

# LOWNDES COUNTY SCHOOL DISTRICT RANDOM DRUG TESTING POLICY

In an effort to protect the health and safety of students involved in extracurricular activities from illegal and/or performance-enhancing drug use and abuse and to curtail the use of such drugs, the Board of Education (the “Board”) of the Lowndes County School District (the “District”) adopts the following policy for random drug testing of all students Grades seven (7) through twelve (12) who participate in extracurricular activities.

## STATEMENT OF PURPOSE AND INTENT

Although the Board of Education, administration, faculty, and staff desire that no student use or possess illegal or performance enhancing drugs, we realize that our power to restrict the possession or use of such drugs is limited. Therefore, this policy governs only the use and possession of performance-enhancing and illicit use of drugs by students participating in extracurricular activities. This policy supplements and complements all other policies, rules, and regulations of the District regarding possession or use of illicit drugs, including, but not limited to, all policies and rules concerning reasonable suspicion of the use or possession of such illegal drugs. The policy also supplements and complements all laws and policies with respect to special education students.

Participation in school-sponsored extracurricular activities in the District is a privilege. Students respect those students who participate in these activities and see them as examples. Participating students represent the District and their community. Accordingly, students in these activities carry a responsibility to themselves, their fellow students, their school, their families, and their community to set the highest possible examples of conduct, sportsmanship, and training, which includes avoiding the use or possession of illegal and performance-enhancing drugs.

The purposes of this policy are six-fold:

1. To educate students about the serious physical, mental, and emotional harm caused by illegal drug use.
2. To alert students with possible substance abuse problems to the potential harm that drug use poses for their physical, mental, and emotional well-being.
3. To offer students the privilege of competition and participation in extracurricular activities as an incentive to stop using such substances.
4. To ensure that students adhere to a training program or health regimen that prohibits illegal and performance-enhancing drugs.
5. To prevent injury, illness, and harm to students that may arise as a result of illegal and performance enhancing drug use.
6. To offer students school activities free of the effects of illegal and performance- enhancing drug use.

Illegal and performance-enhancing drug use of any kind is incompatible with the physical, mental, and emotional demands placed upon participants in extracurricular activities and with the positive image these students project to other students and to the community on behalf of the District. To protect the safety, health and well-being of all students involved in extra-curricular activities, the District adopts this policy for all participants in specified extracurricular activities in grades 7 through 12.

## **I. Definitions**

“Activity Student” means a member of any middle school or high school sponsored extracurricular organization. This definition includes any student who represents District schools in any extra-curricular activity involving competition of any kind, such as academic team, band, vocal, choral, cheerleader, and athletics.

“Drug Test” means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs, or the metabolites thereof, performed by an independent testing company.

“Random Selection Basis” means a mechanism for selecting Activity Students for drug testing that:

- A. results in an equal probability that any Activity Student from a group of Activity Students subject to the selection mechanism will be selected.
- B. does not give the District discretion to waive the selection of any Activity Student selected under the mechanism, and
- C. is administered by a professional testing company employed by the District

“Illegal Drugs” means any substance that an individual may not sell, possess, use, distribute, or purchase under either federal or Mississippi law. “Illegal Drugs” includes, but is not limited to, all scheduled drugs as defined by Miss. Code Ann. Sections, 41-29-113, 41-29-115, 41-29-117, 41-29-119 and 41-29-121, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose.

“Performance-enhancing Drugs” include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed, or other athletic ability. The term does not include dietary or nutritional supplements such as vitamins, minerals, and proteins that can be lawfully purchased over-the-counter.

“Positive” when referring to a drug test administered under this policy means a toxicological test result that is considered to demonstrate the presence of an illegal or a performance-enhancing drug, or the metabolites thereof, using the standards customarily established by the testing company administering the drug test.

## **II. Medical Review**

A Medical Review Officer of the testing company shall be responsible for the reviewing and verification of all positive test results.

## **III. Notification**

Each Activity Student shall be given a copy of this policy and of the Student Drug Testing Consent. Both the student and the student's parent or custodial guardian must read, sign, and date the Student Drug Testing Consent. **No student shall be allowed to practice or participate in any extra-curricular activity to which the policy applies unless the student has returned the fully executed Student Drug Testing Consent.** The District reserves the right to supplement and modify the extra-curricular activities to which the policy applies.

Each semester, principals and/or a representative of the independent testing company will present an informational session to students to educate them about the sample collection process, privacy arrangements, drug testing procedures, the consequences of positive drug tests, and related procedures and practices. The purpose of the session is to reassure the Activity Student, to avoid embarrassment or uncomfortable feelings about the drug testing process, and to give notice of the consequences of drug use.

## **IV. Procedures**

Activity Students will be chosen on a random selection basis from a list of all Activity Students, no matter if the activities are off-season or in-season. The District will determine the number of names to be drawn at random for drug testing. An independent testing company will select the names of the Activity Students at random and will administer the drug testing.

The testing company must use scientifically validated toxicological testing methods, have detailed, written specifications to assure chain of custody of the specimens, and use proper company control and scientific testing. The drug testing company will send all positive results to the medical review officer. The responsibility for verification of final results belongs to the testing company.

The testing company shall conduct all aspects of the drug-testing program, including the taking of urine specimens, so as to safeguard the student's personal and privacy rights to the maximum degree practicable. The test specimen shall be obtained in a manner designed to minimize intrusiveness to the student. If at any time during the sampling procedure the testing company employee has reason to believe or suspect that a student is tampering with the specimen, the testing company employee may stop the procedure to determine if a new sample should be obtained.

