

McKinney ISD Drug Policy and Contract

1. The objectives for this program are:
 - i. To allow each student in programs subject to testing to make a commitment against drug/alcohol use.¹
 - ii. To provide a deterrent to drug/alcohol use for students in grades 7-12.
 - iii. To ensure the health and safety of students participating in an extracurricular activity.
 - iv. To provide a drug/alcohol education and counseling program for students who test positive for drug/alcohol use and for those students who are at risk for drug/alcohol use.
 - v. To provide students with a tool to deal with peer pressure.
2. Students in grades 7-12 who participate in extracurricular activities will be required to submit to drug/alcohol testing consistent with this policy. For the purpose of this policy, extracurricular activities include, but are not limited to:
 - i. All UIL activities;
 - ii. School-sponsored student groups/clubs/organizations
 - iii. Student Council;
 - iv. All elected/appointed student officers;

Additionally, any student may voluntarily agree to participate in the drug testing program with the written consent of their parents/guardians and the payment of the proper drug/alcohol testing fees.

When the athletic director/sponsor/campus administrator has a reasonable suspicion that a student subject to the program is currently using drugs/alcohol, the athletic director or fine arts director may require the student to submit to a test under this policy. "Reasonable suspicion" means a suspicion of drug/alcohol use based on specific observations made by teachers/coaches/administrators/sponsors of the appearance, speech, or behavior of a student subject to this policy; the reasonable inferences that are drawn from those observations; and/or information of drug/alcohol use by a student subject to this policy supplied to school officials by other students, staff members, or patrons.

3. Prior to engaging in any extracurricular activity which is governed by this policy, a parent/guardian of a student, and the student, must both sign a written consent authorizing drug/alcohol testing of the student. Students who have reached the age of majority, or their disabilities of minority have been removed, will sign the written consent authorizing drug/alcohol testing of the student.

All students covered by this policy will be required to submit to random drug/alcohol testing. Random testing may be conducted at any time. Random testing may be conducted as determined by the Superintendent or the campus principal. The names of all eligible students will be placed in a computer generated "pool." Random selections from that pool will be conducted by the testing service contracted by the District.

¹ The term "drug/alcohol" for the purpose of this policy includes the definition outlined on page 38 of the *Student Code of Conduct*.

- Any controlled substance or dangerous drug as defined by state and federal law; without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate;
- Alcohol or any alcoholic beverage;
- Any simulated controlled substance or dangerous drug;
- Any drug as defined by state and federal law without regard to amount;
- Any abusable volatile chemical substance for inhalation;
- Any prescription drug used in a manner not consistent with the prescription;
- Any other intoxicant or mood-changing, mind-altering, or behavior altering drugs, including pills and other over-the-counter stimulants and sedatives; or
- Any anabolic steroids.

4. Drug/alcohol testing will be done by a nationally certified drug testing laboratory. The District will contract with a certified drug-testing laboratory. The laboratory will follow strict procedures for the chain of custody and access to test results. The laboratory will provide qualified collectors to oversee collection of specimens. The service will provide Medical Review Officer (MRO) services for the interpretation and verification of positive results. The MRO will report all test results to designated school officials. Results will not be provided either orally or in writing to any person who has not been designated by the district to receive results. The District reserves the right to test for prohibited/illegal substances, including but not limited to: alcohol, amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, methadone, methaqualone, opiates, phencyclidine, steroids, other illegal or addictive drug and any adulterant.
5. Drug/Alcohol Testing will be performed by urinalysis in accordance with accepted practices and procedures as established by the certified drug/alcohol testing laboratory with whom the District contracts. Student privacy will be protected to the greatest extent possible during the collection and coding of urine specimens. Students will provide urine specimens in an empty restroom accompanied by an adult monitor of the same gender. Male students will produce a sample at a urinal, remaining fully clothed with their backs to the monitor. Female students will produce a sample in a closed stall. After the specimen is produced, it will be handed to the monitor.
6. Results of any drug/alcohol test will not be given to law enforcement authorities nor be used for any school district discipline, except as related to applicable activities noted in this policy. Access to written drug/alcohol results will be limited to the following:
 - i. Parent/Guardian
 - ii. Student
 - iii. Superintendent Designee

Access to verbal notification that a student has tested positive for drug/alcohol use will be provided to the following:

- iv. Principal
- v. Counselor
- vi. Coach/sponsor of the specific activity in which the student participates at the time of the positive test.

