

## **POLICY 3551 – EXTRA-CURRICULAR/CO-CURRICULAR ACTIVITY DRUG TESTING**

The Joliet School District Board of Trustees, in an effort to protect the health, safety, well-being, and welfare of its extra-curricular and co-curricular activities students from the effects of illegal drug use and abuse, thereby setting an example for all other students, adopts the following policy for drug testing of students involved in activities in Joliet Middle & High School.

### **PURPOSE**

The Joliet School District believes that participation in extra-curricular and co-curricular activities is a privilege and contributes to the all-around development of young men and women. The Joliet School District activity programs are dedicated to providing competitive and enjoyable experiences for the students, student-participants, coaches, advisors, faculty, parents, fans, and community. In doing so, we hold high expectations for all in the areas of Character, Citizenship, Scholarship, and Leadership as we strive to be competitive, develop skills, make healthy decisions, and act as ambassadors of the Joliet Schools and Joliet community. Chemical and/or illegal drug use of any kind is incompatible with the physical, mental, and emotional demands of school and school activities and upon the positive image, we want these students to project to their peers, the community, and other schools involved in interscholastic activities.

The Joliet School District believes that students involved in activities are role models and that they carry a responsibility to themselves, their fellow students, their families, the school, and the community to set the highest possible example of conduct, sportsmanship, training, and good health. By committing to a team or activity, students choose to conduct themselves as models of good, safe, and moral behavior and choose to set an example for all other students of the Joliet School District, which includes avoiding the use, misuse, possession, sale, and distribution of drugs, alcohol, tobacco, and/or other controlled substances and paraphernalia. Therefore, students involved in activities agree to submit to drug testing in accordance with this policy.

Students involved in activities who use illegal substances, by their leadership role, are contributing to the increase in use and creating an environment of tolerance among their peers for this illegal behavior. The Joliet School District believes accountability is a powerful tool to help students avoid using illegal drugs and that early detection and intervention can save lives. In summary, the purposes and intent of this policy are:

1. to educate all students of the serious physical, mental, and emotional harm caused by illegal drug use;
2. to address and attempt to deter, curtail, and stop the use of drugs, alcohol, and tobacco; to alert students with possible substance abuse problems to the harm that such behavior poses to their physical, mental, and emotional well-being and offer them the privilege of participating in activities as an incentive to stop using such substances;
3. to prevent the risk of injury, illness, and harm to students that may result from illegal drug use;
4. to ensure that students adhere to a training program that prohibits the intake of illegal drugs;
5. to offer students a safe and challenging environment for practices, competition, and school activities free of the effects of illegal drug use; Joliet School District administration may adopt procedures and regulations to further implement this policy consistent with its purpose and intent and the following guidelines.

## DEFINITIONS

### *Activity Student or Participant*

A student who is a member of, belongs to, or is enrolled in any Joliet Middle School or High School sponsored co-curricular or extra-curricular activities, whether or not he or she participates in interscholastic competition.

### *Activity*

All current school-sponsored sports, clubs, and other co-curricular and extra-curricular activities and organizations, including travel to and from activities and including related school activities taking place during summer vacation or other school holidays.

The activities include all MHSAA sanctioned and sponsored activities, FFA, BPA, Code Girls United, Science Olympiad, Envirathon, Pep Band, Math Competitions, Musical Theater, WorldQuest, and Honor Band. These activities are subject to revision upon addition of new programming into Joliet Schools. New activities will be regularly reviewed by the Board of Trustees.

### *Chemical Use*

Using, being under the influence, having in his/her possession, buying, selling, giving away, distributing, or attempting to buy or distribute alcohol, tobacco, illegal drugs, synthetic drugs, any other controlled substances, or drug paraphernalia. Distribution includes any attempt (successful or not) to sell, deal, disburse, dispense, divide, allocate, assign, provide, or give away alcohol, tobacco, illegal drugs, synthetic drugs, any other controlled substance, or drug paraphernalia. It is not a violation for a student to be in possession or using a medication that has been specifically prescribed for the student's own use by his/her health care provider and using it in the prescribed manner. However, it is a violation to misuse the prescribed medication, or sell, or distribute it in any manner to another person. Chemical use also includes sniffing glue, "huffing", or other misuse of substances.

### *Drug Use Test*

A scientifically substantiated method to test for the presence of illegal drugs or the metabolites thereof in the person's urine.

