



**Devine Independent School District**  
**Student Drug Testing Policy-FNF (LOCAL)**  
**Approved by the Board of Trustees- April 10, 2006**  
**Revised 11/2/2020**

### **Student Drug Testing Program Rationale**

Devine ISD has a vital interest in maintaining a safe and healthy environment for all of its students. The District understands that the use of illegal drugs poses serious health and safety risks to the user, those associated with the user, and potentially to the public.

The District has determined a need to implement a program of random drug testing of students in grades 9-12 as a condition of their participation in competitive extracurricular activities and/or as a condition of obtaining/maintaining a permit to park on campus. Competitive extracurricular activities for which testing is required includes all UIL activities and other activities approved by the District as extracurricular. Competitive extracurricular activities are those that are school-sponsored, school-related, competitive activities including elective offices, and participation in clubs, teams, or organizations. Any student wishing to drive a vehicle on campus or to secure a school parking permit is required to participate in the random drug testing program. This provision becomes effective August 1, 2006.

### **Objectives**

The drug-testing program shall not be designed as a punitive measure with the intent of identifying and punishing those who may use illegal drugs and/or performance-enhancing drugs. Rather, the following objectives shall serve as the foundation for the program.

1. To ensure the health and safety of all students who represent the District in competitive extracurricular activities and students who desire parking permit privileges;
2. To serve as a deterrent to the use of illegal drugs and/or performance-enhancing drugs among the student body;
3. To offer students a credible means to resist peer pressure as it relates to the use of illegal drugs and/or performance-enhancing drugs;
4. To provide a ready resource for support and assistance to any student who may be using illegal drugs and/or performance-enhancing drugs.

### **Applicability**

This policy shall apply to all District students in grades 9-12 as a condition of participation in competitive extracurricular activities and/or as a condition of obtaining/maintaining a permit to park on campus.

### **Distribution of Policy**

The District shall provide each parent/guardian and student a copy of the drug testing policy and consent form prior to the student's participation in an affected activity.

The District shall conduct a meeting with parent/guardian and interested student participants at the beginning of the fall semester. District employees shall explain the drug testing program and review the policy and consent form.

Student attendance at the orientation meeting is mandatory; however, parent/guardian attendance at an orientation meeting is not mandatory, but is highly recommended.

### **Student and Parent Consent**

Before a student may be allowed to participate in competitive extracurricular activities and/or obtain/maintain a permit to park on campus, the student and the parent/guardian must present written consent to the testing.

### **Random Testing**

All students in grades 9-12 who intend to participate in competitive extracurricular activities and/or obtain/maintain a permit to park on campus during the course of the school year are subject to random drug testing. This pool of students shall be subject to random testing at a frequency and at a rate to be determined by the school administration. Students shall not receive prior notice of the testing date or time.

## **Tampering or Refusal to Test**

A student who refuses to be tested when selected or who is determined to have tampered with a sample shall be deemed to have a positive test result and shall be subject to the appropriate consequences depending on previous positive test, if any. If a student is absent on the day of the random test, a sample shall be collected on the next random testing date.

## **Use of Results**

Test results shall be used only to determine eligibility for participation in competitive extracurricular activities and on-campus driving privileges. Positive drug test results shall not be used to impose disciplinary sanctions or academic penalties.

Nevertheless, nothing in this policy shall limit or affect the application of state law, local policy, or the Student Code of Conduct. A student who commits a disciplinary offense shall be subject to consequences in accordance with the Student Code of Conduct.

## **Testing Procedures and Protocol**

The District shall contract for drug-screening services through an independent laboratory that has met all standards for certification, and all testing shall be conducted by qualified laboratory personnel in accordance with accepted practices and procedures established by the contracted laboratory. Testing shall be accomplished by urinalysis using accepted immunological screening procedures; chain of custody documentation shall be maintained throughout the collection and testing processes.

Any specimens that test positive shall be confirmed by Gas Chromatography/Mass Spectrometry (GC/MS) testing methodology.

The vendor with whom the District contracts for drug testing shall provide the services of a certified medical review officer (MRO). The MRO shall, as well, agree to abide by the procedures established by the District for the evaluation and timely reporting of any positive tests.

