

McKenzie Special School District

Drug-Free Extracurricular Programs

Random Drug Testing Program



This document is subject to change without notice. Should questions or concerns arise, please contact the office of the Director of Schools.

The McKenzie Special School District (“MSSD”) has a strong commitment to the health, safety, and welfare of all students. The use of illegal drugs is a potential problem for all students; however, unique pressures and risks exist for those students who participate in TSSAA-sanctioned athletics, cheerleading, band, clubs, student leadership positions, etc. A proactive approach, in the form of a Random Drug Testing Program (“Program”) for deterrence, has been instituted to support students and families with these challenges. The purposes of the Program are:

1. To maintain order, discipline, safety, supervision and education of students;
2. To employ education, testing and counseling to deter student use of illegal drugs and thereby enhance the safety and health of students;
3. To undermine the effects of peer pressure by providing students with a legitimate reason to refuse to use illegal drugs; and
4. To encourage students who use illegal drugs to participate in counseling and drug treatment programs.

MSSD considers participation in TSSAA-sanctioned athletics, cheerleading, band, clubs, student leadership positions, etc. a privilege, not a right. Students enrolled in grades 9-12 who participate in these activities are expected to accept the responsibilities which accompany the privileges, among these is the responsibility to remain drug free.

Definitions

The term *drugs* means:

1. Any scheduled drug, such as marijuana or opiates, as specified in Tennessee Code Annotated §§ 39-17-405 - 39-17-416.
2. Any drug that is illegal or is legally possessed or used only under the supervision of a licensed health-care professional or any substance which has been defined by MSSD Board of Education policies as banned for student use.

The term *designated activity* means:

1. TSSAA-sanctioned organized athletic activity outside the normal academic curriculum;
2. School-sponsored cheerleading;
3. School-sponsored band;
4. School-sponsored clubs (Beta, HOSA, FFA, and the like);
5. School-sponsored student-leadership positions; and
6. Other school-sponsored activities that are considered as extracurricular and voluntary in nature.

The term *tested population* means:

1. Students enrolled in grades 9-12 who participate in the designated activities.

The term *specimen* means:

1. Hair
2. Nail
3. Sweat Patch
4. Urine

No Conflict with "Reasonable Suspicion" Policies

The Program does not affect the current policies, practices, or rights of MSSD in regard to alcohol or illegal drug possession and/or use where reasonable suspicion is obtained by means other than random drug testing. MSSD reserves the right to test any student who exhibits behavior which constitutes reasonable suspicion for the use of drug and/or alcohol during the school day.

Non-Punitive

The Program is academically non-punitive. It is designed to promote and sustain a drug-free educational environment for students and to assist students in obtaining help when needed. No student will be penalized academically for testing positive for illegal drugs pursuant to this Program. No student will be expelled or suspended as a result of a positive test under this Program, except as stated herein. No record of participation or of any test results will appear on a student's transcripts or any other permanent record. A confirmed positive result will not increase a student's risk for reasonable suspicion. The Program is not conducted for the purpose of discovering evidence to be used in a criminal prosecution, and 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 legal process. An attempt will be made to notify the student and his/her custodial parent/guardian before response is made, to the extent required by the Family Educational Rights and Privacy Act ("FERPA").

Scope

The Program applies to all MSSD students who are in the tested population. No student shall be allowed to participate in designated activities until the student and parent (if student is under the age of 18) have signed a written consent.

Written Consent

MSSD will require any student in the tested population to consent in writing to random drug testing pursuant to this Program. Written consent shall be given by completing the MSSD Drug-Free Extracurricular Program Consent Form. By completing the Consent Form, the student agrees to participate in this Random Drug Testing Program. Students will be required to submit the completed Consent Form before the student is allowed to participate in any training, practice, conditioning, or games.

Testing Procedure

Testing will be accomplished by the collection of specimens on the random test dates. The collection will be conducted by MSSD employees and in conjunction with the testing provider under circumstances that ensure the integrity, validity and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student.

Random Testing

1. All members of the test population will be subject to unannounced random drug testing.
2. Random drug testing may be conducted year round.
3. The dates for the random selection of students to be tested will be determined by the Director of Schools or designee.
4. Students selected for testing will be notified and immediately tested. Any student randomly selected for drug testing who is absent will be tested on the next testing date.
5. Parents/guardians will be notified in writing when their student has been tested. The Notice will be given to the student to deliver to his/her parent/guardian.
6. If a student does not provide a viable testing specimen on the day of testing or refuses to be tested, the student will be suspended from all designated activities for thirty (30) calendar days. This will be considered as a First Confirmed Positive and the student will be subject to the subsequent steps as noted in this document.
7. Tests may be for any substance classified by Tennessee Code Annotated §§ 39-17-405 - 39-17-416 as being illegal or as legally possessed or used only under the supervision of a licensed health-care professional or any substance which has been defined by MSSD Board of Education policies as banned for student use.

