

## CHAPTER 3 – SCHOOL OPERATING PROCEDURES

### 3.20 RANDOM DRUG TESTING OF STUDENTS

#### (1) Philosophy

- A. The School Board of Escambia County, Florida, has a responsibility to safeguard the health, character, citizenship, and personal development of all students in the District. The possession and use of drugs by students is harmful and illegal. The abuse and use of drugs threatens the personal development of students and affects the welfare of the entire school system. The Board is committed to the prevention of drug use/abuse as well as to the rehabilitation of identified abusers.
- B. A commitment of the Board to provide athletics, extra/co-curricular programs, and on-campus student parking requires a healthy and safe environment, including programs related to the detection and prevention of substance abuse by students involved in such activities. Students who are actively involved in athletic and extra/co-curricular activities are representatives of their respective schools. By virtue of a student's participation in such activities, they are frequently seen by their peers to be role models and persons to be admired. As leaders and role models, such students have a responsibility to be drug free as well as to set a standard for their peers. Parking by students on campus is a privilege and subject to regulation by the Board.
- C. By instituting a program for the random screening for drugs for students participating in athletics, extra/co-curricular activities, and on-campus parking, the Board is committed to being proactive in ensuring the safety of all students participating in such activities as well as the District as a whole. The Board's primary emphasis is directed to deterrence and remediation rather than punishment of students who test positive for drug use/abuse. Sanctions for testing positive are set forth in this policy. No student will be suspended or expelled from school solely on the basis of any verified positive test result conducted by the District under this policy.
- D. The policy of random student drug testing is meant to supplement the District's existing education of students in prevention and intervention for drug abuse.

#### (2) School Board's Authority

In recognition that student participation in interscholastic athletics, extra/co-curricular activities, and on-campus parking is voluntary, and pursuant to Sections 1001.41 and 1001.42, F.S., the School Board of Escambia County, Florida, is authorized to adopt a policy allowing random drug testing of students involved in these voluntary activities.

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- (3) Policy: The School Board of Escambia County, Florida, authorizes the random drug testing of any student who participates in school athletics, extra/co-curricular activities, and on-campus parking. Extra/co-curricular activities include but are not limited to band, cheerleading, and clubs. Any student who elects to participate in any of these programs/activities with parental consent shall be subject to random drug testing in accordance with this policy.
- A. Confidentiality: The District shall not release records of drug tests or any resulting action to anyone other than the student, or the student's parents, as defined by Florida Statutes, without written authorization from the parent/guardian or the student, if the student is over the age of eighteen (18). Additionally, the District respects the privacy of its students and shall maintain confidentiality regarding any drug testing under this policy. The results will only be released to the parents/guardians of the student. All records and subsequent action shall be kept separate from the student's educational transcript. During the testing process, personally identifiable information of the student shall remain confidential.
  - B. Participation Eligibility: Participation in athletics, extra/co-curricular activities, and parking on campus is a privilege. A student's participation in such activities is subject to compliance with the Random Drug Testing Policy.
  - C. Annual Consent to Random Drug Screening: Prior to participation in athletics, extra/co-curricular activities, and on-campus parking, the student and the student's parent/guardian shall sign and deliver the Annual Consent to Drug Screening Form to the student's school. Such consent shall be valid for the remainder of the school year in which it is signed or until a Withdrawal of Student from Activity Form is completed.
  - D. No Consent Precludes Participation: A student who fails to have a current Annual Consent to Drug Screening Form on file shall not participate in any activity for which the student is subject to random drug screening until such consent is signed and returned to the student's school. Participation includes but is not limited to attendance at any practice, try-out, rehearsal, or sitting with a team/club/organization at a game or pep rally.
  - E. Withdrawal from Activity: Students who have a consent form on file remain eligible for selection for random screening from the date the consent form is signed and throughout the remainder of the school year or until the student files a Withdrawal of Student from Activity Form that states the student no longer wishes to participate in athletics, extra/co-curricular activities, or parking on campus. Upon such withdrawal, the student shall not be eligible to participate in any activity for which the student is subject to random drug screening for the

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remainder of the school year. Any student who files the Withdrawal of Student from Activity Form after selection for random drug screening is no longer eligible for participation in any activity for which the student is subject to random drug screening for one (1) calendar year from the date on the withdrawal form.

