

POLICY

SCHOOL-BASED STUDENT RANDOM DRUG AND ALCOHOL TESTING

It is the responsibility of the Board of Education to safeguard the health, character, citizenship, and personality development of the pupils in its schools. We, therefore, must maintain that the use of drugs and the unlawful possession and use of alcohol is wrong and harmful. The board recognizes that the misuse of drugs, alcohol or steroids threatens the positive development of pupils and the welfare of the entire school community. The Canton School Board of Education is committed to the prevention of drug, alcohol and steroid abuse and the rehabilitation of identified abusers.

The Board of Education recognizes that the problem of illegal drug and alcohol use presents a continuing challenge in its schools and a clear danger to the pupil population as a whole. The district's commitment to maintaining athletics and co-curricular programs in a safe, healthy and secure educational environment requires a clear policy and supportive programs relating to the detection and prevention of substance use by pupils involved in athletics and co-curricular activities.

Participation in athletics and co-curricular activities within the school system is a privilege. Pupil participants, by virtue of their voluntary decision to participate in these co-curricular and athletic activities, and because of their position as school leaders and role models in the school community, have a heightened responsibility to be drug and alcohol free. The district is committed to being proactive in ensuring the safety of all pupils participating in athletics and co-curricular activities.

Consistent with the U.S. Supreme Court Ruling, *Board of Education of Independent School District No. 92 of Pottawatomie County et al v. Earls et al.*, 536 U.S. 822 (2002), it is the policy of the Board of Education to direct the Superintendent and other appropriate school personnel to develop, implement and conduct a program of school-based random drug testing of pupils in athletics, co-curricular activities, school clubs and pupils who elect to voluntarily participate in the program with parental consent. Pupils in grades seven through twelve (7th grade – 12th grades) are eligible for participation in the drug-testing program. Eligibility shall apply until graduation or drop form is completed. The principal or his/her designee at each school shall oversee the Policy and Procedure.

Primary emphasis in administering this program should be directed toward deterrence and remediation rather than punishment of pupils who test positive for alcohol, non-prescribed medications, illegal drugs or their metabolites. Consequences for a pupil who tests positive for illegal drugs or their metabolites will be followed according to Board regulation. This policy is NOT intended to be disciplinary or punitive in nature as indicated by existing court decisions as it relates to loss of instructional time. No pupil shall be expelled or suspended from school as a sole result of any verified positive test conducted by the school under the *Grants for School-Based Student Drug-Testing Programs* random drug testing grant program.

This policy and its implementing regulations will supplement our existing comprehensive program of drug, alcohol and steroid education, prevention and intervention. This program will expand our existing programs aimed at the identification and remediation of pupils involved with drugs, alcohol steroids. This program will be therapeutic in nature allowing for the opportunity to refer identified users of drugs, alcohol or steroids to an appropriate substance abuse prevention/intervention program. This policy complies with the confidentiality requirements established in federal regulation found at 42 CFR Part II. This policy and its implementing regulations will apply to all pupils in the Canton High

School and Canton Middle School (grades 7-12) who participate in any athletics, co-curricular activities or school clubs and pupils in grades 7-12 who elect to voluntarily participate in the program with parental consent.

This policy and its implementing regulations will be made available to all project staff, school personnel, pupils, and parents/guardians on an annual basis. This policy shall be in each building, and notification of its availability shall appear annually in the student handbook.

Definitions:

Drug: For the purpose of this policy “drug” shall include all controlled dangerous substances designated and prohibited as stated in the SDCL 22-42 and 22-42-15. For the purpose of this policy, a drug includes, but is not limited to, phencyclidine (PCP), marijuana (TCH), cocaine, methamphetamine, opiates, alcohol, and anabolic steroids or any other substance which is defined as a controlled substance by South Dakota law or their metabolites; and all referenced chemicals that release toxic vapors set and all medications taken not pursuant to a legal prescription.

