

DRUG TESTING

Voluntary Drug Testing Program

The Governing Board is committed to maximizing the health and safety of district students and recognizes the district's role in helping to protect students from the dangers associated with illegal drug use and drug abuse. To support the district's substance abuse prevention efforts, the Board desires to establish a drug testing program in the district's high schools that will provide a deterrent from drug use and help refer drug users to appropriate counseling and rehabilitative services.

(cf. [5131.6](#) - Alcohol and Other Drugs)

(cf. [5131.63](#) - Anabolic Steroids)

Drug Testing of Students Participating in Extracurricular Activities

Definitions:

“Drug”: Any substance considered illegal by California Statute or which is controlled by the Food and Drug Administration.

“Extracurricular Activities”: Are those programs defined in Board Policy 6145 (a) that have the following characteristics:

1. The program is supervised or financed by the school district.
2. Students participating in the program represent the school district.
3. Students exercise some degree of freedom in the selection, planning or control of the program.
4. The program includes both preparation for performance and performance before an audience or spectators.

“Student Athlete”: Any student participating in interscholastic athletic programs sponsored by the Ferndale Unified School District.

“Sport Season”: Fall, Winter and Spring seasons begin on the first day of practice allowed by the California Interscholastic Federation and end the day prior to the beginning date of practice of the next season.

Policy Statement

The Ferndale Unified School District is conducting a Mandatory Drug Testing Program for Students Participating in Extracurricular Activities. Its purpose is threefold:

1. To provide for the health and safety of all students participating in extracurricular activities
2. To undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal drugs, and
3. To encourage student who use drugs to participate in drug treatment programs.

(cf. [5131.6](#) - Alcohol and Other Drugs)

Students

BP 5131.61(b)

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(cf. [5131.63](#) - Anabolic Steroids)

(cf. 6145.2 – Athletic Competition)

Legal Reference:

EDUCATION CODE

[44049](#) Known or suspected alcohol or controlled substance abuse by student

[51262](#) Use of anabolic steroids; legislative finding and declaration

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

[350](#) Fees not permitted

COURT DECISIONS

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls, (2002) 122 S.Ct. 2559

Vernonia School District v. Acton, (1995) 115 S.Ct. 2385

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

OFFICE OF NATIONAL DRUG CONTROL POLICY PUBLICATIONS

What You Need To Know About Drug Testing in Schools, August 2002

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

Office of National Drug Control Policy: <http://www.whitehousedrugpolicy.gov>

National Institute on Drug Abuse: <http://www.nida.nih.gov>

Partnership for a Drug-Free America: <http://www.drugfreeamerica.org>

U.S. Department of Education: <http://www.ed.gov>

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For each testing session, students shall be selected at random from among those who have provided their own and their parent/guardian's consent for the program.

Test results shall be available only to the student and the student's parent/guardian. Parents/guardians of students who test negative shall be notified by mail. Parents/guardians of students who test positive shall be notified and referred to a counselor. After two weeks, a student who has had a positive test may be tested again.

If a student fails to appear for a test, the parent/guardian shall be notified and a test rescheduled for the following week.

Parents/guardians of student who volunteer for this program shall submit a registration fee with their consent form. If a student or parent/guardian is unable financially to pay for testing, the cost may be paid out of District funds. Criteria for eligibility for financial assistance will be the same as for the Free and Reduced Lunch Program.

Drug Testing of Students Participating in Extracurricular Activities

Consent: Each student wishing to participate in any extracurricular program and the student's custodial parent or legal guardian shall consent in writing to drug testing pursuant to the District's Drug Testing Program. Written consent shall be in the form attached to this policy as Exhibit A. No student shall be allowed to participate in any extracurricular program absent such consent.

Student Selection: At the option of the District, all extracurricular participants may be drug tested at the beginning of any athletic season or grading period during which an extracurricular activity begins. In addition, random drug testing will be conducted periodically during the athletic season or grading period. Selection for random testing will be by computer generated random selection program of all student athletes and extracurricular participants participating in extracurricular programs in the District at the time of the drawing. The superintendent shall take all reasonable steps to assure the integrity, confidentiality, and random nature of the selection process, including but not necessarily limited to, assuring that numbers assigned to participating students are in the computer, assuring that the third party person drawing numbers has no way to knowingly choosing or failing to choose particular students to be tested, and assuring that the identity of students drawn for testing is not known to those involved in the selection process.

