

PHILOSOPHY:

The administration, staff, many students and parents believe a mandatory drug-testing program for all students in grades seven (7) through twelve (12) who participate in activities is necessary for the following reasons:

1. Health and safety of the individual and others. Anyone participating in an activity under the influence of an illegal drug is a potential danger to everyone.
2. Prevention - students will potentially be able to say no to drugs because they will have a legitimate reason, "I want to participate in activities."
3. Intervention - individuals desiring to participate in activities will be encouraged to seek help if there is a drug problem.

It is the hope of St. Maries Joint School District No. 41 that this Policy will benefit all activity students, thus all students of St. Maries Joint School District No. 41. This philosophy is an effort to address what the District perceives to be a real problem in society and in the schools. The District believes this program will help foster a drug-free environment in St. Maries Joint School District No. 41.

DEFINITIONS

Drug - Any controlled substance as defined by Idaho Code, Section 37-2701, except those possessed and/or used pursuant to valid prescription.

Activity Student - Any student who participates in an extra-curricular activity sponsored by the St. Maries Joint School District No. 41.

Calendar Year - The calendar year begins on the first day of practice allowed by the coach/advisor of that activity and ends one (1) calendar year later from the date the Consent Form is signed.

POLICY STATEMENT

St. Maries Joint School District No. 41 is conducting a mandatory random drug-testing program for activity students in grades seven (7) through twelve (12). Its purpose is threefold: (1) to provide for the health and safety of all activity students; (2) to undermine the effects of peer pressure by providing a legitimate reason for student participants to refuse to use illegal drugs; and (3) to encourage activity students who use drugs to participate in receiving an assessment from a state-certified substance abuse counselor, of which all costs will be the responsibility of the parent or legal guardian.

All students who test positive will have their custodial parent or legal guardian notified so he or she can obtain an assessment from a state-certified substance abuse counselor

and follow the recommended program completely. All costs associated with the assessment and the recommended treatment program will be the responsibility of the parent or legal guardian. Cost of the drug testing done in school and follow-up lab testing of all positive tests will be paid for by the District. If a parent or guardian disputes the results, a re-test through a state-approved lab can be obtained, however it will be the parents' or guardians' responsibility. In the event of a hardship, St. Maries Joint School District No. 41 may help offset expenses.

TOBACCO USE

The Board of Trustees recognizes that tobacco use by students presents a health and safety hazard that can have serious consequences for both users and nonusers and the school environment.

The Board of Trustees prohibits tobacco use and possession by students participating in co-curricular activities at any time as outlined in Board Policy 503.09 – Co-Curricular Student Activities Code.

The District may initiate discipline according to the District's Student Discipline policy and/or prosecution of a student who possesses or uses tobacco in violation of this Policy.

For the purposes of this Policy, tobacco use shall be defined as the use and/or possession of a lighted or unlighted cigarette, cigar, pipe, smokeless tobacco in any form, and other smoking products specifically including electronic cigarettes, electronic nicotine delivery systems, or vaporizer smoking devices. Student involvement in such activity shall be subject to suspension and/or recommendation for expulsion from school at the discretion of school administration.

PROCEDURES

DRUG TESTING COORDINATOR

The Superintendent will appoint a District Drug Testing Coordinator. It is of utmost importance that great care be taken to maintain strict confidentiality requirements. All information, including names of students tested, test results and any related information will remain confidential except where disclosure is required by lawful subpoena.

CONSENT

Each student wishing to participate in any activity program and the student's custodial parent or guardian shall indicate consent to random drug testing by completing and signing, under the seal of a Notary Public, the attached form (Exhibit A) which shall then be valid for a period of one (1) calendar year from the date of signing. Students participating in multiple extra-curricular activities will be required to sign only one (1)

consent per year. No student shall be allowed to participate in any activity program without such consent.

STUDENT SELECTION

Random testing will be conducted a minimum of once a month during the activity season. Selection for random testing will be by lottery drawing from a "pool" of all students participating in co-curricular activity programs in the St. Maries Joint School District No. 41 at the time of the drawing. Students who participate in co-curricular activities will remain in the "pool" and be subject to random testing for a period of one (1) calendar year. The Drug Testing Coordinator 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 the names of all participating activity students are in the pool; assuring that the person drawing names has no way of knowingly choosing, or failing to choose particular students for the testing; assuring that the identity of students drawn for testing is not known to those involved in the selection process; and assuring direct observation of the selection process by at least two (2) adults. Urine, saliva, and/or breath will be used for drug testing.