In the case of a confirmed positive test, the MRO or an authorized representative shall attempt to contact the parent/guardian, within one school day of having received the results. Should the MRO be unsuccessful in initial attempts to contact the parent/guardian within the time specified, the District shall provide assistance in locating the parent/guardian. In such cases, the parties should only assume that the contact is for the purpose of responding to routine questions associated with the follow-up of any test. Upon verification of a positive test, the MRO or representative shall report the result to the Superintendent or designee within one school day after confirmation with the parent/guardian.

## **Confidentiality**

The collection and coding of specimen samples shall be executed in a manner that ensures proper identification and total confidentiality.

Test results shall be confidential and shall be disclosed to the student, the student's parents/guardians, the sponsor of the student's extracurricular activity(ies), the campus parking permit official when applicable, and only those designated District officials who need the information in order to administer the testing program and assist those requesting help. Test results shall not be maintained with a student's academic record.

Test results shall be released only upon written request of a parent/guardian or to a student who is of legal age. Test results shall be destroyed within 60 days of when the student graduates. If the student withdraws before graduation and does not return, records shall be destroyed when the student reaches 19 years of age.

The vendor, 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 vendor shall, however, provide the District with a report, at least once per semester, that includes the number of tests performed during the specified period, the rate of both positive and negative results, and a list of the substances identified from any positive specimens.

## **Screening Parameters**

For purposes of this policy, the term drug shall be defined as any substance considered illegal by either federal or Texas law or that is controlled by the United States Food and Drug Administration including but not limited to the following: Amphetamines/methamphetamines (speed, uppers, diet pills), Barbiturates (downers, sleeping pills), Benzodiazepines (Valium, Librium), Cannabinoid (marijuana), Cocaine metabolite, Ethanol (alcohol), Hallucinogens (LSD), Opiates (heroin, morphine, codeine), Phencyclidine (PCP, angel dust), Propoxyphene (Darvon), Anabolic steroids (performance-enhancing drugs).

The District shall reserve the right to test for any and all illegal or controlled substances as determined at the discretion of the District.

## **Positive Test Results**

An initial positive test shall be confirmed by a second test of the same specimen before being reported as positive.

Upon receiving results of a positive test, the testing laboratory shall notify the student and the student's parent/guardian if the student is under the age of 18. If the parent/guardian contends there is a medical explanation for a positive test, the student or parent/guardian must notify the testing laboratory and provide the medical documentation to the laboratory within 5 days from the time they were initially notified. If not, the positive result shall stand.

Upon receiving results of a positive drug test, the principal shall schedule a meeting with the student, parent/guardian, and the athletic director or sponsor of the competitive extracurricular activity to review the test results and discuss consequences.

## **Consequences**

Consequences of positive test results shall be cumulative through the student's enrollment in the district.

A student who has a confirmed positive test shall be subject to the following consequences:

### **First Offense**

The student shall be suspended from all competitive or extracurricular activity or driving privileges for 30 calendar days commencing on the date the District is notified of the positive test results.

During the period of suspension, the student may participate in practices, but shall not dress out or participate in any other competitive or extracurricular activities or performances. A medical release shall be required prior to practicing with a team.

The District shall provide the student and parent/guardian information regarding external agencies that provide substance abuse education or counseling upon request.

The participant shall be required to show proof of attendance in a certified drug-abuse program or to show proof of private drug-abuse counseling; however, any cost of such external services shall be the responsibility of the student and/or parent/guardian.

The participant shall undergo drug testing at each testing date for one year (12 months). If the results of the subsequent tests are negative, the participant shall be eligible to participate in performances, competitions, activities, and/or regain driving privileges at the end of the 30-calendar day suspension period. A positive result in the subsequent drug testing shall count as a second offense.

Prior to resuming participation in competitive or extracurricular activities the student shall be required to provide a medical release.

Proof of counseling and testing must be provided to the principal prior to the revocation of the suspension.

The MRO may use quantitative results to determine if positive results on repeat testing indicate recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substances from the body. If the MRO feels the quantitative levels determined to be above the established cutoffs do not reflect current use by natural decay, then a negative result may be reported.

