

Students

**MANDATORY DRUG TESTING POLICY FOR STUDENTS INVOLVED IN
EXTRACURRICULAR ACTIVITIES OR STUDENTS THAT HAVE VOLUNTARILY
BEEN PLACED IN THE POOL AT THE REQUEST OF THEIR PARENT/GUARDIAN
– HIGH/MIDDLE SCHOOL**

Section 1: Mission Statement

The Board of Education for Alliance Public Schools values students' participation in extracurricular activities. Such students, as role models for other students, are key to our goal to provide the best possible educational program for our students. To achieve our goal and to maximize the skills and talents of our students, it is important that each student understands the dangers of drug and alcohol use and refrain from the use of illegal drugs. This policy statement should qualify our position on student drug and alcohol use.

Participation in extracurricular activities is a privilege that can be taken away for failure to comply with this policy. The purposes of this policy are as follows:

- A. To provide for the health and safety of all students;
- B. To undermine the effects of negative peer pressure by providing legitimate reasons for students to refuse the use of illegal drugs and/or alcohol;
- C. To recognize students who use illegal drugs and/or alcohol; and
- D. To encourage students who use illegal drugs and/or alcohol to participate in appropriate treatment programs.

Section 2: Definitions and Positions

The following definitions and explanations of positions shall apply to this policy.

Drugs: Any substance considered illegal by Nebraska Statute, i.e., Uniform Controlled Substances Act, Section 28-401 et seq., or which is controlled by the Food and Drug Administration unless prescribed to the Participant by any licensed medical practitioner authorized to prescribe controlled substances. For purposes of this policy, drugs shall include the illegal use of alcohol.

Drug Program Administrator: The Board of Education shall select a nationally certified Drug Program Administrator (DPA) for the purpose of determining, through random selection, the Participants to be tested under this policy. Each Participant in extracurricular activities shall be identified by an alphanumeric coding system and become part of the pool from which

Participants are selected for random drug testing. The DPA, by use of a certified laboratory, shall also gather, test, and process samples that test non-negative and positive, report positive test results to the Medical Review Officer and Drug Program Coordinator, and maintain privacy with respect to test results and related matters, all in accordance with this policy and administrative guidelines approved by the Board of Education.

Drug Program Coordinator: The Board of Education shall select a Drug Program Coordinator (DPC) who shall coordinate the implementation and administration of this Policy. The DPC's duties shall be as set forth in this Policy and shall include the following:

To establish a designee(s) and necessary assistants to perform the duties of the DPC in his/her absence

To maintain the list of Participants who comprise the testing pool;

To receive, review and maintain consent forms.

To verify Participants' eligibility for extracurricular activities.

To determine which drugs shall be screened.

To assist in the development of administrative guidelines governing the gathering and testing of samples.

To receive, record, and report positive test results from the DPA; and,

To enforce the consequences of positive test results.

Extracurricular Activities: Any competitive school-sponsored, interscholastic extracurricular activity or club sponsored by Alliance High/Middle School, which shall include, but not necessarily be limited to the following:

| | | |
|--------------------|------------------------|-----------------|
| A-Club | Football | Speech/Debate |
| Academic Decathlon | Golf | Student Council |
| Art Club | Jazz Band | Tennis |
| Basketball | Musicals | Track |
| Cheerleading | Quiz Bowl | Unified Bowling |
| Cross Country | Math Counts | Unified Track |
| E-gaming | National Honor Society | Volleyball |
| FBLA | One Act Plays | Wrestling |
| FCCLA | Skills USA | |
| FFA | Softball | |

For purposes of this Policy, extracurricular activities shall not include activities that are not school-sponsored or interscholastic in nature. Band, Show Choir, and yearbook staff are not included under this policy as students receive a grade for these activities.

Medical Review Officer: The school will utilize a Medical Review Officer (MRO) to review all laboratory-reported positive tests. The role of the MRO is critical to protecting the interest of the students. The MRO serves a pivotal role in determining whether the use of a substance identified by the sample analysis is from illicit use or legitimate medical use. The MRO shall contact the Participant's parent or legal guardian for relevant information in making this determination. The MRO shall report positive test results, and/or warranted health and safety issues to the Participant, the Participant's parent or legal guardian, and to the DPC. The MRO shall be certified by an MRO accreditation body.

Negative Test Result: A test result that does not show the presence of drugs or alcohol.

Non-Negative Test Result: The result of a test, performed by the specimen collector at a collection site on a sample collected pursuant to this policy, indicates the presence of drugs or alcohol.