The medical review officer will notify the student, parents and/or guardian of a positive test and will verify information supplied him/her of prescription medications, if necessary, which might contribute to the positive test results. If the student, parents and/or guardian do not respond to the medical review officer's notification within seventy-two (72) hours of the first attempted contact the medical review officer shall have no further duty to attempt to contact the students, parents and/or guardian.

**V. Confidentiality**

The testing company will notify the principal of the school that the Activity Student Attends, and will also notify the Superintendent or his designee of any positive test results. To keep positive test results confidential, the principal will notify only the student, the student's parent or guardian, and the coach/sponsor of the activity or activities in which the student participates of the test results. Test results will be kept in files separate from the student's other educational record and shall be disclosed only to school personnel who have a need to know.

**VI. Consequences**

**FIRST VIOLATION**

Upon the first violation, the student shall be suspended from participation in the event/s, activity or activities in which he/she is currently participating for a minimum of 28 days, beginning no earlier than the opening game or event for that sport or activity. If a student is not participating in an in-season sport or activity, he/she will have a 28 day suspension no earlier than the opening event of the next season in which he/she participates.

If the violation relates to the consumption or use of a prohibited substance, to the extent the substance is capable of being detected by a drug test, the student cannot be reinstated to the team, squad or activity until he/she tests negative for that prohibited substance as a result of an approved drug test. Upon confirmation of a positive test the student will be required to undergo counseling. The activity student must attend the drug counseling or educational program at the activity student's expense. The counselor, activity student, and his or her parents/guardians will determine the length and manner of counseling. Proof of counseling through an approved or certified program must be provided to the Athletic Director.

**SECOND VIOLATION**

Upon the second violation, the student will be suspended from participating in any event or activity for the remainder of the school year in which the second violation occurs, also the student will be suspended from school for three (3) days for violating this drug use policy. However, the duration of the suspension shall be for a minimum of twelve weeks and shall be carried over to the next school year if necessary; and thereby preclude such student from participating in any other event or activity during the twelve-week minimum suspension period.

Before he/she can be reinstated to the team or squad, or otherwise be eligible to participate in any other sport or activity, he/she must test negative for any prohibited substance as a result of an approved drug test if the violation relates to the consumption or use of a prohibited substance and the substance is capable of being detected by a drug

test. The activity student must attend a drug counseling or education program at the activity student's expense. The counselor, activity student, and his or her parents/guardians will determine the length and manner of counseling. Proof of counseling through an approved or certified program must be provided to the Athletic Director and Principal.

### **THIRD VIOLATION**

Upon the third violation, the student will be suspended from participating in any event or activity for a period extending for a full calendar year, also the student will be suspended from school for five (5) days for violating this drug use policy.

Before he/she can be reinstated to the team or squad, or otherwise be eligible to participate in any other activity, he/she must test negative for any prohibited substance as a result of an approved drug test if the violation relates to the consumption or use of a prohibited substance and the substance is capable of being detected by a drug test. The activity student must attend a drug counseling or education program at the activity student's expense. The counselor, activity student, and his or her parents/guardians will determine the length and manner of counseling. Proof of counseling through an approved or certified program must be provided to the Athletic director and Principal.

### **FOURTH VIOLATION**

Upon the fourth violation, the student will be indefinitely suspended or permanently barred from participating in any event or activity in the Lowndes County School District, also the student will be suspended from school for ten (10) days pending a board decision on placement in the alternative school for violating this drug use policy.

SECOND, THIRD, AND FOURTH VIOLATIONS COULD RESULT IN A ONE CALENDAR YEAR PLACEMENT AT ALTERNATIVE SCHOOL UPON RECOMMENDATION OF PRINCIPAL TO SUPERINTENDENT OR ALCORN SCHOOL DISTRICT DISCIPLINARY HEARING COMMITTEE.

## **VII. Refusal to Submit to Drug Use Test**

If an Activity Student refuses to submit to a drug test, the Activity Student shall be considered in violation of his/her consent agreement and shall be barred from the specified extracurricular activities for one calendar year, also the student will be suspended from school for three (3) days for violating the drug testing consent policy. If, however, the Activity Student reconsiders his/her refusal and submits to a drug test within 24 hours of the initial refusal, the Activity Student may remain eligible for participation in extracurricular activities and the suspension will be lifted. In this event, the Activity Student and his/her parents or guardian will bear responsibility for contacting the testing company used by the District and arranging for the testing company to conduct a test within the 24-hour period from the time the student initially refused to submit to the test. If the testing company has reason or suspicion to believe that the sample taken from such Activity Student has been adulterated or has been tampered with so as to affect test results, the testing company shall deem it a refusal to submit to a drug test.

### **VIII. Appeal**

The District will rely solely on the opinion of the independent testing company to determine whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug. There shall be no appeal of the test results of the professional testing company to a principal, the Superintendent, or the Board of Education.

If the disciplinary action is administered, the Activity Student will be afforded due process in accordance with the Lowndes County School District Policies.

*The Lowndes County School District is committed to cooperating with parents/guardians in an effort to help students avoid illegal drug use. The Lowndes County School District believes accountability is a powerful tool to help students avoid using drugs and that early detection and intervention can save lives.*

