

LEVELLAND I.S.D

DETERRENT TO ILLEGAL DRUG AND ALCOHOL USE POLICY

2009-2010

(Revised August 10, 2009)

Approved by Levelland ISD Board of Trustees
July 13, 2006

May 1, 2009

Dear Parents/Guardians:

Levelland ISD will conduct a mandatory drug/alcohol testing for all students in grades 7-12 involved in extracurricular activities or who drive a vehicle to school (Levelland High School and Levelland A.C.E. High School). The Board of Trustees approved this policy at the July 13, 2006 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 (signed one time only and will be in effect for the duration of the students enrollment in the Levelland Independent School District) must be returned to the student’s respective campus assistant principal by the date on pages eleven (11) and twelve (12).** 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 with the respective campus assistant principal**

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 Mr. Kelly Baggett or myself at 894-9628. Also, you may contact the middle school principal at 894-7086 or the high school principal at 894-8515 x 201.

Sincerely,

Mark Holcomb
Superintendent

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 athletic trainer, middle school principal/assistant principal, and high school principal/assistant principal/administrative assistant will schedule the initial mandatory test dates and times.

RANDOM TESTING

Random tests will be conducted throughout the school year for both Levelland High School, Levelland A.C.E. High School, and Levelland Middle School students. [see page 7 for more details]

GUIDELINES FOR DRUG AND ALCOHOL TESTING

DRUG AND ALCOHOL TESTING

The District shall implement a drug and alcohol testing program for students in grades 7-12 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 extra-curricular 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 extra-curricular activities is a privilege. Extra-curricular activities regarding this policy include band, athletic programs, cheerleading, literary 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 parents/guardians 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 extra-curricular activities or being allowed to drive a vehicle to school.***

Each student in grades 7-12 participating in Board approved extra-curricular activities or drive 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 extra-curricular activities.

A student shall also be required to provide breath, saliva or urine samples (whichever are appropriate) 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.

TESTING METHODS

All participants in Board approved extra-curricular activities, drive vehicles to school (Levelland High School and Levelland A.C.E. High School and their parents shall receive copies of the Levelland I.S.D. 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 "Drug and Alcohol Testing Consent Form."

Drug tests shall be conducted by urinalysis. Alcohol tests may be conducted by urinalysis, breathalyzer or saliva analysis, whichever the District chooses in its sole discretion. All tests shall be conducted in accordance with administrative regulations in a manner that shall safeguard the privacy of the student.

Each student shall be asked if there is any legitimate reason he/she has been in contact with illegal drugs or if there are medications he/she has taken that affect test results. ***If the student is taking or has recently taken prescribed medication, he/she may be required to provide proof***

of his/her prescription. The student is not required to disclose any medical condition and any medical information revealed by disclosing use of medication will be kept strictly confidential by the District, unless lawfully compelled to disclose.

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 for the participant's enrollment in grades 7-8. Once the student has completed the eighth grade, the consequences shall be 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

A drug awareness program must be completed by the student as approved by the District after the first offense. The student will have eight (8) days from when the appeals process is completed or no longer applicable to complete the drug awareness program. If the student fails to complete the drug awareness program within eight (8) days, he/she will not be allowed to participate in any contest performance, demonstration or competition (students may practice) or drive a vehicle to school until the program is completed.

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 one (1) full calendar year. The suspension shall begin after the appeals process has been completed or is no longer applicable.

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 one (1) full year suspension period, if all drug tests during the suspension period have been negative.

SUBSEQUENT OFFENSES

After the third offense, the student shall be permanently removed from all extra-curricular activities nor allowed to drive a vehicle to school.

Seventh and eighth grade students incurring a third offense and removed from all extra-curricular activities in junior high will be allowed to participate in extra-curricular activities upon entering high school. Students regaining their high school eligibility after a third offense in junior high shall be tested at the time of each random testing for a period of one calendar year upon enrollment at the high school campus.

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.

MISSED RANDOM AND / OR MANDATORY TESTING PERIODS

If a student to be tested is absent when urine samples are collected, the parent shall be notified. The student shall then produce a urine sample as soon as deemed possible by the principal upon returning to school.

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.

SELECTION FOR TESTING (Mandatory & Random)

All students who participate in Board approved extra-curricular activities in grades 7-12 or who drive a vehicle on the Levelland High School campus or the District's A.C.E. High School 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 (Levelland High School & Levelland A.C.E. High School) during the school year will make up one random testing pool and be eligible for random testing. All Levelland Middle School (grades 7-8) students who participate in any extra-curricular activity during the school year will make up another random testing pool and be eligible for random testing. All members in either pool shall be involved in random testing equivalent to ten percent (10%) of the pool per random test date and ten percent of the high school pool per random test date. ***Random tests will be conducted at randomly selected times for both the high school and junior high school pools.***

Students who request to become a participant in an extra-curricular 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 placed in the appropriate 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 extra-curricular 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 applicable high school or middle school pool and be tested in the same manner as students who participate in extra-curricular 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 will give the student a form where the student may list any medication he/she is taking or explain any legitimate reason for having been in contact with illegal drugs. 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.