Alcohol: For the purpose of this policy “alcohol” includes beer, wine, distilled liquors and any other liquid containing alcohol.

Co-curricular Activity: For the purpose of this policy “co-curricular activity” shall be those activities, which are sponsored or approved by the board but are, not offered for credit toward graduation.

Competitive: For the purpose of this policy “competitive” shall be those activities in which students compete against another school in that activity. For example, if the debate team/club competes against another school’s debate team/club’s activities are competitive.

Co-curricular, Competitive Activity: For the purposes of this policy “co-curricular, competitive” activities shall be those activities which are sponsored or approved by the board, but are not offered for credit toward graduation and are competitive, i.e., students compete against another school in that activity.

Volunteer: For purposes of this policy “volunteers” shall be those students who do not participate in athletics, do not participate in co-curricular, competitive activities *and* who do not participate in school clubs which have competitive components and who elect to voluntarily participate in the School-Based Student Random Drug and Alcohol Testing Program. Parents of volunteers must provide written consent for their child to be randomly drug-tested.

Non-punitive: No loss of instructional time as established in United States Supreme Court decisions.
Creation Date: October 16, 2009

CANTON SCHOOL DISTRICT

Student Random Drug and Alcohol Testing Policies and Procedures

Project Coordinator

The Project Coordinator or her/his designee will coordinate and supervise the School-Based Student Random Drug and Alcohol Testing Program. The Project Coordinator will be an employee of the program. The Project Coordinator will work with/collaborate with the Principal of each school in coordinating and supervising the school-Based Student Random Drug and Alcohol Testing Program.

The Project Coordinator will adhere to the requirements of Canton School District employees regarding fingerprinting for a criminal history background check through the South Dakota Division of Criminal Investigation (DCI) and the Federal Bureau of Investigation (FBI) for those who will have unsupervised access to children in an educational environment.

Project Director

The Project Director serves as the administrative, supervisory lead for the project. All programmatic, fiscal, administrative and supervisory components will be overseen and directed by the person in this position.

Eligibility for Testing – Canton High School and Middle School (grades 7-12):

All pupils in the Canton School District testing pool who participates in any athletics, competitive, co-curricular activities, or school clubs which have competitive components and pupils who elect to voluntarily participate in the school-Based Student Random Drug and Alcohol Testing Program with parental consent will be eligible for the random drug testing pool (Testing Pool).

Pupils become eligible once they complete a “School-Based Student Random Drug and Alcohol Testing Program: Pupil Consent to Test Form” (Consent to Test Form).

The Consent to Test Form must be submitted to the appropriate Project Coordinator, principal, coach, or advisor.

Pupil **athletes** must submit Consent to Test Form on or before the first day they participate in practice. Failure to do so will result in ineligibility for participation in the athletic endeavor until the form is submitted.

Pupils involved in **competitive, co-curricular activities** or **school clubs** with competitive components must submit the Consent to Test Form by no later than their attendance at a second meeting. Failure to do so will result in ineligibility for participation in the competitive, co-curricular activity or club.

Pupil **volunteers** for the Program shall be allowed to enter the Canton School District Testing Pool at any time once they submit a Consent to Test Form signed by the student and a parent. Pupil volunteers who are in the Canton School District Testing Pool remain eligible for random testing from the date the Consent to Test Form is turned in until a written request from a parent/guardian to withdraw from the program is submitted.

Pupils remain eligible for random drug testing from the date the Consent to Test Form is turned in until a “School-Based Student Random Drug and Alcohol Testing Program: Drop Form” (Drop Form) is completed, or until the student graduates from the Canton School District, or not they have been

previously tested or are currently participating in athletics, currently participating in competitive, co-curricular activities, or currently voluntarily participating in the drug-testing program at the time they might be randomly selected for a drug test. In the event that a pupil eligible for random alcohol and drug testing ceases to participate or withdraws from all athletics, complete, co-curricular activities or school clubs, he or she has the opportunity to submit to the Project Coordinator, Principal or administrative designee a Drop Form. This Drop form shall remain in effect for a minimum of one calendar year, with a built in fifteen (15) day grace period for reconsideration. In order for a pupil's withdrawal to be effective and thereby remove him or her from the Testing Pool, the pupil's Drop Form must be signed by both the pupil and a parent/guardian.