SAMPLE COLLECTION

Samples will be collected from the student at the time and day specified by the Drug Testing Coordinator, or, if the student is absent on that day, on the day of the student's return to school. If a student is unable to produce a sample at any particular time, the student will be allowed to return later that same day to provide the sample. Discretion may be used on the part of the Drug Testing Coordinator if unusual circumstances occur making it difficult to provide a sample. All students providing urine samples will be given the option of doing so in an individual stall with the door closed. Students should rinse off their hands with water prior to giving a urine sample. Students will have the option of District on-site testing at no cost to them, or testing by the clinic laboratory of St. Maries Family Medicine or Benewah Community Hospital. If the student desires to have the testing completed at St. Maries Family Medicine or Benewah Community Hospital, the student shall be responsible for the cost of the testing.

PRESCRIPTION MEDICATION

Students who are taking prescription medication may provide a copy of the prescription or a doctor's verification in a sealed envelope to school personnel at the time a sample is taken. If the test results in a positive reading, the test sample is prepared for mailing to an independent testing lab. That envelope will be forwarded, unopened, to the testing lab with the sample and instructions for the lab 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 official, unless a parent or guardian so chooses. Students who refuse to provide verification and test positive will be subject to the actions specified below for the appropriate "positive test".

SCOPE OF TESTS

The independent testing lab will be instructed to test for one (1) or more illegal drugs that show up positive in the test cup administered by the Drug Testing Coordinator. Activity students' samples will be screened only for the presence of any substances in the categories that tested positive in the test cup. Samples will not be screened for the existence of any physical condition other than drug intoxication.

LIMITED ACCESS TO RESULTS

The independent testing lab will be authorized to report results only to the Drug Testing Coordinator. Positive test results will be shared with the parent/guardian and student. In addition, test results will be shared with appropriate school personnel.

PROCEDURES IN THE EVENT OF A POSITIVE RESULT

Whenever an activity student's test result indicates the presence of illegal drugs (positive test), the following will occur:

1. The student will be asked to provide another sample as soon as possible to be submitted to an independent testing facility. If student refuses to provide another sample or unduly delays in providing such sample (longer than 24 hours) the results of the first sample shall be considered accurate.
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 Drug Testing Coordinator, the student, the custodial parent or legal guardian, and the student's building principal. The Drug Testing Coordinator may keep an activity student from participating for safety reasons.

FIRST POSITIVE RESULT

While enrolled at St. Maries Joint School District No.41, the activity student will be given the option of: (1) Participation in a drug counseling program and submission to additional random drug testing for six (6) weeks at the discretion of the Drug Testing Coordinator, which additional testing, if so requested by the Drug Testing Coordinator, shall be at the School District's expense; or (2) suspension from participation in interscholastic athletics for the remainder of the current season and the next athletic season.

If the activity student selects Option 1, then at the end of the six-week random testing period, the student will be re-tested. If the student has a second positive result at that time, the student will be subject to the Co-Curricular Student Activities Code No. 503.09, Section V. (A), First Violation. The student must also participate in a District-approved

drug-counseling program within seven (7) days of a positive result. If the student participant refuses to participate in such a program, the student will be suspended from participation in activities for the remainder of the current season and the next activity season.

SECOND POSITIVE RESULT

While enrolled at St. Maries Joint School District No. 41, the student participant will be subject to the Co-Curricular Student Activities Code No. 503.09; Section V. (A), First Violation.

THIRD POSITIVE RESULT

While enrolled at St. Maries Joint School District No. 41, the student participant will be subject to the Co-Curricular Student Activities Code No. 503.09, Section V. (B), Second Violation.

FOURTH POSITIVE RESULT

While enrolled at St. Maries Joint School District No. 41, the student participant will be subject to the Co-Curricular Student Activities Code No. 503.09, Section V. (C), Third Violation.

