

**DESCRIPTOR TERM:**

**Students**

**Millard District Policy**

**File Code: 6230**

**Approved: 01-11-24**

## **STUDENT DRUG TESTING POLICY**

### **A. Purpose and Objectives**

1. Based upon input by administrators, coaches, and others involved in student activity programs, the District finds that an educational drug testing program for all students in grades nine (9) through twelve (12) who participate in extracurricular activities is advisable for reasons including the following reasons:
  - a. Health and safety of the individual and others. Any student participating in an activity under the influence of an illegal drug or alcohol creates a risk of death or serious bodily injury, not only to the student, but to other participants and spectators.
  - b. Prevention. Many students will be able to say no to drugs because they will have an additional reason (i.e., participation in student activity programs) to avoid the use of drugs.
  - c. Intervention. Individuals desiring to participate in activities will seek professional, parental, or clerical assistance for their drug or alcohol problems.
2. In addition to other requirements that must be satisfied for students must also pass any drug test.
3. Nothing in this policy affects other district policies including:
  - a. Disciplinary provisions for any student selling, giving, delivering, possessing, using, or being under the influence of a controlled substance, an illegal drug, or alcohol.
  - b. Reasonable suspicion provisions that allow the District to search or test any student suspected of being under the influences of drugs or alcohol.
4. Results of any drug test administered under this policy shall be used only for determination of eligibility to participate in extracurricular activities and for no other disciplinary purpose. No punitive action is taken against the student who tests positive other than removing the student from extracurricular programs as prescribed in this policy. If counseling is needed or desired by the parent or guardian and not mandated by policy, help is available through a number of different agencies in Millard County.

All costs are the responsibility of the parent or guardian. Students who represent the District publicly in various activities and are looked up to by younger students as role models are students who will have tested drug free.

## B. Definitions

1. **Activity Season** – The period beginning on the first day of practice allowed by the UHSAA for any sport or activity subject to UHSAA guidelines in which a student participates and ending the last day of the season, or the time period as specified by the District for other activities sponsored by the District.
2. **Alcohol** – Any alcohol as defined under Utah Code 34-38-2 or alcoholic beverages or products as defined in Utah Code 32B-1-102.
3. **Drug** – Any controlled substance as defined in Utah Code 34-41-101 including 58-37-2, except those possessed and/or used pursuant to a valid prescription.
4. **Extracurricular** – All activities sponsored by the UHSAA and any District sponsored activity designated by the District as being subject to this policy.
5. **Non-Punitive** – Test results will not be disclosed to law enforcement or juvenile authorities absent a valid and binding subpoena or other legal process issued by a court of competent jurisdiction.
6. **Positive Test** – A drug test administered under this policy with a toxicological result which is considered to demonstrate the presence of alcohol, an illegal or performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug test.
7. **Random Tests** – All participating student are subject to a periodic random drawing for drug testing.
8. **Student Participant** – Any student participating in an extracurricular activity recognized by UHSAA and sponsored by the District or participating in a District sponsored activity designated by the District as being subject to this policy.
9. **UHSAA** – The Utah High School Activities Association.

**C. Written Consent Required**

Before any student participates in any extracurricular program subject to this policy, the student and the student's custodial parent or lawful guardian shall execute and deliver to their local high school a written consent in the form attached hereto as exhibit A. Any student who refuses or fails to provide a duly executed consent or who refuses or fails to comply with the provisions of this policy shall not be allowed to participate in any extracurricular program sponsored by the District until the student and parent or guardian fully complies. Any student participant who willfully provides a false sample or who otherwise tampers with a sample or undertakes any effort to obstruct, evaluate or impair the accuracy of a drug test, shall be suspended from participation in extracurricular activities according to policy.

**D. Student Selection**

At the option of the District, random testing may be conducted during the season on a weekly basis or any other frequency determined by the District. Selection for random testing will be by lottery drawing from a pool consisting of all student participants in extracurricular programs sponsored by the District at the time of the drawing. Separate pools may be established on a team-by-team or group-by-group basis. The Superintendent or designee shall take all reasonable steps to assure the integrity, confidentiality and random nature of the selection process including, but not necessarily limited to: implementing standards so that the names of all student participants are in the pool; implementing standards so that the person drawing names has no way of knowingly choosing, or failing to choose particular students for the testing; implementing standards so that the identity of students drawn for testing is not known by the person making the selection or by persons involved in the analysis of the sample, and implementing standards for direct observation of the selection process by at least two (2) adults.

