



Penelope ISD

DETERRENT TO
ILLEGAL DRUG AND ALCOHOL USE
POLICY
2022-2023



Penelope Independent School District
309 Avenue D, Penelope, Texas 76676

August 17, 2022

Dear Wolverine Parents/Guardians:

Penelope ISD will conduct a mandatory drug/alcohol testing for all students in grades 9-12 involved in extracurricular activities or who drive a vehicle to school. The Board of Trustees approved this policy at the August 26, 2020 Board Meeting as an incentive to be proactive for the health and safety of our students.

Our design and format is to provide students with an “out” regarding the peer pressures that are so prevalent at this age. Also, the drug testing policy will be a preventative measure and a tool for students to utilize the school as a support system if there is a usage problem.

Students must sign the “Student Acknowledgement Form,” and his/her parent/guardian must sign the “Parental/Guardian Consent for Random Drug Testing Program” form. **These signed forms must be returned to district administration by the date noted on these forms.** Students who do not return the signed forms by the deadline will not be allowed to participate in extracurricular activities or drive a vehicle to school. **Signed forms will be kept on file at the district.*

Students will grow and mature with time and age. Our responsibility is a reflection of societal needs to provide a safe, secure climate for our children who will be the adults of the future. If our testing initiative keeps one child safe or provides awareness for one parent, then it will be a success.

Should you have questions regarding this program, please feel free to call Penelope ISD.

Sincerely,

Robert Bray
Superintendent
Penelope ISD

PURPOSE/OBJECTIVES

The purpose of the drug testing policy is:

1. To prevent illegal drug and alcohol use.
2. To educate students on the serious physical, mental, and emotional harm caused by illegal drug and alcohol abuse.
3. To alert students with possible substance abuse problems to the potential harms of illegal drug and alcohol abuse.
4. To strive for an environment within the District free of illegal drug and alcohol use and abuse.
5. To prevent injury, illness and harm as a result of illegal drug or alcohol abuse.
6. To give students a valid reason to resist peer pressure to use illegal drugs or alcohol.

INITIAL MANDATORY TEST DATES/TIMES

The **Penelope ISD Student Drug Testing Coordinator** will schedule the initial mandatory test dates and times.

RANDOM TESTING

Random tests will be conducted throughout the school year

GUIDELINES FOR DRUG AND ALCOHOL TESTING

The District shall implement a drug and alcohol testing program for students in grades 9-12 who participate in Board approved extra-curricular activities or who drive a vehicle to school. No student/participant shall be penalized academically for testing positive for using an illegal drug or alcohol. The results of drug tests pursuant to this policy shall not be documented in any student's academic records. Information regarding the results of drug tests shall not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the District shall not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent or guardian shall be notified before the District shall respond.

CODE OF STUDENT CONDUCT

The conduct of a student in extra-curricular activities should reflect positively on oneself, community, parents, the District and the activity in which one is participating. The student who participates in extracurricular activities is a role model for the District and fellow students and shall set and uphold the highest standards of conduct. Any action that reflects detrimentally on the District shall not be tolerated.

PARTICIPATION IN SCHOOL ACTIVITIES

Participation in school-sponsored extracurricular activities is a privilege. Extra-curricular activities regarding this policy include athletic programs, cheerleading, UIL academic activities, One Act Play, FFA, or any other club or organization that participates in performances, contests, demonstrations or competitions.

PARTICIPANTS / SELECTION FOR TESTING

All extra-curricular participants/students who drive a vehicle to campus and their parent/legal guardian shall annually sign a random drug testing consent form at the beginning of each school year. *Any refusal by the parent or the student to sign the consent form shall be treated as a forfeiture of participation in extracurricular activities or being allowed to drive a vehicle to school.*

Each student in grades 9-12 participating in Board approved extra-curricular activities or who drives a vehicle to school shall be tested at the beginning of each school year and subject to random drug and alcohol testing for the entire school year or until they discontinue participation in extracurricular activities.

A student shall also be required to provide urine samples when there is reasonable suspicion that the student is under the influence of illegal drugs or alcohol at school or a school related event, whether such event occurs on or off campus.

CONFIDENTIALITY

All information relating to testing or the identification of persons as illegal drug or alcohol users shall be protected by the District as confidential, unless otherwise required by law or authorized in writing by the student or the student's parent or guardian. Results of tests shall only be reported to the student, parents/guardians of the student and to the administrator(s) involved. Action shall be taken and activity sponsors and coaches shall be notified of a suspension from activities only after the appeal process is complete or no longer applicable.

