

PHILOSOPHY:

The administration, staff, many students and parents believe a mandatory drug-testing program for all students in grades six (6) 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 goal 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.

Duration: Students will be expected to adhere to this Policy at all times including off-season and summer. This Policy will be in affect at the beginning of the first practice of the student's participation in their first extra-curricular school activity at each school. For students in grades 6-8, the Policy will be in effect until the student transitions from St. Maries Middle School to St. Maries High School. The expectation for the student will start again at the first practice of the student's participation in their first extra-curricular school activity at St. Maries High School and continue on until the student graduates. Violations of this Policy are cumulative from season to season and year to year throughout the student's participation in extra-curricular activities.

POLICY STATEMENT

St. Maries Joint School District No. 41 is conducting a mandatory random drug-testing program for activity students in grades six (6) 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 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 District will employ 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 shall provide a copy of the prescription or a doctor's verification in a sealed envelope to school personnel in the event a positive

sample is taken. The prescription will be considered as additional information in the event of a positive test. 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 or nicotine (positive test), a meeting will be scheduled with the student and the parent/guardian and the following will occur:

1. The student, at the discretion of the parent/guardian, may choose to provide another sample as soon as possible to be assessed by an independent testing facility at their expense. If student fails 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. It will be the responsibility of the parent/guardian to provide written evidence of the negative test sample from any additional test to the building principal. The results from the optional second drug testing sample will be considered as additional information.
2. In the event of a positive test, the building principal may keep an activity student from participating for safety reasons.

FIRST POSITIVE RESULT

- A. The student shall be suspended for 50% of the season from participating in any game, contest, competition, or event.
- B. There is no provision for a student to self-report under the provisions of this Policy.

- C. If a citation related to controlled substances is issued to a student that student must disclose the citation to a school administrator or coach on the next school day or earliest school event.
- D. For controlled substance violations, the student must also attend a controlled substance education program approved by the District before he or she is eligible for reinstatement. The cost of the program will be the responsibility of the participant and/or his or her parents. In the event of a hardship, the District may help offset expenses. Failure to complete the program will result in continued suspension from activities.
- E. For activities with performances/contests, students must attend all practices and performances/contests while suspended. Failure to do so will result in continued suspension from activities. For all other activities, students will not be allowed to participate while suspended. If a student is academically ineligible, he or she will not be allowed to travel to away games.
- F. When the full penalty cannot be imposed, the remaining portion of the suspension will be carried over and served during the next activity participated in by the student.
- G. A student must conclude the season with any activity that is used to finish a penalty from a previous season. Failure to complete the activity will result in the penalty being carried over to the next activity participated in by the student.
- H. When a student commits a violation during the school year during a period of time when he or she is not involved in any activity covered by this Policy, the violation will be recorded but no punishment rendered. However, when the student subsequently becomes involved in an activity, the student will begin the activity with one (1) violation on his or her record. The first violation that occurs while involved in an activity will then automatically be treated as a second violation. If a student commits two (2) or more violations while not involved in an activity, or as a combination of out-of-season and in-season violations, the student will have two (2) violations recorded on the record as he/she enters a new activity. A subsequent in-season violation will result in the offense being treated as a third violation.

SECOND POSITIVE RESULT

- A. A student who commits a second violation during the school year shall be suspended from all participation in co-curricular activities for the rest of that season and the next two (2) seasons.

- B. In addition, for a second drug violation, the student must undergo a drug assessment program approved by the District, comply with the recommendations of the professional conducting the test assessment, and provide documentation of the assessment and compliance with the recommendations in order to be eligible for reinstatement at the end of the calendar year. The expenses of the assessment and any actions necessary to comply with the recommendations must be borne by the student and his or her parents. In the event of a hardship, St. Maries Joint School District No. 41 may help offset expenses.

THIRD POSITIVE RESULT

- A. If a student in grades 6-12 commits a third violation during the school year, or while under suspension from a second violation, he or she will be suspended from participation in activities for the remainder of his or her high school career, unless reinstated by the Board of Trustees.

REINSTATEMENT AFTER THIRD POSITIVE DRUG TEST:

- A. A student who has successfully completed an approved treatment program and provides a written report from the treatment provider may apply to the Board of Trustees for reinstatement after a minimum ineligibility period of (1) calendar year. As a condition prior to reinstatement, the Board of Trustees may require an individualized plan, including but not limited to sanctions, community service, or other requirements.

ACADEMIC STANDING

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.

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 in the student's academic record. 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 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.

A trained staff member will collect all samples. 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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