Positive Test Result: The result of a test, performed by the DPA at a certified laboratory on a split sample collected pursuant to this policy, confirms a non-negative test result.

Participant(s): Any student who participates in any competitive school-sponsored, interscholastic extracurricular activity, and any student who volunteers to participate in the random drug testing program. Participant(s) include student support staff for extracurricular activities such as student managers, student trainers, and other students who assist with the activity. Any student that has voluntarily been placed in the pool at the request of their parent/guardian shall also be considered a participant. All Participants shall become part of the random drug testing pool by signing the attached Consent (Form 1) and returning it to the DPC. A participant shall remain in the selection pool for an entire year (365 days) from the date the consent form is signed and returned to the DPC. A participant may be subject to testing at any time during the 365-day period. Any student who tests positive will continue to be tested through the summer months (Page 7. Section 5. F.1). Students who quit or are cut from an activity prior to being selected for random testing may request that their name be dropped from the testing list.

Sample Collection: Samples will be collected as directed by the Drug Program Administrator on the same day the student is selected for testing, or if the student is absent, an alternate will be selected, in sequential order, from an alternate list provided by the DPA. If a urine sample is required, all students providing samples will do so alone in an individual bathroom or stall with the door closed.

Specimen Collector: An independent contractor who is designated by the Board of Education and/or the DPA to collect urine and/or saliva samples at a collection site, perform a preliminary

test of such samples, destroy samples that test negative, and ship samples that test non-negative to the lab for confirmation testing as set forth in this policy.

Volunteer: Any student who is not participating in an extracurricular activity, but who voluntarily decides to participate in the random drug testing program by signing and returning the Consent (Form 1) to the DPC. A Volunteer is considered to be a Participant under this policy.

Section 3: Prohibited Acts

The following acts are prohibited by this policy.

A. Drug Use/Possession. All Participants are prohibited from using, possessing, distributing, manufacturing, or having drugs, illegal controlled substances, improperly used medications, or any mind/mood-altering or intoxicating substances present in their system.

B. Alcohol Use/Possession. All Participants are prohibited from possessing or using alcohol.

C. After School Hours Conduct. All Participants are prohibited from using drugs, alcohol, or any other prohibited substances before, during and after school hours. This policy prohibits all illegal drug use, during and away from extracurricular activities.

Section 4: Authorization to Conduct Random Drug Testing, Procedures & Protocols

The Board of Education for Alliance Public Schools hereby authorizes random, unannounced drug testing of all Participants. The Board shall approve and adopt Administrative Guidelines, in conformity with this policy and the following provisions, that govern procedures for gathering and testing samples and verifying and reporting results.

A. Scope of Tests. The drug screen tests for one or more illegal drugs and/or alcohol. The DPC shall determine which illegal drugs shall be screened, but in no event shall that determination be made after the selection of students for testing. Student samples will not be screened for the presence of any substances other than an illegal drug or for the existence of any physical condition other than drug use.

Substances that Participants may be randomly tested for are the following: alcohol, amphetamines, cannabinoids, cocaine, nicotine, opiates, synthetic opiates, and PCP, and other substances, such as but not limited to, steroids, barbiturates, and benzodiazepines, without advance notice, as part of tests authorized by the Board for safety purposes. The collection of samples and the testing shall be coordinated by and between the DPA and the DPC.

B. Consent. Students who wish to participate in any extracurricular activity and the students that have voluntarily been placed in the pool at the request of their parent/guardian shall consent in writing to drug testing pursuant to the district's drug testing program. Written consent shall be on

Form 1 attached to this policy. No student shall be allowed to participate in any competitive extracurricular activity until Form 1 has been signed and returned to the DPC.

C. Random Drug Testing Pool. Each Participant shall be included in the random drug testing pool. A Participant shall remain in the pool for an entire year (365 days) from the date the Consent is returned to the DPC. A Participant may be subject to testing at any time during the 365-day period. The list of Participants in the random drug testing pool shall be kept current by the DPC and furnished to the DPA upon the receipt of signed consent forms, and as Participants are allowed to leave the program and pool.

D. Withdrawal From Random Testing Pool. A Participant who wishes to withdraw from the random drug testing pool shall do so by submitting a written withdrawal (Form 2) to the DPC, signed by the Participant and the Participant's parent or legal guardian. Withdrawing from the pool must occur prior to being selected for testing in order to avoid being tested. Before any such student may return to participate in any extracurricular activities, he/she must be reinstated to the testing pool by submitting a signed Consent (Form 1) and providing, at the student's cost, a negative drug test result to the DPC.