**E. Procedure for Random Drawing**

1. Prior to the start of an activity season, all students who wish to participate in such activity shall submit a signed consent form attached hereto as Exhibit A. During the activity season for each activity, up to 10% of the total number of student participants on the team/group may be tested each week.
2. To assure the anonymity of the participants tested, each student participant will be assigned a number at the beginning of testing. These numbers and the identity of the student participant to whom such number is assigned will be known only to the participant and the Superintendent

or designee. The Superintendent or designee will keep the number lists in a secure place accessible only to authorized personnel.

3. After all student participant numbers are drawn for a particular week, they will immediately be returned to the pool of numbers for that activity in order to assure randomness of draw. It is possible that a student participant number may be drawn several times during the season, or not drawn at all.

#### **F. Urine Sampling Procedure**

The District will contract professional service from a local agency or entity to conduct the testing process and to provide testing results to the designated school official. Testing procedures will be provided by the testing agency or entity (no direct observation). On the day of testing, those students selected will be notified and must immediately report to the designated place to produce a urine sample. Samples will be collected at an appropriate school site, in a controlled environment, at a mutually convenient time for the school officials and local agency or entity, and on the same day the student is scheduled for testing. If a student is unable to produce the urine sample, the student participant will remain under supervision until a sample can be provided. Unless a student can verify that the student was already absent from school prior to the student's selection and notice of selection for testing, a student's failure to report for testing may be deemed equivalent to a positive test.

#### **G. Prescription Medication**

Students who are taking prescription medication must provide a copy of the prescription or a doctor's verification to testing personnel at the time a urine sample is collected or within forty-eight (48) hours after the urine sample is taken. If the forty-eight-hour deadline falls outside of school day hours, the verification must be provided when the next school day begins. If test results are still unclear due to the possibility of prescription drugs; the test, along with copies of the prescription, will be sent to a lab for further analysis. Students who refuse or fail to provide timely verification of prescriptive drug use and who test positive will be subject to the actions specified below for a "positive test" irrespective of their use of prescriptive medications.

#### **H. Scope of Tests**

1. Testing will be done for drugs which may include, but will not be limited to:
  - Alcohol
  - Amphetamines

- Barbiturates
  - Benzodiazepines
  - Cocaine
  - Marijuana (level 20,50, and 100)
  - Methadone
  - Opiates (oxycontin)
  - PCP
  - Propoxyphene
  - Steroids
2. Urinalysis test uses a panel-integrated cup with adulteration strip or other method customarily established by the testing laboratory administering the drug test.

**I. Access to Results**

The testing agency will be authorized to report results only to the Superintendent or such other adult persons as the Superintendent may designate. After a student's graduation, the student may request that any test result be destroyed.

**J. Procedures in the Event of a Positive Result**

1. A student or parent or guardian may contest a positive test result of a random test. If a positive test result is obtained on the same day of testing, a student may not leave the office until contact with the parent or guardian has been made or reasonable efforts of contact have been documented. If a same-day positive test is contested, a second test can be administered as soon as a second sample is produced at the parent or guardian's expense at request. Students will remain under the supervision of the test administrator until the second sample is produced.
2. If a positive test result is reported on a day other than the same day of testing, it may be contested within forty-eight (48) hours of the notice being provided to the student and parent or guardian. If the forty-eight-hour deadline falls outside of school hours, the result must be contested when the next school day begins. A second test will then be scheduled to be administered at the parent or guardian's expense at request.