All urine samples shall be identified with a random number assigned to the student, sealed and submitted to a laboratory for testing. The sample shall be divided into two separate bottles, in the event a test for an appeal is needed. 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.

Any laboratory chosen by the District conducting drug tests shall have a detailed, written procedure to assure proper chain of custody and security of the samples, proper laboratory controls and use specifically validated testing methods.

CONFIRMATION OF A POSITIVE TEST RESULT

Testing a urine sample is a two-step process. If the initial test is positive, it will be confirmed by a second test on the same sample. A sample shall not be reported as positive unless both tests are positive. The laboratory will return the test results of all students tested to the District as soon as possible. If a test result is positive, the appropriate Principal will immediately contact the student and the student's parents/guardians.

APPEAL PROCESS

Within seventy-two hours of being notified of a test result, parents/guardians of any participant testing positive shall have an opportunity to schedule a conference with the Principal, at which time the student or parents/guardians may offer an explanation of the positive result. Parents/guardians may provide any doctor's prescriptions of any drugs that the student was taking that might have affected the outcome of the test and may request a retest. Upon such a request, the urine sample from the second bottle originally obtained shall be retested by the same lab and method as the previous test. If the retest is negative, the participant will remain in good standing. If the retest is positive, the parents/guardians are responsible for the cost of the retest, and the participant shall be subject to consequences under this policy. If a parent fails to make a request for a retest within 72 hours of receiving notice of a positive test result, the appeals process will be waived and the second sample will not be tested.

As per District policy FNG(LOCAL), "Student Rights & Responsibilities: Student and Parent Complaints/Grievances" an appeal/complaint may be pursued for a complaint other than for a positive result under this policy.

REASONABLE SUSPICION TESTING

Any student may be required by the principal or 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”.

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 Levelland I.S.D. - 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.

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.

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

**LEVELLAND INDEPENDENT SCHOOL DISTRICT
STUDENT ACKNOWLEDGMENT FORM**

All students in grades 7-12 who participate in extra-curricular activities or drive vehicles to school (Levelland High School & Levelland A.C.E. High School) are required to return this form. **Please sign, date, and return this form, along with a signed parental consent form on or before August 24, 2009, to the respective campus assistant principal.**

I HAVE RECEIVED AND READ A COPY OF THE LEVELLAND I.S.D. DRUG DETEREENT POLICY. I UNDERSTAND THAT THIS POLICY IS PART OF THE SCHOOL DISTRICT'S RULES, AND THAT IT APPLIES TO ALL LEVELLAND I.S.D. STUDENTS, GRADES 7-12, WHO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES, AND/OR DRIVE VEHICLES TO SCHOOL, FOR THE DURATION OF THEIR ENROLLMENT IN THE LEVELLAND INDEPENDENT SCHOOL DISTRICT.

Print Name

Social Security Number

Student Signature

Date

Parent/Guardian Signature

Date

LEVELLAND INDEPENDENT SCHOOL DISTRICT
PARENTAL CONSENT FOR DRUG TESTING PROGRAM
(Return on or before August 24, 2009, to the respective campus assistant principal)

I, _____ as a parent or guardian of _____, a student enrolled in Levelland Middle School, Levelland High School, or Levelland A.C.E. High School hereby agree to the following for the duration of his/her enrollment in the Levelland Independent School District.

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

I understand that my child cannot be compelled to give a urine, breath or saliva sample (hereafter “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 biological specimen, when requested by the District, is a condition of my child’s being in good standing, and is a condition of my child’s continued participation in grades 7-12 extra/co-curricular activities, drive a vehicle to Levelland High School or Levelland A.C.E. School. I understand that if my child fails to provide a sample or his or her sample reveals an unexplained presence of an illegal drug and/or alcohol, the District will implement the steps associated with the random drug testing policy, student handbook, and student code of conduct, if applicable.

List prescription drugs currently being taken as prescribed:

- 1.
- 2.
- 3.
- 4.

Comments:

At this time, I hereby agree to my child giving a urine, breath or saliva sample.

Parent/Guardian Signature

Date

Printed Name

Witness

Student Signature

Social Security Number

Printed Name

Student I.D. Number