

# **CUSD Random Student Drug-Testing Program**

## *To Prevent Drug and Alcohol Use*

### **GOVERNING BOARD POLICY**

The Governing Board of the Chandler Unified School District recognizes the critical importance of its educational mission to promote academic achievement and to provide a safe and secure environment at all campuses in the District. The Board has a strong commitment to the health, safety, and welfare of its students. Education alone, though, is not an effective prevention measure to combat substance abuse. Accordingly, the Board implemented a policy to support a random student drug-testing program as another means to address the District's legitimate concerns in preventing, deterring, and detecting student drug use. The policy and drug-prevention program apply to all District students in grades nine (9) through twelve (12) who desire to participate in a school-sponsored extracurricular sport or activity governed by the Arizona Interscholastic Association.

For purposes of this policy, **drugs** shall include, but not be limited to:

- All alcoholic beverages
- All controlled substances prohibited by law
- Any legal medication not specifically and lawfully prescribed for the student
- Hallucinogenic substances

The CUSD Random Student Drug-Testing Program will not impose disciplinary action. The program is designed to create a safe, drug-free environment for students and to assist students in getting help when needed. No student will be penalized academically, expelled, or suspended from school as a result of any verified positive test. Likewise, no drug or alcohol test results will be disclosed or given to any law enforcement agency. However, a student will be removed from all sports and activities that are eligible for affiliation in accordance with the defined consequences.

Please note that the random student drug-testing program does not affect the current policies and practices of the District regarding drug possession or use where reasonable suspicion is obtained by means other than drug testing through this policy. In situations not covered by Chandler Unified School District Random Student Drug-Testing Program, the District may test a student upon reasonable cause to believe the student is using drugs or alcohol, and/or to impose discipline for drug or alcohol related infractions, in accordance with applicable laws and the District's Policies and Administrative Regulations.

#### ***PURPOSE OF THE CUSD RANDOM STUDENT DRUG-TESTING PROGRAM***

The purpose of the CUSD Random Student Drug-Testing Program is to protect the health, safety, and welfare of all students participating in sports and activities governed by the Arizona Interscholastic Association (AIA). Any student who wants to try out for or participate in an AIA-eligible sport or activity must agree to submit to random drug-testing any time during the school year even if he or she is no longer participating in a sport or activity. Written parental consent for the student to be tested for drugs is also required as part of student eligibility.

#### ***EXPECTED OUTCOMES***

Students will have a legitimate reason to resist peer pressure and refuse to use illegal drugs and alcohol.  
Students will be directed away from drug and alcohol abuse and toward a healthy drug-free lifestyle.  
Students who use drugs or alcohol will be referred to drug-treatment programs.

#### ***RANDOM STUDENT DRUG-TESTING WILL OCCUR IN ALL AIA SPORTS AND ACTIVITIES***

All students in ninth through twelfth grade who try out for or participate in Arizona Interscholastic Association (AIA-eligible) sports and/or extra-curricular activities at Basha High School, Chandler High School, Perry High School, Hamilton High School and Arizona College Prep – Erie, will be part of the random drug-testing pool. AIA-eligible sports include badminton, baseball, basketball, cross-country, football, golf, soccer, softball, swim/dive, tennis, track,

volleyball, and wrestling. AIA-eligible activities include chess, J.R.O.T.C., speech, debate, cheerleading and pom-pom.

### ***DRUGS FOR WHICH WE WILL TEST***

Students will be tested for the following substances: alcohol, barbiturates (downers), benzodiazepines (bennies or uppers), cocaine (coke), methaqualone (Quaalude), opiates (codeine, heroin, morphine, methadone), phencyclidane (PCP, angel dust), stimulants (speed) and cannabinoids (marijuana). The District will modify this list as needed to reflect changing patterns of drug use.

### ***CONSEQUENCES FOR A POSITIVE DRUG OR ALCOHOL TEST***

There are no academic consequences for a positive drug or alcohol test. A student with a positive test will continue to attend classes and earn credits toward graduation. However, a positive drug test will result in increasing loss of eligibility for AIA-eligible activities. These consequences are cumulative for the entire time a student participates in AIA-eligible sports and/or activities, which could be four years; there is no “clean slate” at the end of a sports season or school year.

***First Positive Drug or Alcohol Test:*** **A)** The student may choose to be suspended from all AIA-eligible extra-curricular sports and activities, including practices, scrimmages and games, for eight weeks, effective from the day the parent is informed that his or her student’s drug test is positive. **OR B)** The student may choose to be suspended from all AIA-eligible extra-curricular sports and activities, including scrimmages and games, for four weeks, effective from the day the parent is informed that his or her student’s drug test is positive AND attend and fully cooperate in at least eight district-approved substance abuse counseling sessions of one hour each. The parent is responsible for all fees associated with the counseling, if any. The student is responsible for maintaining and submitting to the project director all documentation needed to demonstrate the satisfactory completion of the counseling. If a student does not cooperate in the counseling sessions, if he or she is late for any session, or if he or she fails to attend any of the sessions, then the student will revert to Part A of this consequence and start the full eight-week suspension from AIA-eligible sports and activities with no time credited.