### **Second Offense**

The student shall be suspended from any competitive or extracurricular activity or driving privileges for 90 calendar days commencing on the date the District is notified of the positive test results.

During the period of suspension, the student may participate in practices, but shall not dress out or participate in any other competitive or extracurricular activities or performances. A medical release shall be required prior to practicing with a team.

The District shall provide the student and parent/guardian information regarding external agencies that provide substance abuse education or counseling upon request.

The participant shall be required to show proof of attendance in a certified drug-abuse program or to show proof of private drug-abuse counseling; however, any cost of such external services shall be the responsibility of the student and/or parent/guardian.

The participant shall undergo drug testing at each testing date for one year (12 months). If the results of the subsequent tests are negative, the participant shall be eligible to participate in performances, competitions, activities, and/or regain driving privileges at the end of the 90-calendar day suspension period. A positive result in the subsequent drug testing shall count as a third offense.

Prior to resuming participation in competitive or extracurricular activities the student shall be required to provide a medical release.

Proof of counseling and testing must be provided to the principal prior to the revocation of the suspension.

The MRO may use quantitative results to determine if positive results on repeat testing indicated recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substances from the body. If the MRO feels the quantitative levels determined to be above the established cutoffs do not reflect current use by natural decay, then a negative result may be reported.

### **Third Offense**

The student shall be suspended from any competitive or extracurricular activity or driving privileges for one calendar year commencing on the date the District is notified of the positive test results.

The student shall also be suspended from the athletic program, all competitive extracurricular practices, performances, competitions, activities, and/or driving privileges for one calendar year.

The District shall provide the student and parent/guardian information regarding external agencies that provide substance abuse education or counseling upon request.

The participant shall be required to show proof of attendance in a certified drug-abuse program or to show proof of private drug-abuse counseling; however, any cost of such external services shall be the responsibility of the student and/or parent/guardian.

The participant shall undergo drug testing at each testing date for one year (12 months). If the results of the subsequent tests are negative, the participant shall be eligible to practice and participate in performances, competitions, activities, and/or regain driving privileges at the end of the one calendar year suspension period. A positive result in the subsequent drug testing shall count as a fourth offense.

Prior to resuming participation in competitive or extracurricular activities the student shall be required to provide a medical release.

Proof of counseling and testing must be provided to the principal prior to the revocation of the suspension.

The MRO may use quantitative results to determine if positive results on repeat testing indicated recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substances from the body. If the MRO feels the quantitative levels determined to be above the established cutoffs do not reflect current use by natural decay, then a negative result may be reported.

### **Fourth Offense**

The student shall be suspended from participation in any competitive extracurricular activity and/or parking permit privileges for the remainder of the student's enrollment in the District.

The District shall provide the student and parent/guardian information regarding external agencies that provide substance abuse education or counseling upon request.

### **End of Semester Suspensions**

If the student's suspension from participation for a first or second offense is not completed by the end of the second semester, the student shall complete the assigned period of suspension during the first semester of the following school year and/or at the beginning of fall competitive extracurricular practices/activities.

### **Withdrawal**

If the student is suspended from participation in any competitive extracurricular activity but withdraws from the competitive extracurricular activity prior to completing the requirements contained in FIRST OFFENSE, SECOND OFFENSE or THIRD OFFENSE, as applicable, the student must complete such requirements prior to participation in any competitive extracurricular activity.

### **Appeals for Positive Results**

Should a student and/or parent/guardian elect to appeal a positive test result, the second half of the specimen in question may be tested by a laboratory agreed upon by the District. In such cases, the student and/or parent/guardian shall assume responsibility for payment of all fees related to the second test. A written request to appeal a positive test result must be submitted to the Superintendent or designee within five working days from the first notification from the MRO or authorized representative of the results. The student shall be ineligible for participation in competitive extracurricular activities while the appeal is pending.

### **Appeals-Student and Parent Complaint**

A student and/or parent/guardian may appeal a decision made under this policy to the Superintendent's designee by filing a written complaint according to the provisions and time lines as set forth in policy FNG(LOCAL). The student shall be ineligible for participation in competitive extracurricular activities while the appeal is pending.