

Maricopa Unified School District

Board Policy

Students

Drug Testing

BP 5131.61

The Governing Board is committed to providing a safe, drug-free school environment to maximize the health and safety of district students and to protect them from dangers associated with illegal drug use and drug abuse. To support the district's drug abuse prevention efforts, the Board desires to establish a drug testing program in the district's high school that will discourage illegal drug use among students and timely identify and refer drug users to appropriate counseling and rehabilitative services.

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.63 - Steroids)

Any drug testing program to be implemented by the district shall be developed in consultation with drug treatment and prevention professionals, the laboratory contracted to conduct the tests, and district legal counsel. In addition, the Superintendent or designee may invite input from students, staff, parents/guardians, community members, and representatives of local health care agencies, community service agencies, and businesses.

(cf. 1020 - Youth Services)

Participation in the district's drug testing program shall require the written consent of students' parents/guardians. The Superintendent or designee shall provide information about the program, including the district's policy and procedures, to all high school students and their parents/guardians at the beginning of each school year. All informational materials provided for this purpose shall contain clear statements about how the program will be implemented, including, but not limited to, a list of every substance that to be tested for and how students may be withdrawn from participation in the program.

(cf. 5145.6 - Parental Notifications)

Drug testing procedures shall ensure appropriate student privacy while maintaining the viability of the process. If urinalysis testing is used, the supervisor collecting the specimen shall be the same gender as the student and the specimen shall be collected in a private facility behind a closed stall.

Parents/guardians shall be notified after any positive test results are confirmed. Test

results shall be kept separate from the student's other educational records and shall be disclosed only to school staff designated by the Superintendent or designee as responsible for program implementation. The district shall not release test results to law enforcement authorities except in compliance with a court order.

(cf. 5125 - Student Records)

The Superintendent or designee shall provide training to principals, coaches, and other district staff involved in implementing the district's drug testing program.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Students who test positive in any voluntary drug testing program shall be encouraged to participate in an assistance program and may be required to take subsequent drug tests. No disciplinary or punitive action shall be taken against any student who tests positive in the voluntary drug testing program.

(cf. 5141.6 - School Health Services)

Random Drug Testing for Athletics

The Superintendent or designee may establish a nonvoluntary, random drug testing program for students participating in athletics.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

No fee shall be charged for student participation in the district's drug testing program.

(cf. 3260 - Fees and Charges)

The Superintendent or designee shall develop:

1. Informational materials to be provided to participating students and their parents/guardians about the drug testing program

The informational materials shall require parents/guardians to notify the school when their child is taking any medication by presenting either a copy of the prescription or a physician's written verification of this fact.

2. A drug testing consent form to be signed by the student and his/her parent/guardian prior to allowing the student to participate in athletics

The consent form shall specify the substances to be tested for and shall clearly indicate that the consent can be withdrawn and that the only consequence for such withdrawal

will be that the student will no longer be able to participate in athletics

3. Procedures addressing how students will be selected, how often tests will be conducted, how samples will be collected and transported, and how results will be confirmed

Any student participating in athletics who fails a required drug test shall be disqualified from participating in the athletic activity in accordance with district policy and shall be referred to an assistance program.

At the beginning of each school year, the Superintendent or designee shall conduct an orientation session for students participating in athletics and their parents/guardians, to explain the district's policy and outline the procedures for drug testing and the consequences if a positive result is obtained.

Legal Reference:

EDUCATION CODE

35160.5 District policy rules and regulations; requirements; matters subject to regulation

44049 Known or suspected alcohol or controlled substance abuse by student

51262 Use of anabolic steroids; legislative finding and declaration

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

COURT DECISIONS

Brown v. Shasta Union High School District, No. C061972, 2010 WL 3442147 (Cal. App. 3d Sept. 2, 2010)

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls, (2002) 122 S.Ct. 2559

Vernonia School District v. Acton, (1995) 115 S.Ct. 2385

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

OFFICE OF NATIONAL DRUG CONTROL POLICY PUBLICATIONS

What You Need To Know About Drug Testing in Schools, August 2002

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

National Institute on Drug Abuse: <http://www.nida.nih.gov>

Office of National Drug Control Policy: <http://www.whitehousedrugpolicy.gov>

U.S. Department of Education: <http://www.ed.gov>

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MUSD Board Adopted: 10/14/04

Reviewed/Revised: 1/14/16

Maricopa Unified School District

Administrative Regulation

Students

Drug Testing Program/High School Athletes Only

AR 5131.61

The Governing Board recognizes that illegal drug abuse by teenagers has been a persistent problem across the country for many decades. The health and safety risks to the Nation's youth that is posed by this circumstance is serious. There is no evidence which suggests that our community, Maricopa, is insulated from this long lasting and persistent national trend. It is the Governing Board's strongly held belief that losing even one of our youths to drug addiction is an unacceptable circumstance. In the recent past, circumstances have arisen suggesting that youth residing with our District may have been exposed to and may have used illegal drugs.