***Second Positive Drug or Alcohol Test:*** The student will lose eligibility for AIA-eligible sports and activities for one year starting from the date he or she provided the urine specimen that produced the second positive drug or alcohol test. Student may not try out, practice, play or compete in any manner until the one year ineligibility period is over. If he or she wants to try out for an AIA-eligible sport or activity following the one-year suspension, then the student must submit to and pass a drug test through Southwest Laboratories at the parent’s expense.

***Third Positive Drug or Alcohol Test:*** The student will permanently lose eligibility for all AIA-eligible sports and activities for the duration of his or her enrollment in the Chandler Unified School District.

Please Note: The consequences that follow a positive drug or alcohol test will be served independently of the rules or regulations for a given team or activity. Team and activity rules or regulations may be more stringent than the consequences outlined above. Accordingly, a student may not be allowed to participate in a team or activity for a designated period of time even after completing drug-testing program consequences because he or she is also bound by the consequences of violating team or activity rules or regulations.

### ***PROCEDURES TO ENSURE PARENTAL NOTIFICATION AND INVOLVEMENT***

- Both a parent and the student must sign the permission form for the student to participate in the AIA-eligible sport or activity as well as the form consenting to year-long participation in the CUSD Random Student Drug-Testing Program or the student will not be allowed to try out for the sport or activity.
- The CUSD Random Student Drug-Testing Program Site Administrator will make every reasonable effort to inform a parent by telephone that his or her student was randomly selected for drug testing earlier that day. No prior notice that testing will take place is given.

- The CUSD Random Student Drug-Testing Program Site Administrator will mail a letter of results to parents of students who produce negative drug tests.
- A certified Medical Review Officer will telephone parents of any student who produces a positive drug or alcohol test to discuss the matter with them.
- The project director and site administrator will meet with the positive-test student and his or her parents to discuss consequences and treatment options.

### ***PROCEDURES AND CONFIDENTIALITY***

Each student who wants to try out for an AIA sport or activity will use his or her student number for Personal Identification. These student numbers will be entered into a computer data base program designed to generate numbers at random. When a student's ID number is selected, the student will be called upon to provide a urine sample. The student will be assigned to a certified urine collection agency employee of the same gender, who will initiate federally approved chain of custody procedures that ensure accuracy and confidentiality. As per these procedures, the student will be asked to enter the mobile on-site trailer to produce a urine specimen. This specimen will be labeled in the student's presence and sent to Southwest Laboratories for analysis. The lab will report negative results to the site administrator within 48 hours after receiving the urine specimens. The site administrator will then notify each student's parent by mail that the result of the drug test was negative.

Southwest Laboratories will report all non-negative results directly to our contracted Medical Review Officer (MRO), who is a physician specifically trained and federally certified to review substance abuse laboratory reports. The MRO will telephone the student and his parents to determine if there is a reason why a particular substance was detected in the student's urine specimen. If the student or parent can produce a legal prescription or other evidence that would cause the non-negative test result, the MRO will rule the specimen to be negative and report that finding to the project director. If a parent cannot produce legal justification, the MRO will rule the specimen to be positive and report that finding to the project director.

### ***APPEAL***

A parent may request a second test based on the student's unused urine specimen stored at Southwest Laboratories. If the parent wants another lab to perform the test, the project director will provide the name of two other labs certified by the United States Department of Health and Human Services (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA). The parent must coordinate with Southwest Laboratories to arrange shipping in a manner that retains the unbroken chain of custody. The parent is responsible for all shipping and retesting costs. Please note that the student remains in suspension from all AIA-eligible sports and activities while the appeal is being made.

### ***TESTING FOLLOWING A STUDENT'S RETURN TO ELIGIBILITY***

Students who resume eligibility for AIA sports or activities after the first positive drug test will be required to submit to one non-random test during the first six weeks. The program will pay for this test.

### ***KEY ASPECTS OF THE CUSD RANDOM STUDENT DRUG-TESTING PROGRAM***

- The student will continue to participate in all classes to continue earning credits necessary to graduate from high school. The student will not lose the ability to earn academic credits as a result of a positive drug test.
- School and project personnel will treat all positive drug tests with confidentiality, sharing information only on a need-to-know basis. Drug-testing records will be stored with the project director, not with the student's regular school records. When the student graduates, his or her drug test records will be destroyed.
- Law enforcement officials, including the School Resource Officer, will not be called or involved as a result of a positive drug test. The purpose of the CUSD Random Student Drug-Testing Program is to deter or stop drug use, not to punish or incarcerate.

## **QUESTIONS AND ANSWERS**

### **Is there a significant drug and alcohol problem on any Chandler Unified School District high school campus?**

*No, the problem is not significant in CUSD high schools – and we want to keep it that way.* Substance abuse is epidemic throughout the nation among people of all ages. Students tell us that they have easy access to drugs and alcohol and that they sometimes feel peer pressure to use these illegal substances when they are away from school. The Chandler Unified School District wants to do everything possible to help our students stay drug-free and alcohol-free. This promotes student learning and protects their health and safety.