### *Illegal Drugs*

Any substance that an individual may not sell, possess, use, distribute, or purchase as defined by either Federal or Montana law. In addition, "illegal drugs" include all prescription drugs obtained without authorization, all prescribed and over-the-counter drugs, or other substances being used or misused for an abusive purpose, synthetic drugs, alcohol, tobacco, and drug paraphernalia. The samples may be tested for any or all of the following: THC, Cocaine, Benzodiazepines, Alcohol, Amphetamines, Barbiturates, Ecstasy, Marijuana, Methadone, Methamphetamine, Morphine, Opiates, Oxycodone, Phencyclidine, Propoxyphene, and Tricyclic Antidepressants. Marijuana is included as an illegal drug despite being legal recreationally in Montana because it is not legal for students under the age of 21 and not permitted on school premises. This places it in a classification similar to alcohol and nicotine. The laboratory will be authorized to report test results to the superintendent or principal.

### *Activity Season*

The activity season is defined as: the season begins with the first official practice of the activity and ends with the arrival home after the final event or when the parent/guardian requests that the student become his/her responsibility after the final event for that season.

### *Positive*

When referring to a drug use test administered under this policy, "positive" means a toxicological test result that demonstrates the presence of an illegal drug or the metabolites thereof, using the standards customarily established by the testing laboratory administering and evaluating the drug use test.

### *Reasonable Suspicion*

The suspicion of illegal drug use based on specific observations made by school sponsors, coaches, teachers, or administrators of the appearance, speech, or behavior of an activity student; the reasonable inferences that are drawn from those observations; and/or reliable information of illegal drug use by an activity student reported to a school sponsor, coach, teacher, or administrator. Anonymous contacts made by individuals not willing to confront the activity student will not be acted upon.

### *Sample*

A sample of urine collected for the purpose of conducting a drug test for the presence of illegal substances.

### *Duration*

All activity students and participants are subject to drug testing from the first day of fall practice in August through the last day of spring competition.

## PROCEDURES

### *Consent*

It is mandatory that each student who participates in activities read, sign, and return the "Student Drug Testing Consent Form" to the designated administrator prior to participation in any activity. A parent or guardian of a student under age 18 must also sign the consent form. The consent form requires the activity student to provide a sample:

- (a) when the activity student is selected by the random selection process to provide a sample; and
- (b) at any time when there is reasonable suspicion to test for illegal drugs.

Each activity student shall be given a copy of the drug testing policy and any administrative rules or procedures pertaining to drug testing with the consent form.

## *Orientation*

Prior to the commencement of drug testing each year and at other times throughout the school year as designated by school administration, an orientation session will be held with activity students to educate them regarding the sample collection process, privacy arrangements, drug testing procedures, and any other issues regarding testing.

## *Timing of Testing*

This policy is adopted as of July 18, 2023 and all activity students will be subject to random drug testing upon adoption of the policy. Thereafter, the following timing of testing regulations will apply

### *1. Random*

During the months of August through May, at least 3 activity students will be required to participate in random drug testing. The selection of participants to be tested will be done randomly by a Testing Company or administrative designee. Names will be drawn from the complete pool of activity students. Each student will be assigned a number that will be placed in the random drawing. The Testing Company or administrative designee is responsible for establishing the system and protocol to ensure that the testing is conducted in a random fashion. The process will be documented in writing by the Testing Company or administrative designee. Testing may occur at any time during the school day or during a scheduled activity time from Monday through Saturday. No student will be given advance notice or early warning of the testing. This variable schedule will keep students conscious of the possibility of being tested at any time during the year.

### *2. Reasonable Suspicion*

Any activity student may be required to participate in a drug test when there is reasonable suspicion of illegal drug use.

## *Selection of Testing Company*

The District will contract with a reputable testing company. District administration will consider cost, availability and testing accuracy rates when making a determination on testing companies.

Additionally, testing companies are required to comply with students' rights of privacy under district policy, state law, and federal law and include those provisions in the services contract. These processes will be reviewed by administration prior to entering into a contract.

## *Testing Protocol*

The Testing Company selected for conducting the drug testing must follow the standards set by the Department of Public Health and Human Services. It shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and have proper laboratory control. School administrators and designees who are responsible for supervising the testing program will, on a periodic basis, receive

training on the proper set-up of the collection environment, chain of custody requirements, and any other protocols required by the testing laboratory to ensure the accuracy of the tests.