Sample Collection: Samples will be collected at a mutually convenient time on the same day the student is selected for testing. A list of students to be tested, determined by random number selection, will include alternates to be tested in the event students whose numbers are drawn are absent from school that day. If a student is unable to produce a sample at any particular time, the student will be expected to stay in the testing area until he/she is able provide the sample. All students providing samples will be given the option of doing so alone in an individual stall with the door closed. Samples collected will be split in the event a second test is necessary.

Prescription Medication: Students who are taking prescription medication will be asked to provide the name of the prescription medication being taken, the name of the prescribing physician, and the pharmacy from which the prescription was obtained on the Chain of Custody Form completed at the time a sample is collected. This information on the Chain of Custody Form will be forwarded to the testing laboratory with the sample, with instructions for the laboratory to consider the student's use of such medication to assure the accuracy of the result. Such information provided by the student will not be disclosed to any school

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official. Students who refuse to provide verification and test positive will be subject to the actions specified below for “positive tests.”

Scope of Tests: The testing laboratory will be instructed to test for seven illegal drugs plus alcohol. Student samples will not be screened for the presence of any substances other than an illegal drug or the existence of any physical condition other than drug intoxication.

Limited Access to Results: The testing laboratory will be authorized to report results only to the superintendent or to such person as the superintendent may designate in the event the superintendent is absent.

Procedures in the Event of a Positive Result: Whenever a student’s test results indicate the presence of illegal drugs (“positive test”), the following will occur:

1. The second half of the split sample will be sent to the laboratory for testing. The expense of the second test will be borne by the district if the test results are negative, and by the parent if the test results are again positive.
2. If the second sample tests negative, the student will be notified and no further action will be taken. If the second sample tests positive, a custodial parent or legal guardian will be notified and a meeting will be scheduled with the superintendent, the student, and the custodial parent or legal guardian. At this meeting the parent or legal guardian, the student and the superintendent will review the options available under this policy, and the requirements and consequences associated with each option.

First Positive Result:

For the first positive result, the student will be given the option of: participation in a Drug Counseling Program and submission to weekly drug testing for six (6) weeks, at parent expense; or suspension from participation in extracurricular activities, including interscholastic athletics for the remainder of the current quarter (or athletic season) and the next quarter (or athletic season) as well. Parents, at their expense, will have to seek drug counseling through the Humboldt County Alcohol and Other Drugs Program. Proof will have to be provided to document enrollment and completion of counseling.

Students receiving a first positive result and who choose to participate in drug testing and counseling shall be ineligible for extracurricular participation until such time as the school is informed in writing by drug testing and counseling providers that the student has been enrolled in and is attending weekly drug testing and drug counseling. Parents must consent in writing to have this enrollment information released to the school.

The parents/guardians of a student receiving a first positive result and who chooses to participate in drug testing and counseling and remain a member of the team or club shall consent in writing to having the coach/advisor of the program informed of the results of the drug test so this coach/advisor may maintain vigilance over this student for his/her safety and the safety of others. The coach/advisor shall maintain the confidentiality of the student during this process.

Second Positive Result:

For the second positive result in any two (2) consecutive calendar years, the student will be suspended from participating in extracurricular activities, including athletics, for the remainder of the current grading period or season and the next grading period or athletic season for which the student would be eligible. The

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student will have to submit proof of completion of a program of drug counseling before being allowed to return to athletics or participation in extracurricular activities.

Third Positive Result:

For the third positive result in any two consecutive calendar years, the student will be suspended from participating in extracurricular activities or athletics for the remainder of his/her high school years.

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, which the District shall not solicit. In the event of service of such subpoena or 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.

Adopted: August 6, 2004

Revised: May 9, 2006

Ferndale Unified School District

Ferndale, California

**2014-2015
General Authorization Form
Exhibit A to Alcohol and Drug Testing Policy**

Ferndale Unified School District

I understand that my performance as a participant and the reputation of my school are dependent, in part, on my conduct as an individual. I hereby agree to accept and abide by the standards, rules and regulations set forth by the Ferndale Unified School District Board of Trustees and the sponsors for the activity in which I participate.

I also authorize Ferndale Unified School District to conduct a test on a urine specimen, which I will provide to test for drug and/or alcohol use. I also authorize the release of information concerning the results of such a test to the Ferndale Unified School District and to my parents and/or guardians.

I understand that if I am taking prescription medication when tested for drugs, I will be given an opportunity to provide information regarding the medication, the prescribing physician, and the pharmacy from which the prescription was purchased. This information will be taken and kept confidentially.

This shall be deemed consent pursuant to the Family Educational Right to Privacy Act for the release of the above information to the parties named above.

Student's name – please print

Student's signature

Date

Parent/guardian's name – please print

Parent/guardian's signature

Date