



## **Lago Vista Independent School District Random Drug Testing for Students Participating in Extracurricular Activities**

Lago Vista ISD has a vital interest in maintaining a positive learning environment that is safe and healthy for all students. To fulfill that purpose, the District designed a random drug-testing program as a positive, proactive approach to promote a drug free student body.

By adopting the program, the District desires to: (1) provide for the health and safety of all students, (2) undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal drugs, (3) deter students from using drugs, (4) prevent injury or harm to students that may arise as a result of drug use, and (5) to provide resources for support and assistance to any student who may be using illegal drugs.

### **Applicability**

Since drug use can increase the risk of injury to student participating in school-sponsored extracurricular activities and since these students are often role models to other students, the District shall require all students in grades 7-12 who participate in school-sponsored extracurricular activities to undergo random drug testing. School sponsored extracurricular activities include but are not limited to:

Football	Tennis	Academic UIL
Volleyball	Track	One Act Play
Basketball	Golf	FFA
Cross Country	Powerlifting	Student Council
Baseball	Cheerleading	National Honor Society
Softball	Band	Class Officers

### **Voluntary Participation**

Any student in grades 7-12 to whom the program may not apply, as specified above, shall be permitted to participate voluntarily in the student drug-testing program. This policy will be implemented with respect to voluntary participants in the same manner as with those students who choose to participate in school-sponsored extracurricular activities.

## **Student Code of Conduct**

The random drug-testing program is not intended to abridge or interfere with the application of the Student Code of Conduct or the Discipline Matrix. However, the consequences set forth in the Student Code of Conduct and/or the Discipline Matrix for the possession, use, selling, delivering, giving or being under the influence of illegal drugs or alcohol shall not be invoked only on the basis of a positive test result under this program.

## **Student and Parent Permission**

Written parental consent to random drug testing must be completed before a student is allowed to participate in a practice or competition of a school-sponsored extracurricular activity. No student may participate in a practice or competition until the consent form is executed and on file with the designated school official. If the student is of legal age (age 18 or older), he or she must sign the permission form. Consent forms are valid for the current school year only.

Because participation in extracurricular activities is a privilege and not a right, refusal to consent to random drug testing will result in the denial of participation in the identified extracurricular activities.

## **Testing Procedures and Protocol**

The District shall provide the testing entity with a list of all identified extracurricular activity participants and voluntary participants. Students will be chosen for the testing by random selection conducted by the testing laboratory. The random selection process is intended to eliminate subjective factors from playing a role in the selection of the students to be tested.

## **Frequency**

A percentage of students in grades 7-12 participating in school sponsored extracurricular activities and students who are voluntarily participating shall be tested. The testing entity will select the dates for conducting the periodic random drug test. The selection of dates will not follow any recognizable pattern.

## **Testing Standards**

Testing shall be conducted through accepted scientific means using approved practices and procedures established by the testing entity selected by the District. The testing parameters shall be set at industry standards as defined by the National Institute for Drug Abuse. The testing entity will have met all standards for certification as established by the Substance Abuse and Mental Health Services Administration (SAMHSA) and qualified laboratory personnel, in accordance with accepted practices and procedures, shall conduct all testing.

Testing shall be accomplished by urinalyses using accepted immunological screening procedures, and chain of custody documentation shall be maintained throughout the collection and testing process. Specimen samples shall be collected under conditions that are not more intrusive to students than the conditions experienced in a public restroom. The Superintendent, with cooperation of the testing laboratory, shall develop and review regulations for the collection and testing of specimens.

The vendor with whom the District contracts for drug testing shall provide the services of a Medical Review Officer (MRO) who is certified by the Medical Review Officer Certification Council or by the American Association of Medical Review Officers as having proven by examination to have the appropriate medical training to properly interpret and evaluate the results of any drug testing authorized by the District. The MRO shall agree to abide by the procedures established by the District for the evaluation and timely reporting of verified positive results.

## **Parent Contact Regarding Positive Test Results**

In the case of a positive test result, the MRO or an authorized representative shall attempt to contact the parent or other person having lawful control of the student within one (1) school day of receiving the results. Should the MRO be unsuccessful in initial attempts to contact the parent within the time specified, the District shall provide assistance in locating the parent or other person having lawful control of the student. In such cases, both parties should only assume that the contact is for the purpose of responding to routine follow-up questions associated with a positive test result and inquiries related to any medication(s) ingested by the student.

## **Verification of Positive Test Results**

Verification of a positive result shall be confirmed by a second test of the original specimen by the District's contracted MRO.