The district will test no less than 50% of the total number of pupils in the Canton School District Testing Pool annually.

Confidentiality:

Results of student drug tests will not be disclosed to law enforcement officials.

The results of each student's drug tests will be destroyed when the student graduates or otherwise leaves Canton School District.

All positive drug tests will be reviewed by a certified Medical Review Officer. (MRO).

The Canton School District School Board's legal counsel will semi-annually review the *School-Based Student Random Drug and Alcohol Testing* policy and advise that the program activities do not appear to violate established constitutional principles or State and Federal requirements related to implementing a student drug-testing program.

Every effort will be made to ensure the confidentiality of drug-testing results, including prohibition of the party conducting drug tests from disclosing to school officials any information about a student's use of legal medications.

All proposed activities will be carried out in accordance with the requirements of the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA).

Testing Procedure:

A confidential randomized testing schedule will be created by the Project Coordinator and the Canton School District's administration along with Sanford Health, prior to the initiation of the Program to ensure that the testing of eligible pupils is conducted in a manner that is random.

Testing will only occur on pupil contact days during the academic year.

Selection of eligible pupils for testing will be conducted in a purely and entirely random basis, which will be carried out as follows:

- The pupils eligible for testing will be identified by their pupil ID number, not their name, in order to maintain confidentiality and to maintain the integrity of the randomness of this program.
- On scheduled testing days, the Project Coordinator will receive, from the contracted testing company*, pupil ID number(s) to be tested. *The contracted testing company will have a database with all Canton School District student numbers with random selection capabilities.
- The Project Coordinator or designee will notify appropriate school

- administrators(s)/counselor(s) of the individuals selected for testing (pupils).
- Individuals selected must report to the testing site within 24 hours.
- Designated school personnel will escort the individuals selected to the testing site when requested.
- The testing site will have a secured bathroom, which will maximize the privacy of the pupil by parent.
- Individuals selected will sign-in upon arrival at the testing site on a pre-numbered form.
- Alternate pupil selection will be made in the event of pupil absence.
- The names and/or any other personally identifiable information of the pupil will remain confidential.

Collection of Samples:

All aspects of the Program, including the taking of specimens, will be conducted so as to safeguard any and all the personal and/or privacy rights of the pupil to the maximum extent possible. The Policy treats a pupil's test results as a confidential health record pursuant to both federal and state regulations. As such, any information obtained by the Program which would identify the pupil as a drug or alcohol user may be disclosed only for those purposes and under those conditions permitted by federal regulations in accordance with 42 C.F.R.-Part II. No testing record of any pupil will be used to initiate or substantiate any criminal charges against a pupil to conduct any investigation of him or her, and the district will not share pupils' individual test results with law enforcement authorities.

Any information transmitted to an approved outside agency for testing or processing will not contain any personally identifiable information of the pupil. The approved outside agency will guide the collection of specimens in accordance with federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards.

In administering the Program, the district will test for the presence of certain substances that may include, but are not limited to, the following substances or their metabolites: alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, mathamphetamines, opiates, oxycodone, PCP, anabolic steroids, tricyclic antidepressants and/or any other substance defined as a "controlled substance" by either South Dakota or Federal law.

All pupils randomly selected for testing shall complete a Specimen Control Form (SCF), which bears an assigned identification number. This identification number shall be the means for identifying the specimen by all laboratory personnel. Only the Project Coordinator shall know the assigned number for each pupil.

The pupil shall submit to a saliva sample/screen according to the Consent to Test Form. The collection of the saliva sample will be done in a manner that is confidential and respects the privacy of the pupil.

