

**Extracurricular Drug Testing Program
(Adopted 5-14-18)**

The school district supports and values student participation in extracurricular activities and school functions, but such participation in such activities and functions is a privilege and not a right. Students in all extracurricular activities in grades 9-12 shall be subject to mandatory random drug testing for the presence of alcohol or illegal drugs.

1. Purpose of Random Drug Testing

- a. The school district recognized that the observed and suspected use and abuse of drugs and alcohol has increased among the student population, including students participating in extracurricular activities.
 - b. The school district seeks to provide a safe, drug-free school.
 - c. The school district seeks to deter the use of illegal and prohibited drugs and alcohol among students.
 - d. The school district recognizes that students who use illegal and prohibited drugs pose a threat to the health and safety of themselves, other students, teachers, administrators, and other persons.
 - e. The school district finds that any use of alcohol or drugs among the student body will be effectively addressed by making sure that the large number of students participating in extracurricular activities and those students attending non-academic school functions do not use drugs and alcohol.
- 2. Notice.** Each student who participates or seeks to participate in extracurricular activities or intends to attend school functions shall be given a copy of this policy. This policy will also be included in the parent/student handbook.
- 3. Drug Testing Coordinator.** The Drug Testing Coordinator shall be the superintendent of schools or his or her designee unless otherwise indicated.
- 4. Extracurricular Activities.** This policy applies to any activity or function that meets the guidelines of an extracurricular activity or function at the school district which includes, but is not limited to the following:

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|------------|---------------|------------------------|--------------|
| Basketball | Jazz Band | Student Council | Cheerleading |
| Show Choir | Cross Country | Play Production | Musicals |
| Speech | Quiz Bowl | Dance Team | Volleyball |
| Football | Softball | Track | Pep Band |
| SkillsUSA | Wrestling | National Honor Society | |

5. **Students Who Are Required to Submit to Random Drug Testing**
 - a. **Grades.** All students in grades 9-12 who participate in any extracurricular activity or competition are part of the selection pool subject to random drug testing. Those students in grades 9-12 not involved in activities as well as students in grades 7-8 are allowed, but not required, to opt into the testing program. Home-school students that choose to participate in extracurricular activities are included in selection pool for the drug testing program. Students new to the district, regardless of when they enroll, must participate in the program if they intend to participate in extracurricular activities.
 - b. **Consent.** A student and his or her parent(s)/guardian(s) must sign a consent form before the student shall be eligible to try out for, practice with, or participate in the extracurricular activity. The consent form is attached to this policy. Students and parents must submit a signed copy of the policy to the high school office each school year before fall practices begin. Fall practices are defined as the start of Week 1 on the NSAA calendar. Students will not be permitted to participate until the consent form has been turned in. Students new to Louisville must sign and submit the consent form within five days of enrollment.
 - c. **Selection Pool Eligibility.** Students shall remain in the selection pool for the entire school year.
6. **Withdrawal.** Students who have a consent form on file remain eligible for drug tests by the school district throughout the remainder of the school year, or until the student files a Withdrawal of Student from Activity form signed by the student and his or her parent(s)/guardian(s). Upon withdrawal, the student shall not be eligible to participate in any extracurricular activity for one (1) calendar year. A student who files a "Withdrawal of Student from Activity" form after being selected for a random drug test, but before submitting to the test, or after testing positive, shall be ineligible to participate in any extracurricular activities for one (1) calendar year from the date the "Withdrawal of Student from Activity" form is received by the Drug Testing Coordinator.
7. **Drugs.** Students participating in extracurricular activities are prohibited from using, possessing, distributing, manufacturing, or having drugs present in their system. "Drugs" means:
 - a. Any substance considered illegal by the Uniform Controlled Substances Act, Neb. Rev. Stat. § 28-401 et seq.
 - b. Any substance which is controlled by the Food and Drug Administration unless prescribed to the student by any licensed medical practitioner authorized to prescribe controlled substances or other prescription drugs.
 - c. Alcohol for any student under the age of 21. Alcohol shall have the meaning as provided in Neb. Rev. Stat. § 48-1902(1).
8. **Testing Procedures**
 - a. **Student Selection.** All students who participate in extracurricular activities that submit a consent form will be included in a master list and will be subject to random drug screening. The master list shall be submitted to the company employed by the district to conduct the testing (Drug Program Administrator).