SUBSTANCES SUBJECT OF DRUG TESTING

The District shall not test for medical conditions under this policy. Drug testing may screen for any illegal drugs that the District, in its discretion, may choose, including, but not limited to, the following:

1. Marijuana, cocaine, narcotics, amphetamines, methamphetamines, barbiturates, LSD and PCP;
2. All illegal performance enhancing drugs (steroids); and,
3. Alcohol.

*The term “illegal drug” means all drugs that an individual may not buy, use, sell or distribute under Federal or Texas law, including any prescribed medication for which a student does not have a current prescription. The District will determine which drugs it will screen for prior to identifying the students that are to be tested.

SELECTION FOR TESTING (Mandatory & Random)

All students who participate in Board approved extra-curricular activities in grades 9-12 or who drive a vehicle on the School campus shall be tested at the beginning of each school year. All high school students who will participate in any extra-curricular activity or drive a vehicle to School during the school year will make up a random testing pool and be eligible for random testing. ***Random tests will be conducted at randomly selected times.*** Students who request to become a participant in an extracurricular activity or drive a vehicle to school after the school year begins must obtain permission from the coach or director/sponsor of the sport or activity in question, the athletic director (if applicable), and the principal or assistant principal. Students who declare late shall be subject to the mandatory test as well as placed in the pool and be subject to the random testing program.

Students who are selected for testing during one random test date shall be eligible for future random tests and, if selected, may be tested in consecutive tests.

VOLUNTARY STUDENT TESTING

Students who do not participate in extracurricular activities, but whose parents desire their child to be drug tested may participate in the District’s Voluntary Random Drug Testing Program. Parents must make a request to the appropriate principal or assistant principal, and the parent and student must both sign the drug testing consent form. Students who voluntarily participate shall be placed in the pool and be tested in the same manner as students who participate in extracurricular activities or drive a vehicle on campus.

Any refusal by the student and/or parent to sign the consent form shall be treated as forfeiture of participation in the voluntary testing program. Any refusal by a student in the Voluntary Program to be tested will be reported to his or her parents or guardians.

DRUG TESTING PROCEDURES

Students selected for testing shall be accompanied to a restroom by a monitor. The monitor shall not observe the student while the sample is being produced, but shall stand outside the restroom and listen to guard against a sample being tampered with and to ensure the proper chain of custody. The sample shall be divided into two

separate bottles, in the event a confirmatory test is needed. Security seals will be placed on both sample cups. The student will place his/hers initials on this seal, verifying that they agree that this is their sample. Then, the sample will be submitted to our laboratory for testing. If at any time a sample is being collected the monitor has reason to believe that a student is tampering with a sample, the monitor will inform the appropriate administrator who will determine if a new sample is needed. **If a student refuses to test or comply with any instructions in the testing process, his/her test will be documented as a refusal which has the same consequences as a positive test.**

TESTING METHODS

All participants in Board approved extra-curricular activities, drive vehicles to school and their parents shall receive copies of the School ISD Deterrent to Illegal Drug and Alcohol use and the consent forms.

No student shall be allowed to practice or participate in any extra-curricular activity nor drive a vehicle to school until the student has returned the properly signed Student Acknowledgement Form and Parent Consent For Drug Testing Program form.

Drug tests shall be conducted by collecting a urine sample. Alcohol tests may be conducted by urine, breath or saliva samples, whichever the District chooses. All tests shall be conducted in accordance with administrative regulations in a manner that shall safeguard the privacy of the student. Each student that is found to be positive for a drug, after GC/MS confirmation testing is performed at a SAMHSA regulated lab, can undergo a confidential medical review. The parent/legal guardian will be contacted by a certified **Medical Examiner**, and a medical phone interview will take place. Such matters as medical history and medications that may contribute to the positive drug screen will be discussed. *If the student is taking or has recently taken prescribed medication, the parent/legal guardian may be required to provide proof of his/her prescription.* The student, parent or legal guardian are not required to disclose any medical condition and any medical information revealed in this private conversation to the District.

CONFIRMATION OF A POSITIVE TEST RESULT

Testing a urine sample is a two-step process. If the initial screening test is positive, it will be confirmed by a second test on the split sample. The laboratory will return the test results of all students tested to the **School ISD Student Drug Testing Coordinator** as soon as possible. If the positive is confirmed, the medical review process will ensue (at the request of the **Penelope** ISD). If a test result is found to

be positive, the **Penelope ISD Student Drug Testing Coordinator** will immediately contact the student and the student's parents/guardians.