The laboratory personnel will collect specimens from the selected pupil and conduct an initial on-site test on the specimen. If the specimen produced is determined to be a "nonnegative," the specimen will be forwarded to a licensed laboratory for confirmatory testing. Any information transmitted to a licensed laboratory for testing or processing will not contain any personally identifiable information of the pupil.

Specimens will be kept by the testing laboratory/facility for at least ninety (90) days pending a request for retesting of a specimen, if an appeal occurs.

Any attempt by a pupil to tamper with the specimen collection process, or refusal to participate, will deem and constitute the specimen as positive.

All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of pupils.

Notification of Testing and Testing Results

All pupils in the Canton School District who participate in any athletics, competitive, co-curricular activities or school clubs with competitive components and pupils who elect to voluntarily participate in the School-Based Student Random Drug and Alcohol Testing Program (Program) with parental consent will be required to complete the Consent to Test Form.

Where a pupil's test is **negative**, the parent(s) or guardian(s) will receive a phone call or message from the Project Coordinator with information concerning the preliminary results within forty-eight (48) hours following the completion of the testing process.

Where a pupil's test is **non-negative**, the pupil's parent(s) or guardian(s) will be contacted directly by a Medial Review Offer (MRO) to conduct a consultation within twenty-four (24) hours following the completion of the testing process. The consultation will address the reasons for the non-negative test and a decision will be made by the MRO regarding the legitimacy, validity, or accuracy of the non-negative test result. The MRO will determine if that substance has been taken pursuant to a legal prescription.

Where a pupil's test is confirmed **positive**, the pupil's parent(s) or guardian(s) will be informed directly by a Medical Review Officer (MR) within a twenty-four (24) hour period of the test confirmation. Results of the pupil's test confirmed by the MRO will be provided to the Project Coordinator within twenty-four (24) hours of the MRO's consultation with the pupil and his or her parent(s) or guardian(s).

The Project Coordinator provides any information concerning a student's confirmed positive test to the specific school Principal. Principals will notify coaches or advisors only if required. Pupils' test results will be kept in confidential files, in a locking cabinet, separate and apart from his or her other educational records, and shall be disclosed only to those personnel who have a need to be informed regarding the result of the test in order to implement or to oversee implementation of the Program or the consequences for violating the policy. Pupil drug testing information resulting from the Program will not be turned over to any law enforcement authorities except under circumstances in which the district is legally compelled to surrender or disclose such test results.

The district respects the privacy of its pupils and shall maintain confidentiality regarding any alcohol and drug testing for this Program. The results will only be released to parents of the pupil and the Project Coordinator. In order for the Principal to have authority to enforce this policy, the Project Coordinator will work with/collaborate with each Principal to ensure that all consequences are applied and corrective actions are taken for all pupils who test positive. All records and subsequent actions shall be kept in a file separate from the pupil's regular file. The district personnel will not release records of drug and alcohol tests or any resulting action to anyone other than the pupil and/or his/her parent/guardian without written authorization from the pupil and/or his/her parent/guardian, in accordance with 42 C.F.R.-Part II.

Consequences – Canton School District (grades 7-12):

Consequences will result from the following:

- A confirmed positive alcohol or drug test;
- Refusal to participate in testing when selected; and/or
- Tampering with the specimen collection process.

Pupils will be ineligible for participation in any athletics, competitive, co-curricular activities or school clubs with competitive components, unless they complete the School-Based Student Random Drug and Alcohol Testing Program: Pupil Consent to Test Form.

Consequences of a Confirmed Positive – Canton School District (grades 7-12):

First Positive –

The Principal or designee will contact the parent(s) or guardian(s) to make immediate arrangements for a medical examination.

The pupil will forfeit the privilege of participation in any athletics, competitive, co-curricular activities or school clubs with competitive components for a minimum period of one event or 7 calendar days, beginning with first available opportunity.

