board will impose 'corrective activity' for the offending student of which the IDFY advisor and school principal must approve. 'Corrective activity' may include suspension from IDFY, including all rewards for three 3 months, and loss of IDFY ID card. Other 'corrective activity' could include a paper to write, report to prepare or other voluntary service project within the school community.
- ii. Second confirmed positive result:** If within two (2) calendar years from the first confirmed positive result, the student will be suspended from IDFY and all rewards thereof for the remainder of the current school year.
- iii. Third confirmed positive result:** If within two (2) calendar years from the first confirmed positive result, the student will be automatically suspended from IDFY, including all rewards thereof, for the remainder of the current school year and will be ineligible for participation in IDFY in the next two (2) school years.

**b. For all other students:**

- i. No further action will be taken by the District, unless the student is an athlete or member of a school sponsored club, in which case the Athletic/Activity Director will be informed of the result.**

- 7. Non-Punitive Nature of Policy:** 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 drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process. The student and the student's custodial parent or legal guardian will be notified at least seventy-two (72) hours before response is made by the district, unless ordered otherwise by the courts.
- 8. Voluntary Testing Program:** Minidoka County School District is truly concerned and committed to helping students who are encountering drug and alcohol problems. We realize that a student with drug dependency or use problem is not able to work to his/her potential ability and stands a greater chance of coming into contact with law enforcement due to increased criminal activity. To assist in the ultimate goal of drug free school and drug free students, we will provide drug testing to any student whose parents request the testing be done. The testing is provided at no cost to parents and is absolutely confidential in nature with only the parents, student, and testing officer knowing the results. There are no legal or criminal actions taken, and no discipline from the district will result from the testing. There will not be a record kept. This service is offered solely for the information of the parent(s) and is ultimately their decision as to what to do with the information.

**LEGAL REFERENCE: Idaho Code §37-2701****ADOPTED: June 16, 2008**

**AMENDED/REVISED:**