APPEAL PROCESS

The above mentioned process has an internal appeal that is built into it.

1. The sample is initially tested at our lab and those that screen positive are rerun a second time. If the second run is negative, it is reported as negative.
2. The split sample of a sample that screens positive at our lab after the second run, will be sent to Quest Diagnostics Laboratory (SAMHSA regulated lab) for confirmation by GC/MS methodology.
3. A sample that is confirmed as positive at Quest Diagnostics Laboratory can have a Medical review (at **Penelope ISD's** request, for an additional fee.) This process will enable the parents to discuss privately any medical issues or prescriptions that may be responsible for the positive drug screen. If the MRO rules that there is a legal reason for this drug screen to be positive, it will be reported as NEGATIVE because it is a legal negative. Otherwise, the positive result will stand and the appeal process has been satisfied.

SANCTIONS

The principal shall assess the disciplinary sanctions for a student who is found to be under the influence of illegal drugs or alcohol while at school or a school-related activity according to District policy. All offenses for testing positive for an illegal drug or alcohol are cumulative in grades 9-12. All students enrolling in the District with no prior enrollment in the District shall begin with a clean record. Any student who has tested positive for an illegal drug as a result of properly taking prescribed medication shall be deemed to have a negative test.

FIRST OFFENSE

After the first offense, the student shall be suspended from participating in all performances, demonstrations, competitions or contests, or drive a vehicle to school (students may continue to practice) in all activities for four calendar weeks. If the student enrolls in and completes a program to get help they can reduce the suspension by 1 week, making it only 3 weeks. The suspension shall begin on the day the test is given. The first time any participant tests positive, he or she shall be removed from the random testing pool and be tested at each random testing for the remainder of the school year. Such testing shall begin after the appeals process is completed or is no longer applicable.

SECOND OFFENSE

After the second offense, the student shall be suspended from participating in all performances, demonstrations, competitions or contests, or drive a vehicle to school (students may continue to practice) in all activities for 8 calendar weeks. If the student enrolls in and completes a program to get help they can reduce the suspension by 1 week, making it only 7 weeks. The suspension shall begin the day the test is given. The second time any participant tests positive, he/she shall be removed from the random testing pool and be tested at each random testing for a period of one (1) full calendar year. Such testing shall begin after the appeals process is completed or is no longer applicable. The student may begin competing in activities after the 8 week suspension period.

THIRD AND SUBSEQUENT OFFENSE

After the third offense, the student shall be suspended from participating in all performances, demonstrations, competitions or contests, or drive a vehicle to school (students may continue to practice) in all activities for 1 calendar year. If the student enrolls in and completes a program to get help they can reduce the suspension by 1 week. The suspension shall begin on the date that the test was given. The third time any participant tests positive, he/she shall be removed from the random testing pool and be tested at each random testing for a period of one (1) full calendar year. Such testing shall begin after the appeals process is completed or is no longer applicable. The student may begin competing in activities after the one (1) full year suspension period, if all drug tests during the suspension period have been negative.

REFUSAL TO BE TESTED

Any refusal by a participant/student to take a drug test as required under this policy shall have the same effect and consequences as a positive test.

STUDENTS OPTING OUT OF PROGRAM / ACTIVITY

If a student who leaves or quits a program activity after testing positive wants to be reinstated, he/she must have the permission of the sponsor/coach and principal and test negative at the next random testing. If these requirements are met, he or she shall be reinstated to the program/activity in the same capacity as when he or she left the program activity and be required to complete any suspension period, if any, still in effect.

REASONABLE SUSPICION TESTING

Any student may be required by the principal or Superintendent's designee to take a drug or alcohol test when there is a reasonable suspicion by school personnel that the student is under the influence of illegal drugs or alcohol at school or a school-sponsored event, on or off campus. Reasonable suspicion shall be based on specific personal observations concerning the student's appearance, speech, or behavior indicating the effects of drug or alcohol use. Information provided by a reliable source, if based on personal knowledge, may also constitute reasonable suspicion.

A student reasonably suspected of being under the influence of illegal drugs or alcohol shall be required to provide a urine, breath and/or saliva sample for testing, whichever is/are determined appropriate by the District. The procedures for collecting and testing urine samples and for reporting positive test results shall be as described in this policy. Any refusal by a student to take a drug or alcohol test based on reasonable suspicion for being under the influence of alcohol or illegal drugs shall have the same effect and consequences as testing positive for drugs or alcohol and the Student will be subject to discipline according to District policy.

DEFINITIONS:

Extra-curricular Activities – extra-curricular activities regarding this policy are those approved by the Board.