It is the belief of the Governing Board that a drug testing program will help protect the District's youths from this nation epidemic by deterring the use of illegal drugs and detecting illegal drug use for the purpose of a timely referral to counseling and rehabilitation.

The Governing Board has received legal advice that the United States Supreme Court and the California Supreme Court permit schools to implement a student drug testing program subject to contingencies and limitations designed to make such a program consistent with student privacy rights granted under the United States and California Constitutions.

In accordance with BP 5131.61, the District Superintendent is directed to consult drug treatment and prevention professionals, the laboratory contracted to conduct urinalysis testing, and the District's legal counsel for the purpose of developing a urinalysis program.

Pursuant to the pertinent legal authority, the District's urinalysis program should contain the following features.

1. General Features. Student athletes, by the specific nature of the activities related to competition (such as changing clothes in a communal locker room, communal showers, and communal bathrooms), voluntarily subject themselves to a diminished level of privacy. Consequently, the Districts drug testing program shall be limited to only high school student athletes.

Administration will hold a "parent input night" before adopting final procedures. The parents in attendance must give their unanimous or near unanimous approval to the proposed urinalysis drug testing procedures.

All students wishing to participate in interscholastic athletics must sign a form consenting to the testing and their parents must give written consent to the testing. No student shall be tested without written parental consent.

All students participating in extra curricular interscholastic athletic competition may be tested at the beginning of the season. The initial testing should be done in conjunction with the requirement that the student undergo a physical examination before participating in the extracurricular interscholastic athletic activities.

If only a selection of the student athletes are to be tested, the selection shall be made by a systematic and random selection process shall be used.

2. Testing Procedures. The student to be tested shall complete a specimen control form, which bears an assigned number.

The student must identify, in advance, any prescription medications that he or she is taking.

If urine testing is conducted, the monitor shall be an adult faculty member of the same sex and the bathroom or locker room where the sample is taken shall be empty as needed. There shall be no direct visual observation by faculty monitors of the student urinating. The students shall remain fully clothed. The monitor may be in the room 15 feet behind the student positioned at a urinal or outside a closed stall. The monitor may listen for signs of urination.

After the sample is produced, it shall be given to the monitor, who will check it for temperature and tampering.

The samples shall be sent to an independent laboratory, which routinely tests for amphetamines, cocaine, and marijuana. Other drugs, such as LSD, may be screened as well, but the identity of a particular student does not determine which drugs will be tested.

If a field screening is performed, only the samples, which screen positive need to be sent to a laboratory for further testing.

The laboratory's procedures should ensure highly accurate results. The laboratory shall not know the identity of the students whose samples it tests. The lab is authorized to mail written test reports only to the District Superintendent and to provide test results to District personnel by telephone only after the requesting official recites a code confirming his or her authority.

The sample shall only be tested for controlled substances and not for purposes of detecting epilepsy, diabetes, pregnancy, or prescription medication.

3. Consequences of a Positive Testing Result. Test results shall not be turned over to law enforcement.

Students shall not be subject to arrest, dismissal from school, student discipline or any academic consequences if they test positive for drugs.

Students have to repeatedly test positive or refuse drug counseling before being dismissed from their athletic activity.

A student may test positive for drugs twice and still be allowed to participate in the extra-curricular athletic activity. After the first positive test, the school will contact the student's parent for a meeting. The student may continue to participate in the extra-curricular activity if, within five days of the meeting, the student shows proof of receiving drug counseling and submits to a second drug test in two weeks.

For the second positive test, the student is suspended from participation in all extra-curricular activities for 14 days, must complete four hours of substance abuse counseling, and must submit to monthly drug tests.

Only after a third positive test will the student be suspended from participating in extra-curricular activities for the remainder of the school year, or 88 school days, whichever is longer.

Alternatively, if a sample tests positive, a second test is administered as soon as possible to confirm the result. If the second test is negative, no further action is taken. If the second test is positive, the student's parents are notified, and the school principal convenes a meeting with the student and his or her parents, at which time the student is given the option of (a) participating for six weeks in an assistance program that includes weekly urinalysis, or (b) suffering suspension from athletics for the remainder of the current season and the next athletic season.

The student is then retested prior to the start of the next athletic season for which he or she is eligible. A second offense results in automatic suspension for the remainder of the season and the next season; a third offense results in suspension for the remainder of the current season and the next two athletic seasons.

Each of these features has played a role in the Court decisions upholding the legality of a school district drug testing program. Any proposed deviations must be approved by counsel for the Governing Board.

At this time, upon advice of counsel, the Governing Board declines to extend the Districts drug testing procedures to non-athletic extra-curricular activities or to youths not yet in high school.

Legal Reference:

U.S. Const. amend. IV

U.S. Const. amend. XIV

Cal. Const., art. I, 1

Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646

Bd. of Educ. v. Earls, 536 U.S. 822

Hill v. National Collegiate Athletic Assn. (1994) 7 Cal. 4th 1

Loder v. City of Glendale (1997) 14 Cal. 4th 846

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