All information related to the testing or the identification of students as a user of illegal drugs/alcohol will be protected by the District and its employees, officers, and agents as confidential, unless otherwise required by law, in response to overriding public health and safety concerns, or as authorized by the parent/guardian or student. The District will destroy the records maintained under this policy in accordance with the District's records retention schedule.

7. If the drug test indicates positive results, the laboratory will immediately forward the results to its MRO. The MRO will contact the designated school official to report the positive result. The school official will contact the parent/guardian to determine if prescription medication or other legal substances may have caused the positive result. Information obtained from the parent/guardian will be provided to the MRO for review and issuance of his/her determination.

Consequences of Positive Testing

Consequences of a **FIRST** confirmed positive test result shall be as follows:

1. Required conference with parent/guardian and student.
2. Referral to a MISD approved counseling and/or drug education program for an assessment which will determine if a counseling and/or drug education program is needed for the student. The student must provide documentation of the assessment. If counseling and/or drug education program is recommended, the student must fulfill the recommendation of the counseling and/or drug education program, and provide documentation confirming completion of the program.
3. A minimum 20 school day suspension from all extracurricular activities.
4. Prior to rejoining any extracurricular activity, a negative test result must be obtained at the student's/parent's/guardian's expense.
5. After regaining eligibility retesting once a month for 4 months.

Consequences of a **SECOND** confirmed positive test result shall be as follows:

1. Required conference with parent/guardian and student.
2. Referral to a MISD approved counseling and/or drug education program for an assessment which will determine if a counseling and/or drug education program is needed for the student. The student must provide documentation of the assessment. If counseling and/or drug education program is recommended, the student must fulfill the recommendation of the counseling and/or drug education program and provide documentation confirming completion of the program.
3. A minimum 60 school day suspension from all extracurricular activities.
4. Prior to rejoining any extracurricular activity, a negative test result must be obtained at the student's/parent's/guardian's expense.
5. After regaining eligibility retesting once a month for 4 months.

Consequences of a **THIRD** confirmed positive test result shall be as follows:

1. Required conference with parent/guardian and student.
2. Referral to a MISD approved counseling and/or drug education program for an assessment which will determine if a counseling and/or drug education program is needed for the student. The student must provide documentation of the assessment. If counseling and/or drug education program is recommended, the student must fulfill the recommendation of the counseling and/or drug education program and provide documentation confirming completion of the program.
3. A minimum of one full calendar year suspension from all extracurricular activities.
4. Prior to rejoining any extracurricular activity, a negative test result must be obtained at the student's/parent's/guardian's expense.
5. After regaining eligibility retesting once a month for one year.

Consequences of a **FOURTH** confirmed positive test result shall be as follows:

1. Required conference with parent/guardian and student.
2. The student will be removed from all participation in extracurricular activities for as long as the student is enrolled in McKinney ISD.

A positive test that results in a suspension in excess of the number of days remaining in the school year will continue on the first day of school of the next school year.

Refusal to participate in a drug test after signing the consent form shall count as a positive test.

8. Students who are not involved in extracurricular activities, but who voluntarily participate in the district drug testing program with consent of their parent/guardian will be subject to the same consequences for positive tests as set out herein.
9. Students who stop participating in extracurricular activities during the school year must submit a letter to the principal requesting removal from the random drug testing pool.
10. Appeal of the consequences of a positive result must be filed with the District by the student or parent/guardian in accordance with District policies FNG (LEGAL) and FNG (LOCAL). During the time of any appeal, the consequences outlined herein will remain in effect including but not limited to, suspension and/or removal from all applicable extracurricular activities. If the appeal is resolved in favor of the student, the student will be immediately reinstated to the extracurricular activity. Any drug/alcohol test incident to an appeal, in which the parent/guardian requests retesting, the parent/guardian must submit the appeal within forty-eight (48) hours of confirmation and notification of the positive result. Retesting must be performed by a nationally certified drug/alcohol testing laboratory using the original positive sample, and will be done at the parent/guardian's expense.