- F. Selection of Students for Screening: Drug screening shall occur at various times throughout the school year. Each secondary student who participates in athletics, extra/co-curricular activities, or on-campus parking shall be included in a data base and will be subject to random drug screening.
- G. Process for Calling Students for Screening: The principal/designee will arrange for students who are to be screened to be sent to the clinic where a secured bathroom will maximize student privacy.
- H. Collection of Samples: The school's health technician/nurse shall be responsible for the collection of samples according to a protocol adopted by the District and the Health Department.
  - 1. The school's health technician/nurse will conduct the initial screening test. If the urine sample screening kit renders a non-negative result, the student and the parent/guardian will be notified immediately. The initial non-negative screening result will be sent with the appropriate chain of custody form to a professional lab for additional testing and review by the Medical Review Officer. The cost of this drug test will be the responsibility of the parent unless it renders a negative reading. The cost of a negative reading will be the responsibility of the District. Any student who accepts the positive result of the screening at school may immediately begin his suspension from athletics, extra/co-curricular activities, and/or parking on campus and enter into his drug assessment and rehabilitation program.
  - 2. The Medical Review Officer (MRO) will receive all reports of positive drug tests and will be supplied with the information to determine the correct name of the student whose identifying number appears on each positive test result report. Prior to verifying a positive drug test result, the MRO shall contact the student and his/her parent/guardian to afford them the opportunity to discuss the test results, medical history, and any other relevant biomedical information that would assist the MRO in determining whether he/she should verify the drug test results as positive or deem that

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results are negative. If the MRO determines the results are negative, no further actions shall be taken, and the student will be reported to the principal as having a negative result. If the MRO determines the results are positive, the MRO will offer to the student/parent/guardian the opportunity to have the original sample tested by another laboratory at the student's/parent's/ guardian's expense. This opportunity for a retest is available at this time only. The MRO shall submit the positive drug test results to the District designated official identifying the student by name so the appropriate action and notifications can be conducted.

3. Any refusal of a student to participate in screening when selected or any student who attempts to tamper with the specimen or the specimen collection process will cause the specimen result to be deemed as a positive and subject the student to the consequences outlined in the sanctions section of this policy.

### I. Sanctions:

1. First Offense/First Positive Drug Test: The student shall be removed from participation in all athletic and/or extra/co-curricular activities (including practices) and from parking on campus and be referred to a District-approved drug assessment and rehabilitation program. The student will attend his/her academic classes while enrolled in the program unless he/she is under any disciplinary action set forth by the Student Code of Conduct. The length of the suspension from athletic/extra/co-curricular participation or parking on campus shall be no less than thirty (30) days from notification of the test results. After the student has completed the program or been recommended by the substance abuse professional for participation in the sport or activity, he/she may resume participation under a probationary status with the following conditions:
  - a. The student shall be required to comply with any recommendations resulting from the assessment/counseling conducted as part of the assessment.
  - b. The student must pass a second drug test before participation in any activities covered in the policy. The cost of this test will be the responsibility of the student and the parent/guardian.
  - c. The student will be subject to recurring random drug screening at times that would not be previously disclosed to the student to deter

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the student from committing a subsequent violation of this policy as prescribed by District procedure.

- d. The student will remain on probation throughout the remainder of the time that he/she is enrolled in the District. Students who transfer to other District schools will remain on probation.
  - e. The student may not return to any leadership position including but not limited to captain of a squad, club officer, or class officer for the remainder of the school year.
  - f. Any student who fails to participate in and complete an approved drug treatment program will forfeit his/her opportunity to resume participation in any of the activities covered in this policy.
2. Subsequent Offense/Drug Test: Once a student has a second or subsequent positive drug test, he/she shall be prohibited from participation in all athletic and/or extra/co-curricular activities and from parking on campus. In addition, the student shall be removed from all leadership positions. The length of this removal from participation/leadership is one (1) full calendar year from the date of the second positive test. A subsequent negative drug test must be provided before participation may be reinstated.
- J. Appeal Procedures: In addition to the opportunity afforded to the student and the parent/guardian to discuss a confirmed drug test with the MRO, a student whose test results have been verified and forwarded to the principal/designee for the removal from participation in athletics, extra/co-curricular activities, or parking on campus shall be entitled to a review of procedural due process as follows:
1. Notice: The principal/designee shall notify the student and the parent/guardian that the student's positive drug test results have been verified by the MRO, describe the action to be taken, and advise the student and the parent/guardian of the right to a procedural due process hearing.
  2. Hearing: If the student or the parent/guardian requests a procedural due process hearing, the principal shall conduct the hearing within a reasonable period of time. The scope of the hearing will be limited to a review of the procedure. The principal shall render a decision and provide

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the student and parent/guardian with a written record of that decision at the hearing or within three (3) days of the hearing. The principal's decision shall be final and shall not be subject to any further administrative appeal.

- (4) Effective Date and Scope: This policy shall become effective at the beginning of the 2011- 2012 school year.

Statutory Authority:

Sections 1001.41, 1001.43, 1006.07, 1006.15, F.S.

Laws Implemented:

Sections 1001.41, 1001.43, 1006.07, 1006.15, F.S.

History:

New (Board Approved February 17, 2011)