E. Selection Process. The DPA shall develop and implement a random process to select Participants for testing. In order to make the process most effective, the DPC shall have the discretion to vary the frequency of testing and the number of Participants to be selected. If a Participant is absent on the day he or she is selected for testing, an alternate Participant shall be selected, in sequential order, from an alternate list provided by the DPA. The absent Participant shall submit a sample for testing on the next testing day.

F. Samples. The Specimen Collector is authorized and directed to collect urine and/or saliva samples from Participants who have been selected pursuant to the random process. Samples shall be collected, as directed by the DPA, on the same day the Participant is randomly selected.

G. Collection Sites. The DPC and DPA shall designate collection site(s) at Alliance High School where Participants shall provide samples for drug testing. Participants who have been selected for random drug testing shall report to the designated collection site.

H. Collection and Testing Procedures. The DPA shall develop and maintain written procedures, to be approved and adopted by the Board of Education, for collecting, shipping, testing, preserving, and accessing all samples. The Board of Education and/or the DPA shall contract with a Specimen Collector to collect and conduct preliminary tests on samples, and it shall ensure that the Specimen Collector is certified and follows the procedures approved by the Board and/or the DPA.

1. **Collection.** The Certified Specimen Collectors shall utilize a standard Custody and Control Form, and a tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers shall be used for sample transportation. Collection sites shall maintain instructions and training emphasizing the responsibility of the Specimen Collector to protect the integrity of the samples and maintain a proper collection procedure. All Participants providing urine samples shall do so alone, in an individual bathroom or stall with the door closed, under the supervision of a same-sex monitor.
2. **Testing.** At the testing site, the Specimen Collector shall perform a preliminary test to determine the presence of drugs or alcohol. Once the collector begins to perform the test, the participant is required to complete the testing procedure as prescribed by the DPA policy. The testing process begins when a participant enters the designated drug testing area and the collector begins completing the necessary form(s). If the preliminary test produces a negative test result, the sample shall be destroyed. If the preliminary test produces a non-negative test result, then the Specimen Collector shall split and deliver the samples to the laboratory for further testing. At the laboratory, one of the split samples shall be tested. If the laboratory test produces a negative test result, then both split samples shall be destroyed. If the laboratory test produces a positive test result, the DPA shall submit, by a secure method, all positive test results to the MRO. The MRO shall review and verify all positive results. Prior to making a final decision, the MRO shall notify the Participant and his or her parent or legal guardian of the positive test results and afford them an opportunity to discuss the results, either face-to-face or by telephone. If the MRO makes a final determination that a test result is positive, the MRO shall promptly inform the DPC of which Participant(s) tested positive.

I. Request for Retest. If the MRO finally determines that a Participant's sample has produced a positive test result, the Participant may request in writing that one of the split samples be retested at a second, nationally certified laboratory, selected from a list of qualified laboratories provided by the MRO. Participants are required to pay the cost of the additional test in advance. However, the cost shall be reimbursed if the result of the split sample test is negative. The written request for a retest must be submitted by the Participant to the DPC on Form 3 within 72 hours of the Participant being notified of the final positive test result.

J. AMS Continued Testing: Students entering AHS from AMS will continue under the 365-day drug testing period and are subject to continued testing until the 365-day time period is complete.

Section 5: Positive Results

Whenever a Participant's test is positive for the presence of illegal drugs, the DPC shall communicate with the Participant and the custodial parent or legal guardian and notify them of the positive test result and impose the following consequences:

A. First Positive Test: 1. The Participant shall miss five (5) days of scheduled practice from all extracurricular activities (may still attend practices; alternate activity may be planned for the participant per the coach's/sponsor's discretion). 2. The Participant shall also be suspended from publicly performing in all extracurricular activities for 14 calendar days (beginning the first week of contests/competitions; Moratorium excluded from 14-day suspension). The participant is not allowed to travel with the team/group during this 14-day suspension. If all extracurricular activities end before the suspension is served, the suspension will carry over to the next extracurricular activity so the Participant completes the required number of days. 3. Completion of assigned online substance use modules or one (1) DPC-approved counselor evaluation, in which the Participant will follow the recommendations of the counselor. 4. A district-administered negative test must be provided before the student may return to the activity.

