

506.11 - RANDOM DRUG TESTING OF STUDENTS INVOLVED IN EXTRACURRICULAR ACTIVITIES AND COMPETITIONS

The Hemingford School District supports and values student participation in extracurricular activities and competitions. Such participation is a privilege and not a right. Students in all extracurricular activities and competitions in grades 7-12 shall be subject to mandatory random testing for the presence of tobacco/nicotine, alcohol, and/or illegal drugs.

1. Purpose of Random Drug Testing
 - a. The purpose of this policy is to promote the health and safety of our students who participate in extracurricular activities or competitions and to deter the use of alcohol, illicit drugs, and tobacco among them.
 - b. The school district has recognized that observed and suspected drug, alcohol, and tobacco/nicotine use and abuse have increased among the student population, including students participating in extracurricular activities or competitions.
 - c. The school district seeks to provide safe, substance-free schools.
 - d. The school district seeks to deter the use of illegal and prohibited drugs, alcohol, and tobacco/nicotine among students.
 - e. The school district recognizes that students who use illegal and prohibited substances pose a threat to the health and safety of themselves, other students, teachers, administrators, and other persons.
 - f. The school district believes that the drug, alcohol, and tobacco/nicotine problem among the student body needs to be addressed. A large number of students who participate in extracurricular activities and competitions do not use drugs, alcohol, and tobacco/nicotine. The school district wishes to give those students an ongoing reason to say, "No," when presented with a chance to use.
2. Notice. Each student who participates or seeks to participate in extracurricular activities or competitions shall be given a copy of this policy. This policy may also be included in the student handbook.
3. Drug Testing Coordinator. The Drug Testing Coordinator shall be the Activities Director or his or her designee unless otherwise indicated.
4. Extracurricular Activities. This policy applies to all students who participate in extracurricular activities or competitions in our school district, which includes but is not necessarily limited to the following:

Instrumental/Vocal Music	Health Council/Health Professions
National Honor Society	One Act Play
Three Act Play/Dinner Theater	Speech
HS Quiz Bowl	JH Quiz Bowl
Student Council	Yearbook

Cheerleading	e-Sports
Mathcounts	Science Olympiad
HAL	Hope Squad
FFA	FCCLA
Football	Volleyball
Cross Country	Wrestling
Basketball	Track
Golf	Art and Culture Club
School Sponsored Dances	

5. Students Who Are Required to Submit to Drug Testing

- a. Grades. All students in grades 7-12 who participate in any extracurricular activity or competition are part of the pool subject to random drug testing.
 - b. Consent. A student and his or her parent(s)/guardian(s) must sign a consent form at the beginning of the school year, or upon entry to the school district to participate in any extracurricular activity or competition. The consent form is attached to this policy.
 - i. If consent is not signed at the beginning of the school year, the student can sign consent at the beginning of 2nd semester (or upon entry to the district.) For a student to be eligible for any extracurricular activity or competition, consent must be signed before the activity start date and/or before the first practice.
 - c. Selection Pool Eligibility. Students shall remain in the selection pool for an entire calendar year (365 days) from the date the consent form is received.
 - d. Withdrawal. Students who have a consent form on file remain eligible for random drug testing from the date the consent form is received by the school district and 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 activity that is subject to drug testing for the remainder of the school year, unless consent is signed at the beginning of 2nd semester in which case the student again returns to the pool for the remainder of the school year.
6. Drugs. Students participating in extracurricular activities or competitions are prohibited from using, possessing, distributing, manufacturing, or having drugs, alcohol, and tobacco/nicotine present in their system. For purposes of this policy, “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);
- d. Any tobacco or other substance which introduces nicotine and other tobacco-related substances into the body, including alternative nicotine products, vapor products, or electronic nicotine delivery systems ingested in any way, such as by use of an e-cig, vape pen, or Juul.

7. Testing Procedures

- a. **Student Selection.** All students who participate in extracurricular activities or competitions and 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.
- 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 a drug. The Drug Testing Coordinator will notify the student and take the necessary steps to schedule a test as soon as practicable.
- c. **Parental Request.** Students who do not participate in extracurricular activities or competitions may be added to the random drug screening master list upon parental request at the beginning of the school year.
- d. **Type of Test.** The school district reserves the right to utilize breath, saliva, urinalysis, or any other reliably recognized testing procedure. Urine and oral fluid samples which screen positive will be confirmed by the company selected by the district. Positive saliva or breath alcohol tests will be confirmed by EBT (Evidential Breath Tester). Other testing methods will be confirmed via industry-recognized processes and equipment.
- e. **Collection Site.** The Drug Testing Coordinator will designate the collection site at which students will provide specimens. The collection site may be off the premises of the school district.
- f. **Collection Procedures.** The school board will select a Drug Program Administrator (DPA) Company. The DPA shall randomly select the students subject to drug testing from the master list on a weekly basis.
 - i. The DPA will make selections based on up to 3 students weekly.

- ii. 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 ensure accurate testing protocols while minimizing intrusion into a student's privacy.
 - iii. The DPA and the school district will provide a copy of the collection procedures upon request.
- g. **Drugs.** Students may be randomly tested for any drugs, including but not limited to nicotine, alcohol, amphetamines, marijuana or cannabinoids, cocaine, methadone, methaqualone, propoxyphene, hallucinogens, opiates, phencyclidine, synthetic opiates and PCP, steroids, barbiturates, benzodiazepines, alcohol, and any prescription drug that was obtained without proper authorization.
- h. **Results.** The DPA shall notify the school nurse, the Drug Testing Coordinator, and/or the high school principal of any non-negative test after the initial screening. The DPA will use a secure method to transmit all positive test results to the DPA's Medical Review Officer (MRO). The MRO will be certified by an MRO accreditation body. The MRO will be responsible for reviewing test results and determining whether the use of a substance identified by the sample analysis is from illicit use or legitimate medical use. Testing results may take up to 2 weeks. If the MRO determines the test results are negative, no further action shall be taken against the student. The MRO will report the results of verified positives to the DPA, who shall then notify the School Nurse, Drug Testing Coordinator, and/or High School Principal of the positive test result. The school representative shall notify the student's parents. Before making a final decision, the school representative shall contact the student and his or her parent(s)/guardian(s) to discuss the final result either face-to-face or over the telephone. The Drug Testing Coordinator shall notify the student and his or her parent(s)/guardian(s) and any staff members responsible for implementing the consequences of this policy.
- i. **Request for a Retest.** A split specimen will be collected for all testing methods except 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.