Pupil will be required to continue practicing with the team or group only if cleared with written permission submitted to the coach or advisor from the physician conducting the required medical examination. Students electing to not participate in *practices* during the non-participation period may endure additional delays in participation in games or competitions due to safety issues.

The pupil shall have a minimum of six (6) visits with the Project Coordinator, two of which must occur within the week immediately following the confirmed positive test.

The pupil shall attend an Early Intervention Program. If the Canton School District already has an arrangement with an intervention/treatment program, the pupil will be referred to this intervention/treatment program by the Project Coordinator. If one is not available in school, the pupil shall attend at an agency approved by the Canton School District and the *Grants for School-Based Student Drug-Testing Program* Project Director as an appropriate substance abuse treatment center. The pupil must enter an approved program within one (1) week of the receipt of the confirmed positive test result.

The parent/guardian(s) is/are responsible for the cost of the rehabilitation program.

The pupil must be evaluated by a physician before returning to school and a written report must be furnished to the school principal/Project Coordinator certifying that substance use no longer interferes with the pupil's mental or physical ability to participate in school activities, i.e., athletics, competitive, co-curricular activities, or school clubs which have competitive components and pupils who elect to voluntarily participate in the School-Based Student Random Drug and Alcohol Testing Program.

The pupil must submit a negative drug test prior to returning to any athletics, competitive, co-curricular activities or school club with competitive components.

Failure to follow through on procedures as set forth will result in pupil being deemed ineligible for any athletics, competitive, co-curricular activities or school clubs with competitive components.

Second Positive –

The principal or designee will contact the parent(s) or guardian(s) to make immediate arrangements for a medical examination.

The pupil will forfeit the privilege of participation in any athletics, competitive, co-curricular activities or school clubs with competitive components for a minimum period of three events or 21 days, beginning with first available opportunity.

Pupil will be required to continue practicing with the team or group only if cleared with written permission submitted to the coach or advisor from the physician conducting the required medical examination. Students electing to not participate in practices during the non-participation period may endure additional delays in participation in games or competitions due to safety issues.

Pupil must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Canton School District and the *Grants for School-Based Student Drug-Testing Program* Project Director as an appropriate substance abuse treatment center.

The parent/guardian(s) is/are responsible for the costs of the substance abuse evaluation and any treatment/counseling by the evaluator or program.

The pupil must be evaluated by a physician before returning to school and a written report must be furnished to the school principal/Project Coordinator certifying that substance use no longer interferes with the pupil's mental or physical ability to participate in school activities, i.e., athletics, competitive, co-curricular activities, or school clubs which have competitive components and pupils who elect to voluntarily participate in the School-Based Student Random Drug and Alcohol Testing Program.

The pupil must submit a negative drug test prior to returning to any athletics, complete, co-curricular activities or school clubs with competitive components.

Failure to follow through on procedures as set forth will result in pupil being deemed ineligible for any athletics, competitive, co-curricular activities or school clubs with competitive components.

Third Positive –

The Principal or designee will contact the parent(s) or guardian(s) to make immediate arrangement for a medical examination.

The pupil will forfeit the privilege of participation in any athletics, competitive, extra-curricular activities or school clubs with competitive components for a minimum period of 60 calendar days, beginning with first available opportunity.

Pupil must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Canton School District and the *Grants for School-Based Student Drug-Testing Program* Project Director as an appropriate substance abuse treatment center.

The parent/guardian(s) is/are responsible for the costs of the substance abuse evaluation and any treatment/counseling by the evaluator or program.

The pupil must be evaluated by a physician before returning to school and a written report must be furnished to the school principal/Project Coordinator certifying that substance use no longer interferes with the pupil's mental or physical ability to participate in school activities, i.e., athletics, competitive, co-curricular activities, or school clubs which have competitive components and pupils who elect to voluntarily participate in the School-Based Student Random Drug and Alcohol Testing Program.