B. Second Positive Test: 1. The Participant shall miss ten (10) days of practice from all extracurricular activities (may still attend practices; alternate activity may be planned for the participant per the coach's/sponsor's discretion). 2. The Participant shall also be suspended from publicly performing for 30 calendar days (beginning the first week of contests/competition; Moratorium excluded from 30-day suspension). The participant is not allowed to travel with the team/group during this 30-day suspension. If the end of the activity precedes the end of the 30 days, the remaining days will carry over to the next activity so that the student completes the required days. 3. An additional four (4) sessions of DPC-approved drug counseling must be successfully completed before the Participant may petition the DPA and DPC to resume participation in extracurricular activities. 4. A district-administered negative test must be provided before the student may return to the activity. 5. Follow-up drug testing for the next 12 months will begin upon notification of the second positive test, or end upon graduation from AHS.

C. Third Positive Test (within two consecutive years): 1. Suspension of the privilege to participate in practice and extracurricular activities for one year from the date of the third positive test meeting, or end upon graduation from AHS. If a first or second offense penalty has not been completed, the penalties must be served consecutively. 2. An additional eight (8) sessions of DPC-approved drug counseling must be successfully completed before the Participant may petition the DPA and DPC to resume participation in extracurricular activities. 3. A district-administered negative test must be provided before the student may return to the activity. 3. Follow-up drug testing will continue for 12 months from the date of the meeting.

D. Fourth Positive Test (during the High/Middle School career of a student): 1. The Participant shall be permanently suspended from all practices and all extracurricular activities at AHS. 2. The Participant will be removed from monthly test requirements. 3. The Participant may petition the DPC for reinstatement after 365 calendar days and the successful completion of an off-site rehabilitation program of no less than 28 days to be pre-approved by the DPC.

E. Fifth Positive Test During High/Middle School Career: The Participant shall be permanently suspended from extracurricular activities and may not be reinstated to the random drug testing program or pool.

F. Additional Terms and Conditions of Suspensions.

The following terms and conditions shall apply to and govern all suspensions imposed by the DPC, regardless of whether the suspensions are for a First, Second, Third, or Fourth Positive Test.

1. After the DPC-Participant-Parent meeting, follow-up drug testing, a minimum of once a month, shall begin and continue for the next 12 months or until the Participant's graduation from high school, whichever event occurs first. The DPC shall contact the Participant during the summer to establish a location and time for sample collection. Testing during the summer will provide another reason for a Participant to refrain from the illegal use of drugs.
2. If counseling is required, written proof of successful completion of the counseling sessions with a certified/licensed counselor is required. Adherence to follow-up drug assistance programs recommended by the counselor is strongly encouraged.
3. A negative drug test must be provided to the DPC before a suspended Participant may return to participate in extracurricular activities.
4. The cost of the additional testing, counseling sessions, and rehabilitation programs imposed by Section V of this policy shall be the responsibility of the Participant.
5. If a student is randomly selected and tests non-negative while awaiting the results of a previous non-negative test, the consequences may be adjusted if the administration deems it appropriate for the well-being of the student.

G. Refusal to Submit to Drug Use Test.

A Participant who refuses to submit to a drug test authorized under this policy, or fails or refuses to comply with any other provision of this policy, shall not be eligible to participate in any extracurricular activities including all meetings, practices, performances, and competitions for a period of 365 days. A Participant shall be given written notice, immediately, of the consequences of the refusal and an opportunity to retract the refusal. Within fifteen (15) minutes of being advised of the consequences, a Participant must retract the refusal in writing and immediately submit to the random drug test, or the refusal will become final. During the fifteen (15) minute period, the Participant shall attempt to contact a parent or legal guardian to discuss the consequences of refusal. Written notice of the

consequences of refusal and the Participant's written retraction shall be recorded on Form 4 by the Specimen Collector. The DPC shall follow up by making contact with the participant's parent or legal guardian to ensure that they are informed of the refusal to test by the participant.

H. Appeal.

A Participant who has been determined by the DPC to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her designee(s). Such request for a review must be submitted to the Superintendent in writing within five (5) calendar days of notice of the positive test. A Participant requesting a review shall remain eligible to participate in any extracurricular activities until the review is completed. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision shall be provided, and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable

Section 6: Non-Punitive Nature of Random Drug Testing

No Participant shall be penalized academically for testing positive for drugs. The results of drug tests pursuant to this policy shall not be documented in any Participant's academic records. Information regarding the results of drug tests shall not be disclosed to criminal or juvenile authorities absent legal compulsion by a valid and binding subpoena or other legal processes, which the school district shall not solicit. In the event of service of any such subpoena or legal process, the Participant and the Participant's custodial parent or legal guardian shall be notified as soon as possible by the District.