### **Is a random student drug-testing program legal?**

*Yes.* The United States Supreme Court ruled in 1995 (*Vernonia School District v. Acton*) that “special needs” exist in the public school context and that the drug problem among the student body is effectively addressed by making sure that the large number of students participating in competitive, extra-curricular activities do not use drugs. In 2002, the United States Supreme Court upheld the right of a school district to require middle school and high school students to consent to urinalysis testing for drugs in order to participate in any extra-curricular activity and ruled that this does not violate the Fourth Amendment of the United States Constitution (*Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al.*). The CUSD Random Student Drug-Testing Program is designed to prevent drug use while protecting students’ Fourth Amendment Rights by adhering closely to all aspects of the Supreme Court rulings.

### **Is urine drug testing considered to be an invasion of privacy?**

*No.* The United States Supreme Court supports urine collection as a reasonable way to conduct a drug-testing program. Urine drug testing is a widely used practice. Athletes who want to compete at the collegiate or Olympic level must also agree to participate in drug testing using urine samples. Plus, it is a standard procedure that many people will experience on the job.

### **How accurate are drug tests?**

*Results are extremely accurate.* Southwest Laboratories is the only facility in Arizona that is certified by the United States Department of Health and Human Services (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA). This is the highest possible level of accreditation. Southwest Laboratories first screens a urine specimen for illegal substances. If this initial screening produces a positive result, then the specimen is subjected to a confirmation test using more sensitive technology. If this second test confirms the presence of illegal drugs or alcohol, then a scientist reviews all documentation, including the chain of custody paperwork, to ensure that all procedures have been properly followed.

### **Why don’t we test all the high school students?**

*There is currently no legal precedent that allows for the drug testing all students in a school.* However, the law clearly supports drug-testing students who participate in after-school sports and activities because these are ruled to be extra-curricular privileges.

### **Can my student opt out of the random drug-testing pool and still participate in an AIA-eligible sport or activity?**

*No.* Both a student and his or her parent must sign the drug-testing permission slip if the student wants to try out for and/or participate in an AIA sport or activity.

### **How long will a student remain in the drug-testing pool?**

*A student will stay in the drug-testing pool for the entire academic year,* even if his or her sport or activity ends prior to that time.

**Who decides which students are tested on any given day?**

*The students will be selected at random.* A personal identification number (PIN) will be assigned to each student who tries out for and/or participates in an AIA sport or activity. These PIN numbers will be entered into a computer software program. The software will generate, at random, the amount of student numbers requested. By the end of each school year, up to 25% of the participants at each site will be tested.

**Can a student be tested more than once?**

*Yes.* After a student's PIN has been drawn for testing, it is returned to the pool of AIA participants. Using this random system, it is possible that some students will be selected more than once and others will not be drawn at all.

**Where and how are the students tested?**

*A certified urine collection agency will go to each high school.* Each student will be assigned to a collector of the same sex. The student will enter the restroom stall alone to provide a urine specimen. The student will watch the collector label and seal the urine container, then sign the chain of custody papers.

**How many students will the drug-testing program catch?**

*Our goal is not to "catch" students.* We would like to have all negative test results. This would mean our drug-testing program is working. However, we suspect that some students are currently using drugs. This number is expected to decline annually.

**How will the school district pay for this program? Will the financial support for other school programs decrease as a result of this program?**

*Gifted funds will pay all costs for this program.* Funds for other school programs are not related to the drug-testing program. The CUSD Random Student Drug-Testing Program will actually produce a safer learning environment that enhances student achievement.

**Why doesn't the school district spend the money on books or teachers instead?**

*The money is gifted specifically for the drug-testing program.* It cannot be used for anything else.

**If a student tests positive because he or she took medication prescribed for a family member or other person, will the test still be ruled as positive? Will the student still be penalized as outlined above?**

*Yes, the student will experience the consequences as outlined above.* It is a legal misdemeanor for other people, even parents, to give medication to anyone other than the person to whom the medication was prescribed. This is never a safe or acceptable practice.

**What if my student takes an over-the-counter (OTC) medication?**

*The drug tests that detect over-the-counter medications have cut-off limits that are set high enough so that OTCs, when taken as directed, will not produce a positive drug test result.*

**Will drug test results be kept confidential?**

*Yes.* All drug test results will be kept in a locked cabinet in a locked room, away from the students' regular school records. This information will be released only on a need-to-know basis, such as to the assistant principal, the project director, and the coaches and/or activity teachers who work directly with a drug-positive student in the extra-curricular sport or activity. Classroom teachers and other school personnel not directly involved in the student's extra-curricular sport or activity will not be informed about positive drug-test results or any legal prescription medication the student takes, nor will these school personnel have access to any other part of the student's file. Likewise, no information about a student's positive drug test may be released in any manner to the School Resource Officer or any other law enforcement official or agency.