All drug tests will be supervised by a school administrator or designee who is responsible for escorting students to and from the collection site. The students should not be allowed to go to his/her locker but should carry all personal belongings with him/her. All students being tested shall remain under school supervision until they have produced an adequate sample. The test must be completed within the time limit established by the company/professional laboratory. If the student fails to complete the test within the time limit, that student will be deemed to have refused to participate in the drug test.

Before the drug test, students shall fill out, sign, and date any form that may be required by the testing laboratory. If a student chooses, the student may notify the administrator that he/she is taking a prescription or over-the-counter medication with the understanding the administration has the right to confirm that information and the reason for taking the medication with a parent/guardian (if student is under age 18) and/or treating health care provider. The student and/or parent shall sign any authorization required by the health care provider to provide that information.

The testing process will be conducted so as to minimize intrusiveness and safeguard the privacy of the student to the maximum degree possible while still ensuring that the sample process is unadulterated.

In order to maintain confidentiality, the container that contains the sample to be tested will not have the student's name on the container but will have an identification number as established in the testing protocol.

If it is proven that a student has tampered with the sample or cheated during the sample collection process, the student will be ineligible for all activities for the remainder of the school year.

If a drug test occurs during the school day, the activity student shall be allowed to make up any missed work during the time of absence from class. Faculty shall make all reasonable accommodations to assist the student in gathering the materials missed and/or completing the work. Immediately after the sample is collected, the student will return to class with an admit slip or pass signed by the supervising administrator or designee who shall also note the time when the student left the collection site.

If an activity student refuses to participate in a drug test, the student shall be treated as though he/she tested positive for illegal drugs and shall be subject to the same discipline and consequences as outlined in this policy.

### *Test Results and Appeal Process*

An initial positive test result showing the presence of an illegal drug, tobacco or the metabolites thereof will be subject to confirmation by a second and separate test. A drug test shall not be reported positive to the school administrator unless the second test is also positive ("confirmed positive test"). The testing laboratory shall preserve the unused portion of a specimen that tested positive for a period of three (3) months or the end of the appeal process, whichever is earlier. All specimens that tested negative may be discarded by the testing laboratory immediately.

The testing laboratory will notify the supervising school administrator of any confirmed positive test. The school administrator will schedule a conference with the student (and parent/guardian if under age 18) and explain to the student that there is a confirmed positive test and give the student the opportunity to submit additional information to the administrator or the testing laboratory to challenge the confirmed positive test. After receiving the report of a confirmed

positive test, if the student admits to using illegal drugs, the student will be subject to immediate discipline as defined by policy.

A student may submit additional information challenging the confirmed positive test. If he or she challenges the test, the school district will rely upon the opinion of the testing laboratory as to whether the confirmed positive test has been satisfactorily challenged or negated by that new information, such as whether the positive test result was produced by something other than consumption of an illegal drug. If the challenge is not successful, discipline will be imposed as set forth below.

The student or parent-guardian may make arrangements to have any remaining portion of the positive sample tested by a different laboratory whose laboratory and testing methods meet the same standards of reliability as the one selected and used by the school district. If this test is also positive, discipline will be imposed as set forth below.

If this test proves negative, a licensed physician trained in the field of substance abuse and interpretation of these laboratory tests ("medical review officer") will review all test results, interpret the conflicting test results and all other information provided by the student or anyone on his or her behalf, and provide a certified opinion as to the test result. If that certified opinion is that the student tested positive for illegal drug use, the school district will impose discipline as set forth below.

The student has the right to appeal the decision to impose discipline after a determination has been made that the student has used illegal drugs. The appeal must be in writing and submitted to the Superintendent within five calendar days of the determination. The Superintendent shall review the entire drug testing process for purposes of determining whether all requirements imposed by policy, administrative procedures, and the testing laboratory's protocols were met, shall review any information provided by the student and his parent-guardian, and shall review the results of any further testing.

The Superintendent is not a medical doctor and does not have authority to reverse the opinions reached in the testing process but must focus solely on whether all procedures were correctly followed. The Superintendent shall summarize his/her review in a report to the Board of Trustees within ten (10) calendar days of receiving the appeal. The Board of Trustees will then consider the student's appeal in a hearing to be held within ten (10) calendar days of receiving the Superintendent's report. A student requesting an appeal will remain ineligible to participate in any activities until the appeal is completed.