Collection Protocol

1. Students will report to the approved collection site on the school campus.
2. Students will complete a form disclosing their current prescription medication(s) and confirm participation in at least one of the designated activities using the Student Disclosure Form.
3. An initial drug test will be completed on-site.
4. If the initial test is positive or inconclusive, then an additional specimen will be collected for

additional screening. The additional specimen may include urine, hair, nail, or sweat patch. The student will be considered to have a “confirmed positive” result until which time the additional specimen can be tested and confirmed by the lab.

5. If the student tampers with the collection or attempts to cheat in the collection process, the student will be banned from all designated activities for one calendar year (365 days).
6. All paperwork and results associated with drug testing are considered confidential information and will be treated accordingly.
7. Additional tests requested by a parent or student will be at the expense of the student or his/her parent or guardian.

Procedures in the Event of a Confirmed Positive Result

- The Coordinated School Health Coordinator, school principal, or designee will contact the student’s parent(s)/guardian(s).
- A written notification will be mailed to the parent/guardian within five (5) business days.
- Specimens confirmed as positive will be retained for at least ten (10) days for possible retesting or re-analysis.
- Depending upon the substance(s) found, the Coordinated School Health Coordinator and/or Medical Review Officer will determine if the positive result is due to the student’s previously disclosed prescription medication based on the Student Disclosure Form. The parent(s)/guardian(s) must supply a copy of the current prescription or a doctor's written documentation of the prescribed medication within 24 hours upon receipt of confirmed positive. Failure to supply the prescription or documentation will subject a student to the actions specified under Sanctions for Confirmed Positive Results.
- If a student or parent(s)/guardian(s) would like to contest the results, they may do so at the expense of the student/parent(s)/guardian(s).

Sanctions for Confirmed Positive Results

When a test result indicates the presence of drugs, the following will occur:

First Confirmed Positive:

1. The Coordinated School Health Coordinator, school principal, or designee will contact the student’s parent(s)/guardian(s) to schedule a meeting with the parent(s)/guardian(s) and student.
2. The student will be removed from participation in all extracurricular activities for thirty (30) calendar days and parent(s)/guardian(s) will be provided with information to seek assistance. Student must receive a negative test before being able to return to extracurricular participation/competition after the minimum thirty (30) day period. If the

student tests positive, the student will follow the sanctions for a second confirmed positive result.

Second Confirmed Positive:

1. The Coordinated School Health Coordinator, school principal, or designee will contact the student's parent(s)/guardian(s) to schedule a meeting with the parent(s)/guardian(s) and student.
2. The student will be removed from all extracurricular participation/competition for one calendar year (365 calendar days). Student must receive a negative test before being able to return to extracurricular participation/competition after the one calendar year (365 calendar days) period. If the student tests positive, the student will follow sanctions for a third confirmed positive result.

Third Confirmed Positive:

1. The Coordinated School Health Coordinator, school principal, or designee will contact the student's parent(s)/guardian(s) to schedule a meeting with the parent(s)/guardian(s) and student.
2. The student will be removed from ALL extracurricular participation/competition for the remainder of the student's enrollment period with MSSD.

Note: A student who tests positive for marijuana will not be tested again for at least 30 days, but not longer than 60 days.

Appeal

If a student, parent, or guardian wishes to contest the random drug testing procedure, a written appeal must be submitted to the Director of Schools within two (2) calendar days upon receipt of a confirmed positive. The student, parent, or guardian may either challenge any procedure related to the collection or testing of the specimens. If the Director of Schools finds it is more likely than not that any substantiated problem with the collection or testing procedures materially affected a specimen's integrity, the appeal may result in a finding that no violation has occurred. Sanctions begin upon initial confirmed positive.

Additional drug testing requested by the student/parent(s)/guardian(s) in an effort to contest/appeal the results of a Random Drug Test for Students Participating in Extracurricular Activities will be done solely and fully at the expense of the student/parent(s)/guardian(s) and must be conducted through a licensed laboratory accredited by the Tennessee Department of Health and Environment.

PARENT NOTIFICATION OF STUDENT DRUG TESTING

Student Name: _____

Grade: _____

This is notification that your student was randomly selected to participate in a drug screening today at McKenzie High School as part of the Drug-Free Extracurricular Programs' Random Drug Testing Program. See McKenzie Special Board of Education policies 6.307 and 6.3071 (found at <https://tsba.net/mckenzie-special-board-of-education-policy-manual/#students>) for additional information. Our Drug-Free Extracurricular Program's Random Drug Testing Program manual can also be viewed on our MSSD website (found at <https://www.mckenzieschools.org/forms>).

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STUDENT DISCLOSURE FORM

Student Name: _____

Grade: _____

Extracurricular Activity: _____

Prescription and/or Over-the-Counter Medicines (currently taking):

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Grade: _____

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