All records pertaining to Alliance Public School's random drug testing program shall be kept separate from other school and student records. The record-keeping and results of all testing and consequences of positive tests shall be held in the strictest confidence. These records shall be accessible only to the DPC. Records pertaining to a particular Participant shall be destroyed upon his or her graduation from Alliance High School, or one year after his or her class graduation, whichever event occurs first.

Section 7: Other Board Policies Governing Drug Testing

Under a separate School Board Policy, any student at Alliance High/Middle School may be required, at any time, to submit to a test for illegal or performance-enhancing drugs, or the metabolites thereof when an administrator, teacher, coach, or sponsor has reasonable suspicion of illegal or performance-enhancing drug use by that particular student. Tests that are conducted based upon reasonable suspicion of illegal drug use are not governed by the Alliance Public School's random drug testing policy, and the penalties are different from the consequences imposed under this policy.

Section 8: Severability

Should any sentence, clause, provision, or paragraph of this entire policy be deemed unlawful or unconstitutional, it is intended that, insofar as may be practicable, the remaining portions of this policy shall remain in full force and effect.

Adopted: **July 10, 2023**

Alliance Public Schools
Alliance, Nebraska

FORM 2 -- WITHDRAWAL

ALLIANCE PUBLIC SCHOOLS RANDOM DRUG TESTING PROGRAM

The undersigned student withdraws from participation in all school-sponsored interscholastic extracurricular activities and from the random drug testing program and pool.

The undersigned student and parent or legal guardian understand that a student who signs and delivers this Withdrawal to the Drug Program Coordinator cannot participate in any school-sponsored, interscholastic extracurricular activities unless the student re-enters the program by submitting a signed Consent (Form 1) and providing, at the student's cost, a negative test result to the Drug Program Coordinator.

Student

Date

Parent or Legal Guardian

Date

Drug Program Coordinator

Date

FORM 3 -- REQUEST FOR RETEST

ALLIANCE PUBLIC SCHOOLS RANDOM DRUG TESTING POLICY

The undersigned Participant acknowledges that on _____, 20__, at _____ o'clock __.m., he/she was notified by _____ that his/her sample produced a positive test result and that he/she has 72 hours to request a retest, by a certified laboratory, of one of the split samples collected by the Specimen Collector.

The undersigned Participant hereby requests that a retest be conducted by the _____ laboratory, and a deposit of \$ _____ is hereby delivered to _____, the DPC, along with this form.

Participant

Date: Time

Form 4-Notification of Consequences of Refusal

ALLIANCE PUBLIC SCHOOLS RANDOM DRUG TESTING POLICY

On _____, 20____, at _____ o'clock __.m., the undersigned Specimen Collector met with _____, Participant, at a collection site at Alliance High/Middle School for purposes of collecting a _____ sample to test for the presence of drugs. The Participant refused to submit a sample. At _____ o'clock __.m., I delivered a copy of this form to the Participant and read aloud the following consequences for refusing to submit a sample for drug testing:

A Participant who refuses to submit to a drug test authorized under this policy, or fails or refuses to comply with any other provision of this policy, shall not be eligible to participate in any extracurricular activities including all meetings, practices, performances, and competitions for a period of 365 days. A Participant shall be given written notice, immediately, of the consequences of the refusal and an opportunity to retract the refusal. Within fifteen (15) minutes of being advised of the consequences, a Participant must retract the refusal in writing and immediately submit to the random drug test, or the refusal will become final. During the fifteen (15) minute period, the Participant shall attempt to contact a parent or legal guardian to discuss the consequences of refusal. Written notice of the consequences of refusal and the Participant's written retraction shall be recorded on Form 4 by the Specimen Collector. The DPC shall follow up by making contact with the participant's parent or legal guardian to ensure that they are informed of the refusal to test by the participant.

The Specimen Collector also informed the Participant that he/she has 15 minutes to retract the refusal, and encouraged the Participant to attempt to contact his/her parent or legal guardian, to discuss the matter.

Participant Date: Time

Specimen Collector Date: Time

The Participant did not retract his/her refusal by _____ o'clock __.m.

Specimen Collector Date: Time

The Participant retracted his/her Refusal within 15 minutes and submitted a sample to the Specimen Collector for drug testing.

Participant Date: Time

Specimen collector

Date: Time

The Alliance Community and the Public Schools are committed to excellence and graduating students with a desire for learning and preparation for life in a rapidly changing world.

Adopted: July 10, 2023

Alliance Public Schools
Alliance, NE