8. Consequences for Testing Positive. The purpose of this policy is not to punish students, but to help them make healthy choices. Whenever the test results indicate a positive test, the Drug Testing Coordinator shall schedule a confidential meeting with the student, parent/guardian, sponsor/coach, and other members of the school's administration as appropriate. At the meeting, the Drug Testing Coordinator shall explain the drug testing procedures and the policy of the district. (All offenses are cumulative for the current school year.) The consequences shall be as follows:

a. First Offense

- i. Parent/Guardian's will be notified.
- ii. The student will receive closed campus lunch for a minimum of 3 school days. Lunch privileges will return upon the completion of an accountability project presented to a designated school representative.
- iii. The student shall be provided with a list of drug counseling resources available in the panhandle.
- iv. The student may automatically be included in the next round of drug testing. If a student tests negative, they will be returned to the random drug testing pool.

b. Second Offense

- i. Parent/Guardian's will be notified.
- ii. The student will receive closed campus lunch for a minimum of 5 school days. Lunch privileges will return upon the completion of an accountability project presented to a designated school representative.
- iii. The student shall be provided with a list of drug counseling resources available in the panhandle.
- iv. The student may automatically be included in the next three rounds of drug testing. If a student tests negative, they will be returned to the random drug testing pool.

c. Third Offense

- i. Parent/Guardian's will be notified.

- ii. The student shall miss 30 calendar days of extracurricular activities or competitions at the performance level (if in season). Students shall be required to attend/participate in practice but may not travel with a team.
- iii. The student will be required to complete a drug education course provided by the school.
- iv. Extracurricular activities or competitions will resume upon the completion of the 30 day suspension and successful completion of the drug education course.
- v. The student shall be provided with a list of drug counseling resources available in the panhandle.
- vi. The student may automatically be included in the next three rounds of drug testing. If a student tests negative, they will be returned to the random drug testing pool.

d. Additional Offenses

- i. For any additional offenses, parents will be notified and a specialized plan will be implemented based on the individual student's needs as deemed necessary by the school. Plans may include but are not limited to referrals to outside agencies, law enforcement, Panhandle Public Health Department, etc.
- ii. Consequences for additional offenses may not be less than the third offense consequences.

9. Refusal to Test

A student who refuses to submit to a drug test authorized under this policy, or refuses to comply with any other provision of this policy, shall not be eligible to participate in any extracurricular activities or competitions covered under this policy including all meetings, practices, performances, and competitions for the remainder of the school year.

10. 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 the School Nurse determines that a student tampered with a drug test, the student shall be deemed to have submitted a positive test.

The use of any such agent or technique shall be treated as a positive test for drugs prohibited by this Policy and shall be subject to the penalties outlined in Section 8 of this Policy.

11. 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 records of positive tests will be housed in a secure location. This information will not be available to anyone other than appropriate school personnel and parents. 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 test results with any non-school personnel or authorized contractor except as authorized by the student's parents in writing.

12. Appeal

The school district will rely solely upon the opinion of the MRO to determine whether the positive test result was the result of the consumption of a drug. There shall be no appeal of the test result to any school administrator or the board of education.

13. 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.

Adopted: 5-8-2023

Reviewed:

Revised: 11/13/2023

506.11.E1 - Consent To Perform Random Drug Testing

Hemingford Public Schools
Consent To Perform Random Drug Testing

Student Name _____ Grade _____

As a student and parent:

We understand and agree that participation in extracurricular activities or competitions is a privilege that may be withdrawn for violations of the Random Drug Testing of Students Involved in Extracurricular Activities Policy.

We have read the Random Drug Testing Policy and understand the responsibilities and consequences as an activity participant if the student violates the policy.

We understand that when students participate in any extracurricular activity or competition, they will be subjected to random drug testing, and if they refuse, will not be allowed to practice or participate in any extracurricular activity or competition. We have read this consent statement and agree to its terms.

We understand this is binding while a student is enrolled in Hemingford School District.

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, alcohol, and tobacco/nicotine in accordance with the Random 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 according to this Consent to Perform Random Drug Testing will be effective for all extracurricular activities or competitions in which this student might participate during the current school year.

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

Student Signature _____ Date _____

Parent/Guardian Signature _____ Date _____

506.11.E2 - Revoking Consent for Random Drug Testing

Hemingford Public Schools
Revoking Consent for Random Drug Testing and
Withdrawal Of Student From Extracurricular Activities and Competitions

I understand that by signing this form I am rescinding my permission for random drug, alcohol, and tobacco/nicotine screening and no longer wish to participate in any extracurricular activity or competition.

I further understand that I am forfeiting my privilege to participate in athletics and/or extracurricular activities or competitions for the remainder of this school year.

I hereby rescind my consent to the administration of the drug screening and forfeit all participation in extracurricular activities or competitions for the remainder of the school year.

Student's Printed Name: _____

Signature: _____

Date: _____

Parent/Guardian's Printed Name: _____

Signature: _____

Date: _____