**K. Consequences of Positive Test Result**

1. **First Positive Test Result Offense:** Students who are members of extracurricular organizations who participate in the following prohibitive conduct shall be suspended from all extracurricular activities for a minimum of 30 calendar days or to the end of the season whichever is shorter. Illicit use, possession or distribution of controlled substances or drug paraphernalia, and the use, possession or distribution to tobacco/electronic cigarettes or alcoholic beverages contrary to law. (Also see Policy 6310).
2. A student participant shall be reinstated after the student has successfully completed a personal assessment completed by and documentation by a licensed substance abuse intervention or treatment agency and provides a negative sample. This assessment and testing will be paid for by the student or parent or guardian. A list of available assessment providers will be furnished upon request by the school counselor. If the student chooses not to complete the assessment, the student will not be allowed to participate for the remainder of that activity season.
3. **Second Positive Test Result Offense:** If a third second offense should occur during any activity season, the student participant will be suspended for eighteen weeks from games, matches, competitions or performances\*. In order to participate in another activity, the student must participate in an assessment by a licensed substance abuse intervention or treatment program where a prescribed follow-up is required. Participation may continue only after the assessment has been completed, positive participation in the prescribed follow-up is occurring, and a negative sample (paid by student or parent or guardian) has been produced.
4. **Subsequent Offenses:** If subsequent offences occur, the student participant may be suspended from participation from extracurricular activities for one year (365 days). In order to participate in another activity, the student must participate in an assessment by a licensed substance abuse intervention or treatment program where a prescribed follow-up is required. Participation may continue only after the assessment has been completed, positive participation in the prescribed follow-up is occurring, and a negative sample (paid by student or parent or guardian) has been produced.
5. Positive test results are cumulative during a student's career in Millard School District and carry over year to year.

**L. Non-Punitive Nature of Policy**

No student shall be penalized academically for testing positive for use of illegal drugs or alcohol, nor shall any student be denied the right to participate in or otherwise be denied any benefits, services, or programs of the District, other than participation in the extracurricular activity programs as outlined in this policy. The results of drug tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of drug tests shall be kept confidential between the Superintendent or Superintendent's designee, high school administration, coaches or program advisors, the student's parent or legal guardian, and the student. Test results will not be disclosed to law enforcement or juvenile authorities absent a valid and binding subpoena or other legal process issued by a court of competent jurisdiction. In the event of service of any such subpoena or legal process, the student's custodial parent or legal guardian will be notified in writing as soon as reasonably possible, but in no event less than seventy-two (72) hours before a response is made by the District unless a response is due within a shorter time frame. Notification shall be made in writing and shall be deemed complete upon the deposit thereof in the U. S. Mail, postage prepaid, addressed to the last known address of the student or his or her parent or legal guardian or upon personal service upon the student participant's parent or legal guardian. Verbal notification may be given, if time does not permit written notification within the seventy-two (72) hour time period.

**M. Voluntary Testing Program**

Millard School District is committed to helping students who are encountering drug or alcohol problems. The district recognizes that a student with drug dependency or use problem is not able to work to his or her fullest potential. To assist in the ultimate goal of drug-free schools and drug-free students, the district will provide voluntary drug testing to any student whose parents request the testing be done. The procedure for sampling and testing shall be conducted under substantially the same sampling procedure as set forth above (volunteer students will be part of the random pool), provided however immediate onsite results may be provided to the student's parent or legal guardian. The test results will be kept absolutely confidential, except for the parent or legal guardian, student, and test laboratory personnel. No legal or criminal actions will be taken by the district based upon such test results. No school record will be kept of such voluntary test results. This service is offered solely for the information of the parent or guardian who may determine what to do with the information.

**STUDENT-PARENT/GUARDIAN  
DRUG TESTING CONSENT FORM**

Millard School District  
Delta, Utah 84624

We authorize our student to participate in Millard School District's random (unobserved) drug testing program to identify possible illegal drug and/or alcohol use (collection of samples will be in a controlled and supervised location). Positive results may be reviewed by a licensed Medical Review Officer. We also unconditionally authorize the release of information concerning the results of such a test to the Millard School District and understand that this is a non-punitive policy.

This completed form shall be deemed consent, for the purposes of the Family Education Right to Privacy Act.

\_\_\_\_\_  
Extracurricular Activity (i.e. football, band, drama)

\_\_\_\_\_  
Date of Activity (i.e. Fall of 20\_\_\_\_)

\_\_\_\_\_  
Print Student Name

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Parent/Guardian Name

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date