NON-PUNITIVE NATURE OF POLICY

No student participant 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. The District shall not solicit any such process as a result of mandatory drug testing. In the event of service of any such subpoena or legal process, the student and the student's custodial parent or legal guardian will be notified before response is made by the District.

VOLUNTARY TESTING PROGRAM FOR STUDENTS NOT IN AN ACTIVITY

St. Maries Joint School District No. 41 is truly concerned and committed to helping students who are encountering substance abuse problems. The District realizes that a student with a drug dependency or use problem is not able to work to his or her potential and stands a greater chance of coming into contact with law enforcement due to increased criminal activity. To assist in the ultimate goal of drug-free schools and drug-free students, the District will provide drug testing to any student whose custodial parent or legal guardian requests the testing be done. The nature of the testing is a urine, saliva, and/or breath sample with immediate results. The testing is provided at no cost to parents and the results rest with the parent, student, and Drug Testing Coordinator.

There is no legal or criminal action taken, and no discipline from the District will result from the testing. There will not be a record kept. This service is offered solely for the information to the custodial parent or legal guardian, and it is ultimately his or her decision what to do with the information.

PROPOSED GUIDELINES AND PROCEDURES FOR TESTING

From the beginning of the first co-curricular activity until the end of the final co-curricular activity, 25% of the total number of participants will be tested. The selection of those to be tested will be done by random drawing.

To assure the anonymity of the students tested, each will be assigned a number at the beginning of testing. These numbers will only be known to the participant and the District's Drug Testing Coordinator. The Drug Testing Coordinator or his or her designee will keep number lists confidential, in a secure place where access is limited to the Drug Testing Coordinator and/or his or her designee.

To assure randomness of draw, after numbers are drawn for that month, they will then be returned to the pool of numbers. It is possible that a student participant could be randomly drawn several times during the calendar year.

TESTING PROCEDURE

On the day the numbers are drawn, those selected will be notified and will report to the designated place to produce a sample. They will be given a sample collector and will proceed to a stall where they will produce the sample. He or she may do so behind a closed door if he or she wishes. All excess clothing, coats, extra shirts, etc. will be removed before entering the stall. Student participants may be asked to empty pockets to assure counterfeit samples are not hidden on his or her person. The person collecting the samples will color water in the commode before the student participant enters. After the sample is given it will be checked for temperature and signs of tampering. It will then be sealed with the number of the student participant printed clearly on it. If the student participant's test is confirmed positive his or her number will be removed from the pool until he or she has completed Policy requirements at which time the number will be returned to the pool.

The person collecting samples from the males will be a trained male staff member and, for the females, a trained female staff member will be used. Results will be kept confidential and reported only to the Drug Testing Coordinator.

**ST. MARIES JOINT SCHOOL DISTRICT NO. 41
P. O. BOX 384
ST. MARIES, ID 83861**

EXHIBIT "A"

**STUDENT/PARENT/GUARDIAN
DRUG TESTING CONSENT FORM**

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 St. Maries Joint School District No. 41 and the sponsors for the activity in which I participate.

I also authorize St. Maries Joint School District No. 41 to conduct tests on urine specimens, saliva samples, and/or breath, which I provide to test for drugs. I also authorize the release of information concerning the results of such a test to the Drug Testing Coordinator at St. Maries Joint School District No. 41, appropriate school personnel, and to my parents or guardians.

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

This Consent shall remain in effect for a period of one (1) calendar year from the date of parent and/or guardian signature.

Student Signature

Parent or Guardian Signature

Print Name

Print Name

Date

Date

**ACKNOWLEDGMENT CERTIFICATE
(INDIVIDUAL PERSONALLY KNOWN BY NOTARY)**

STATE OF IDAHO)
) ss.
County of Benewah)

On this _____ day of _____, in the year of 20____, before me, a notary public in and for the State of Idaho, personally appeared _____ and _____, personally known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public in and for Idaho
Residing at: _____
Commission Expires: _____

Policy Cross Reference:

Legal Reference:

Policy History:

Adopted:	07/10/2000
Reviewed:	08/13/2007
Reviewed:	07/14/2008
Reviewed:	07/13/2009
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Reviewed:	07/18/2016