- b. **Reasonable Suspicion Testing.** In addition to random drug testing, a student is subject to drug testing at any time when the Drug Testing Coordinator determines there is individualized reasonable suspicion based upon articulable facts to believe that the student has used drugs and/or alcohol. The Drug Testing Coordinator will notify the student and take the necessary steps to schedule a test as soon as practicable.
- c. **Type of Test.** The District may utilize breath, saliva, hair or urine for drug testing procedures.
- d. **Collection Site.** The Drug Testing Coordinator will designate the collection site at which student will provide a specimen. The collection site may be on or off the premises of the school district.
- e. **Collection Procedures.** The school board will select a Drug Program Administrator (DPA). The DPA shall randomly select the students subject to drug testing from the master list. The DPA will maintain and follow generally accepted industry standards for collecting, maintaining, shipping, and accessing all specimens. The DPA will seek to obtain the sample in a manner designed to insure accurate testing protocols while minimizing intrusion into a student’s privacy. The DPA and the school district will provide a copy of the collection procedures upon request.

9. **Notification of Test Results.** Louisville Public Schools utilizes a Certified Medical Review Officer to review all drug test results. The Certified Medical Review Officer is a physician who is knowledgeable in substance abuse. No person may obtain the individual test results retained by a Certified Medical Review Officer (CMRO). Nor may any one obtain or release such information that is required to be maintained by LHS, without first obtaining written and explicit authorization from the tested individual. The Certified Medical Review Officer will be authorized to release the regulatory information to the Drug Testing Coordinator. In the case a positive result on any controlled substance testing, the Student will be notified by the Certified Medical Review Officer (CMRO).

In the case of a positive result because of prescription medication, the CMRO will confirm that a prescription was written for the Student, which matches the metabolite found to be positive. If the prescription is used legitimately, the CMRO will deem the Student medically qualified.

Any Student who is alleged to have violated this section, shall have available as an affirmative defense, through clear and convincing evidence, that their use of a controlled substance was prescribed by a licensed medical practitioner who is familiar with the individual's medical history and assigned duties.

After the final review, the Certified Medical Review Officer will advise LHS. of the final results of the drug screen test

10. **Request for a Retest.** A split specimen will be collected for all testing methods, with the exception of alcohol testing. A positive alcohol test will be confirmed with an EBT device. A student’s parent(s)/guardian(s) may request that the split specimen be tested at a second nationally certified laboratory from a list provided by the MRO. The request for the test must be submitted in writing to the MRO (with a copy sent to the Drug Testing Coordinator) within

72 hours of being notified of the final testing result. The student and his or her parent(s)/guardian(s) must pay the associated costs for an additional test in advance. The costs will be reimbursed if the result of the split sample test is negative. The student will remain subject to the consequences of this policy during the retesting procedure.

- 11. Negative Tests.** Students and their parents will receive verbal or written notice if the student's test result is negative.
- 12. Consequences for Testing Positive.** Whenever the test results indicate the presence of drugs and/or alcohol, the Drug Testing Coordinator and/or administration will notify the student, the student's parent/guardians, and the sponsor/coach. The consequences shall follow the Louisville Code of Conduct.
- 13. Refusal to Test.** A student who refuses to submit to a drug test authorized under this policy, or fails or refuses to comply with any other provision of this policy, shall not be eligible to participate in any extracurricular activities covered under this policy including all meetings, practices, performances and competitions for one calendar year. A refusal to test is treated the same as a positive result.
- 14. Tampering.** Tampering is the use of any agent or technique which is designed to avoid detection of a drug and/or compromise the integrity of a drug test and is prohibited. This includes providing false urine samples (for example, urine substitution), contaminating the urine sample with chemicals or chemical products, the use of diuretics to dilute urine samples, and the use of masking. If it has been determined that a student tampered with a drug test, the student shall be deemed to have refused to test.