## **District Notification of Verified Positive Test Results**

After contacting the parent or other person having lawful control of the student and upon verification of a second positive test result, the MRO or representative shall report the verified positive test result to the Superintendent or designee within one (1) school day.

## **Confidentiality**

Student privacy will be protected in accordance with all applicable laws. Records of test results will be kept confidential and provided only to the student, his or her the parent or other person having lawful control of the student, the Superintendent or designee, personnel responsible for administering the extracurricular activity, other school officials with a legitimate interest in the information, or as otherwise required by law or overriding health or safety concerns. Test results are kept separate from other school records and will be maintained under lock and key in the district administration office.

School personnel are only allowed to view the information if they have a legitimate interest in the results. Results shall not be shared with law enforcement except as required by law. Testing results may be released to treatment facilities only upon written request of the parent or other person having lawful control of the student or the student, if he/she is of legal age.

All test results shall be destroyed when the student graduates or when the student's eligibility to participate in extracurricular activities expires. The test results will not be transferred to another district.

The contracted laboratory and MRO shall be prohibited from releasing any statistical information relating to the nature or rate of any positive tests that result from the testing program to any person, organization, news publication, or the media without the expressed written consent of the District. The contracted laboratory and/or MRO shall, however, provide the Superintendent a report, at least quarterly, which shall include the number of tests performed during the specified period, the rate of positive and negative results, and a list of substances identified from any positive results.

## **Substances Eligible for Testing**

For purpose of the program, the term "drugs" shall be defined as any substance defined as prohibited by either federal or Texas law for use by students, including but not limited to the following:

Amphetamines/methamphetamines

Barbiturates

Cannabinoids/marijuana

Steroids

Phencyclidine

Benzodiazepines

Cocaine

Methaqualone

Opiates

Propoxyphene

Alcohol

Inhalants/abusable volatile chemicals

The District shall reserve the right to test for any and all illegal or controlled substances, including adulterants used to mask test results, as determined by and at the discretion of the District.

### **Failure or Refusal to Submit to Drug Testing**

Refusal to submit to a drug test or noncompliance with the testing after signing the consent form shall result in the same consequence as a positive test result and will be reported to the appropriate school representatives by the MRO.

### **Adulterated or Tampered Specimen**

If the testing entity determines that a student adulterated or tampered with a specimen, the student shall receive the same consequence he/she would receive from a positive test result.

### **Consequences – First Positive Test Result**

The District has established the following consequences for the first positive test results:

**Notification:** Within five (5) school days of notification of a verified positive test result, the principal shall schedule a conference with personnel responsible for administering the extracurricular activities in which the student participates and the parent or other person having lawful control of the student.

**Suspension:** The student shall be suspended from all extracurricular activity performances and competition for a period of 30 days from the date of the first positive test result. However, the student may attend all regularly scheduled practices and meetings.

**Counseling:** As a condition to returning to full participation, the student must provide documentation that he or she attended and successfully completed four (4) hours of substance abuse counseling from an approved provider. Proof of counseling must be furnished to the principal within thirty (30) days of the notification of a verified positive test result. Any costs of counseling services shall be the responsibility of the parent or other person having lawful control of the student.

**Additional Testing:** As a prerequisite for returning to full participation, the student must submit to a new drug test and have a negative (clean) test result. The student shall also be required to submit to testing on the next six (6) random testing dates.

**Failure to Comply:** Failure to meet these requirements within the specified time lines shall result in the student being suspended from participation in all identified extracurricular activities until the requirements are satisfied.

### **Consequences – Second Positive Test Result**

The District has established the following consequences for the second positive test results:

**Notification:** Within five (5) school days of notification of a verified positive test result, the principal shall schedule a conference with personnel responsible for administering the extracurricular activities in which the student participates and the parent or other person having lawful control of the student.

**Suspension:** The student shall be suspended from all extracurricular activities, including participation in practice, for the remainder of the semester or eighty-nine (89) days, whichever is longer. Students will be tested randomly during the suspension period and at the end of the suspension before participation in extracurricular activities. Any positive test during this time will be considered a third offense.

**Counseling:** As a condition to returning to full participation, the student must provide documentation that he or she attended and successfully completed twelve (12) hours of substance abuse counseling from an approved provider. Proof of counseling must be furnished to the principal within thirty (30) days of the notification of a verified positive test result. Any costs of counseling services shall be the responsibility of the parent or other person having lawful control of the student.

**Additional Testing:** The student shall be required to submit to testing at each random testing time for the remainder of his/her enrollment in the District.

**Failure to Comply:** Failure to meet these requirements within the specified time periods shall result in the student being suspended from participation in all applicable extracurricular activities until the requirements are satisfied.