The pupil must submit a negative drug test prior to returning to any athletics, competitive, co-curricular activities or school clubs with competitive components.

Failure to follow through on procedures as set forth will result in pupil being deemed ineligible for any athletics, competitive, co-curricular activities or school clubs with competitive components.

Appeal Procedure:

A pupil or his or her parent(s) or guardian(s) may request a retest of his/her specimen at his/her own expense at a laboratory approved by the Canton School District and which follows federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards concerning drug testing protocols and procedures. Requests must be made within twenty-four (24) hours of receiving the results of their drug test. The specimen previously submitted will be forwarded to the approved lab in cooperation with the District approved outside agency responsible for confirmatory testing.

Results of the re-test will be provided to the Project Coordinator by the approved laboratory. During the appeal period students may not participate in athletics, competitive, co-curricular activities or school clubs with competitive components.

Pupil will be required to continue practicing with the team or group only if cleared with written permission submitted to the coach or advisor from the physician conducting the required medical examination. Student selecting to not participate in practices during the non-participation period may endure additional delays in participation in games or competitions due to safety issues.

Canton School District
School-Based Student Random Drug and Alcohol Testing Program:
Pupil Consent to Test Form

I understand fully that my performance, as a pupil 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 the Canton School Board of Education and the sponsors for the activity in which I participate.

I authorize the Canton School District to conduct a test on saliva, which I provide on-site, to test for alcohol and/or drug use if my number is drawn from the random pool. Pursuant to the Regulations for the Student Random Drug and Alcohol Testing Policy, I also authorize the release of information concerning the results of such tests to designated district personnel.

I understand that this form remains in effect until the submission of an Activity Drop Form or graduation and/or withdrawal from the school district.

Pupil Name (print)	Current Grade	Pupil ID # (leave blank)
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Pupil Signature	Date
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Parent/Guardian Name (print)	Work Phone
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Parent/Guardian Signature	Date
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Home Phone	Cell Phone
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I plan to participate in one or more of the following:

_____ Athletic Program

_____ Competitive, Co-curricular Activity or School Club with Competitive Components

_____ I am volunteering to be placed in the testing pool

**Canton School District
School-Based Student Random Drug and Alcohol Testing Program:
Drop Form**

I, _____ wish to withdraw from

I will submit this form to the advisor or coach of said activity(s) or athletic program. My name will be withdrawn from the testing pool on the date this is received by the Principal or designee. Completing this form will pertain to all athletic programs, competitive, co-curricular activities or school clubs with competitive components.

I understand, by withdrawn, I can no longer participate in any athletic programs, competitive, co-curricular activities or school clubs, which have competitive components, and I may not receive recognition as a member of these activities or athletic programs. I may re-enter the testing pool after a period of one (1) calendar year by filling out a new consent form.

PUPILS HAVE 15 DAYS TO RECONSIDER THEIR DECISION AND RE-ENTER THE POOL WITH NO CONSEQUENCES.

_____ Pupil Signature	_____ Print Name	_____ Date
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_____ Parent Signature	_____ Print Name	_____ Date
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_____ Advisor Signature	_____ Print Name	_____ Date
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_____ Principal Signature	_____ Print Name	_____ Date
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_____ Additional Advisor/Coach Signature	_____ Print Name	_____ Date
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_____ Additional Advisor/Coach Signature	_____ Print Name	_____ Date
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SCHOOL-BASED STUDENT RANDOM DRUG AND ALCOHOL TESTING
Canton School District
LEGAL ASSURANCE

I, _____, legal counsel for the Canton School District, have reviewed the proposed policy/program for the School-Based Student Random Drug and Alcohol Testing program. All activities proposed within this program do not appear to violate established constitutional principles or State and Federal requirements related to implementing a student drug-testing program. All proposed activities will be carried out in accordance with the requirements of the Family Education Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA).

Name/Law Firm

Date