The use of any such agent or technique shall be treated as a refusal to test for drugs and/or alcohol prohibited by this Policy and shall be subject to the penalties set forth in the Louisville Code of Conduct.

- 15. Maintenance of Records.** All results of drug testing shall be confidential. Procedures for maintaining confidentiality will be developed by the school district and the testing organization. The Drug Testing Coordinator shall maintain records of positive tests in a secure location. This information will not be available to anyone other than appropriate school personnel and parents of the student. This information will be destroyed upon the student's graduation or one year after the student's class graduates. Under no circumstances will this information become a part of the student's permanent file, nor will it be sent to another school when the student moves to another district or transfers to another school. The school district will not share drug testing results with any law enforcement agencies.
- 16. Severability.** If any portion of this policy is deemed to be contrary to the law of the state of Nebraska or the United States by judicial decision or an act of Congress, then only such portion or provision directly deemed to be unconstitutional shall be stricken, and the remainder of the policy shall remain in full force.

**LOUISVILLE HIGH SCHOOL
CONSENT TO PERFORM RANDOM DRUG TESTING
2018-2019 SCHOOL YEAR**

Student Name _____ Grade _____

As a student and parent:

1. We understand and agree that participation in extracurricular activities is a privilege that may be withdrawn for violations of the Extracurricular Drug Testing Policy.
2. We have read the Extracurricular Drug Testing Policy and understand the responsibilities and consequences as an activity participant if the student violates the policy.
3. We understand that when students participate in any extracurricular activity, or desire to attend non-academic school functions, they will be subjected to random drug testing, and if they refuse, will not be allowed to practice or participate in any extracurricular activity. We have read this consent statement and agree to its terms.
4. We understand this is binding while a student is enrolled in Louisville High School.

CONSENT TO PERFORM DRUG TESTING

We hereby consent to allow the student named on this form to undergo drug testing for the presence of drugs and alcohol in accordance with the Extracurricular Drug Testing Program adopted by the Board of Education. We understand that any samples will be sent only to a qualified laboratory for actual testing. We hereby give our consent to the medical vendor selected by the school board, their Medical Review Office (MRO), laboratory, doctors, employees, or agents, together with any clinic, hospital, or laboratory designated by the selected medical vendor to perform testing for the detection of drugs and to release the results of those tests as provided in the policy. We understand these results will be forwarded to school district officials and will also be made available to us. We agree to sign any necessary releases if requested to do so.

We understand that consent pursuant to this Consent to Perform Random Drug Testing will be effective for all extracurricular activities in which this student might participate from Week 1 - Week 52 of the NSAA calendar.

We hereby release the Louisville Board of Education and its employees from any legal responsibility or liability for the release of such information and records, pursuant to the policy.

Student Signature _____ Date _____

Parent/Guardian Signature _____ Date _____

**LOUISVILLE HIGH SCHOOL
WITHDRAWAL OF STUDENT FROM ACTIVITY
2018-2019 SCHOOL YEAR**

I understand that by signing this form I am rescinding my permission for random drug screening and no longer wish to participate in any extracurricular activity or attend non-academic school functions. I further understand that I am forfeiting my privilege to participate in athletics and/or extracurricular activities for one calendar year.

I hereby rescind my consent to the administration of the drug screening and forfeit all participation in extracurricular activities for one calendar year.

Student's Printed Name: _____

Signature: _____ Date: _____

Parent/Guardian's Printed Name: _____

Signature: _____ Date: _____