### **Consequences – Third Positive Test Result**

The District has established the following consequences for the third positive test results:

**Notification:** Within five (5) school days of notification of a verified positive test result, the principal shall schedule a conference with personnel responsible for administering the extracurricular activities in which the student participates and the parent or other person having lawful control of the student.

**Suspension:** The student shall be suspended from all extracurricular activities for the remainder of his/her enrollment in the District.

**Reinstatement:** A student suspended from all extracurricular activities for the remainder of his/her enrollment in the District may submit a petition of reinstatement after one calendar year from the date of the suspension resulting from the third positive test result. The petition for consideration of reinstatement shall be submitted to the Superintendent or designee. Reinstatement of extracurricular participation privileges shall be contingent upon substantiated rehabilitation and other conditions deemed appropriate.

### **Time Period for Consequence Accumulation**

Consequences for positive test results are cumulative by campus level. However, consequences are cumulative for duration of student's middle school and high school careers, respectively.

Consequences incurred by a student in middle school shall not continue to accumulate as the student initially enters high school; the student's record of positive test results will be vacated and reset upon his/her initial entry into high school. However, consequences resulting from positive test results in high school continue to accumulate throughout the student's enrollment in high school.

*The following examples are for illustrative purposes only.* For example, if a middle school student receives a positive test result in 7<sup>th</sup> or 8<sup>th</sup> grade as a first offense, any subsequent positive test result while the student is enrolled in middle school will be a second offense, third offense, etc. Consequences resulting from positive test results in middle school do not extend to high school. If a student's first offense resulting from a positive test result occurs during the freshman year, the second offense could occur during the sophomore year, etc.

### **Positive Test of Voluntary Participant**

The consequences of a positive test result shall apply to a student who voluntarily participates in the drug-testing program in the same manner that they apply to a student who participates in school-sponsored extracurricular activities.

### **Student Support Services**

The District shall support and assist any student who may be required to participate in substance abuse education or counseling program with identification of and referral to reputable social service agencies, as appropriate. Any cost of such services, however, shall be the responsibility of the student and/or parent or other person having lawful control of the student.

### **Academically Non-Punitive**

A positive test result will not affect the student's grade in any curricular class associated with the extracurricular activities. However, if participation in the extracurricular activities is required for the class or affects the student's grade, the student may be required to satisfy participation requirements in alternative ways. Test results will not be documented in the student's academic record.

### **Requests for Retesting Following a Positive Test Result**

Should a student or parent or person having lawful control of the student elect to appeal a positive test result, a laboratory that is mutually agreed upon by both parties may conduct another test of the original specimen in question. A request for a retest must be made in writing to the Superintendent or designee within forty-eight (48) hours from the time that the parents were first notified of a positive test result by the MRO. In such cases, the student and/or parent or other person having lawful control of the student shall assume responsibility for payment of all fees related to the third test.

Any retest of the original specimen must be conducted in accordance with the procedures outlined in this policy. The results of the retest conducted by an approved second laboratory will be used in lieu of the results generated by the District's testing laboratory. However, the District will not consider retest results from a non-approved laboratory.

**Lago Vista Independent School District  
Random Student Drug Testing Acknowledgement Form**

The District's random drug testing policy shall apply to middle and high school students who plan to participate in extracurricular activities. Students shall not be allowed to participate until this form is completed, signed, and returned. A copy of LVISD's Policy on Random Drug Testing for Students Participating in Extracurricular Activities may be received at the Lago Vista High School, Lago Vista Middle School, the District's Administration Offices, or viewed online.

**I have read a copy of LVISD's Policy on Random Drug Testing for Students Participating in Extracurricular Activities. I understand that this policy is part of the District rules and that it applies to all high school and middle school students participating in extracurricular activities. By signing this, I acknowledge that I understand LVISD's Policy on Random Drug Testing for Students Participating in Extracurricular Activities and that my participation in extracurricular activities is contingent upon participating in the District's drug testing program.**

\_\_\_\_\_  
Print Student's Name

\_\_\_\_\_  
Grade

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

**I have read a copy of LVISD's Policy on Random Drug Testing for Students Participating in Extracurricular Activities. I understand that this policy is part of the District rules and that it applies to all high school and middle school students participating in extracurricular activities. By signing this, I acknowledge that I understand LVISD's Policy on Random Drug Testing for Students Participating in Extracurricular Activities and give my consent for my son/daughter to participate in the District's drug testing program.**

\_\_\_\_\_  
Print Parent/Guardian's Name

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

*Note: Consent forms are valid for the current school year only.*