Biological Testing – for this plan, the scientific analysis of urine (with the exception of reasonable suspicion tests for alcohol, which may be conducted by urinalysis, breathalyzer, or saliva test) for the purpose of detecting an illegal drug or alcohol.

Drug Paraphernalia – any equipment, product, or material that is used, or is intended to be used, to conceal, inject, inhale, or otherwise introduce into the human body, an illegal drug.

Drug Testing – for this plan, the scientific analysis of urine, breath or saliva for the purpose of detecting an illegal drug or alcohol.

Good Standing - having met requirements in order to be able to pursue all educational and extra-curricular activities as are available, with no restrictions or consequences.

Illegal Drug - any drug which is not legally obtainable; any drug which is legally obtainable, but has not been legally obtained; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs include, but are not limited to: cannabis substances (such as marijuana and hashish), cocaine, heroin, phencyclidine, PCP, and so-called “designer drugs”.

Medical Review Officer (MRO) - a licensed and certified **physician** who is responsible for receiving and reviewing laboratory results generated by a drug testing program and evaluating medical explanations for certain drug test results.

Possession – the presence of any detectable amount of an illegal substance, whether on the person, their personal or assigned property, or in the body system.

Premises of School - all property of the school district, including, but not limited to, the facilities and surrounding areas on district-owned or leased property, parking lots, and storage areas. The term also includes school district owned, leased, or used vehicles and equipment wherever located.

Program Administrator - the person authorized to represent your Penelope ISD student drug testing company and oversee all aspects of the drug testing process.

Random Drug Testing - a testing process in which selection for testing is made by a method employing objective, neutral criteria, which ensures that every person subject to testing has a substantially equal statistical chance of being selected. This method does not permit subjective factors to play a role in selection.

Reasonable Suspicion - based on specific personal observation concerning the appearance, speech, or behavior of the student that indicates the effects of drug or

alcohol use. Information provided by a reliable source, if based on personal knowledge, may also constitute reasonable suspicion.

Student Drug Testing Coordinator - the person designated by the Penelope ISD to interact with the drug testing **Program Administrator** regarding all matters related to the **Penelope ISD** student drug testing program.

Under the Influence - a condition in which a person is affected by a drug or alcohol in any detectable manner.

Penelope ISD
STUDENT ACKNOWLEDGMENT FORM

All students in grades 9-12 who participate in extracurricular activities or drive vehicles to school are required to return this form.

Please sign, date, and return this form, along with a signed parental consent form on or before 09/1/2022, to the respective campus assistant principal.

I HAVE RECEIVED AND READ A COPY OF THE PENELOPE ISD DRUG DETERRENT POLICY. I UNDERSTAND THAT THIS POLICY IS PART OF THE PENELOPE ISD DISTRICT'S RULES, AND THAT IT APPLIES TO ALL PENELOPE ISD STUDENTS, GRADES 9-12, WHO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES, AND/OR DRIVE VEHICLES TO SCHOOL, FOR THE DURATION OF THEIR ENROLLMENT IN PENELOPE ISD.

Print Name

Social Security Number

Student Signature

Date

Parent/Guardian Signature

Date

Penelope ISD
PARENTAL CONSENT FOR DRUG TESTING PROGRAM
(Return on or before 09/1/2022, to the respective campus principal)

I, _____ as a parent or guardian of _____, a student enrolled in Penelope ISD do hereby agree to the following for the duration of his/her enrollment in Penelope ISD.

I understand Penelope ISD’s policy regarding substance abuse. I understand that it is the practice of Penelope ISD to conduct a drug test at the beginning of each school year and that Penelope ISD may also conduct random and reasonable suspicion drug and alcohol tests, unannounced throughout the school year for the purpose of carrying out this policy.

I understand that my child cannot be compelled to give a urine sample.

I understand that if he/she gives a sample, it will be tested for illegal drugs and/or alcohol.

I understand that the giving of a urine specimen, when requested by Penelope ISD, is a condition of my child being in good standing, and is a condition of my child’s continued participation in grades 9-12 extra/curricular activities or driving a vehicle to any Penelope ISD campus.

I understand that if my child fails to provide a sample or his/her sample reveals an unexplained presence of an illegal drug and/or alcohol, Penelope ISD will implement the steps associated with the random drug testing policy, student handbook, and student code of conduct, if applicable.

Comments:

At this time, I hereby grant my consent for my child to give a urine sample for the purpose of drug/alcohol testing.

Parent/Guardian Signature

Date

Printed Name

Date

Student Signature

Date