## DISCIPLINARY AND OTHER CONSEQUENCES

Upon the conclusion of all testing and appeals, if the final decision is that the student tested positive for illegal drugs:

1. The student shall be subject to the imposition of discipline in accordance with the Joliet School District policy for training rules and/or the rules and bylaws of the activity. The first offense result will result in a suspension from all competition for four weeks. During the suspension, the athlete/participant may continue to practice with the team at the coaches' discretion. The athlete/participant will not travel with the team to away games/activities. The second offense will result in suspension from all competition and team activities for the remainder of the activity season. A third offense will result in suspension from all competition for the remainder of the school calendar year. In line with MCA 20-5-202, any suspension exceeding 20 days requires approval and confirmation by the Joliet Board of Trustees.
2. A student with a second offense will not receive any awards, including a varsity letter.

3. Participants of co-curricular activities will NOT receive a reduction of grades because of a positive test result, but they will follow the loss of participation rules as noted in item 1 and 2.
4. A confirmed positive test will revoke the student's right to only be subject to random drawing. For the safety and well-being of the student, he/she will be required to submit to drug testing whenever such testing is conducted at Joliet Schools until two sequential negative tests have been provided.
5. In addition, the administration will provide information regarding counseling services, community agencies, and other information that the student or family may find helpful in addressing illegal drug use.

## CONFIDENTIALITY AND PRIVACY

Drug testing result sheets, charts assigning numbers to student names, signed consent forms, and any other information pertaining to any student drug tests, authorized prescriptions, shall be kept confidential in locked files by the school administrator who administers this program. The results of any drug tests will be destroyed when the student graduates or leaves school, if not earlier, and shall not be part of any permanent file. Confirmed positive test results will be kept in files separate from the student's other educational records and will not be divulged to any law enforcement authorities except as required by law.

It is the intent of the School District to keep positive test results and all information gathered in the process confidential. The school administrator who receives and acts upon confirmed positive test results shall notify only those school personnel who have an established and recognized need to know, such as the principal, activities director, or head coach or sponsor. With the student's consent and in showing genuine desire to seek professional assistance, the information could be shared with a school counselor or psychologist or other health care provider. Any school personnel who may have knowledge of the results of a drug test will not divulge that information or the consequences to anyone unless otherwise required by law.

## FINANCIAL RESPONSIBILITY

1. The District will pay for the random drug testing, reasonable suspicion drug testing, and the second test of the same sample conducted to confirm an initial positive test.
2. The Student or his/her parent-guardian will pay the costs for drug testing for students who have previously tested positive and are subject to the mandatory testing program.
3. Any additional tests or any testing done at the request of the student or parent-guardian are the financial responsibility of the student or parent-guardian.
4. Counseling and/or treatment of any kind provided by non-school agencies are the financial responsibility of the student or his/her parent-guardian.

## DUTIES OF THE SUPERINTENDENT OR ADMINISTRATIVE DESIGNEE

The superintendent or administrative designee will implement and oversee appropriate procedures for the consistent implementation of the testing procedure. A Third-Party Administrator will be contracted to conduct, screen and verify the results.

## EXTRA-CURRICULAR/CO-CURRICULAR ACTIVITY DRUG TESTING – FORM

Joliet Public Schools  
Student Drug Testing Consent Form

Participation in school sponsored extra-curricular/co-curricular activities at Joliet Public Schools is a privilege. Activity students carry a responsibility to themselves, their fellow students, their families, their school, and their community to set the highest possible examples of conduct, which includes avoiding the use or possession of illegal drugs. Chemical use of any kind is incompatible with participation in extra-curricular/co-curricular activities at Joliet Public Schools.

Joliet Public Schools has adopted the attached Activity Student Drug Testing Policy and the Student Drug Testing Consent form for use by all Activity Students at the middle and high school level. This policy explains in more detail the purpose of drug testing and its implementation. The policy also defines “chemical use” and “illegal drugs”.

### *CONSENT BEFORE PARTICIPATION*

Each activity student shall be provided with a copy of the Activity Student Drug Testing Policy and this Student Drug Testing Consent, which shall be read, signed and dated by the Activity Student and parent or custodial guardian (if the Activity Student is under age 18) and returned to the school administration before such student shall be eligible to practice or participate in any activities. The consent allows Joliet Public Schools to obtain a urine sample from each Activity Student: a) if chosen by the random selection basis; and b) at any time based on a reasonable suspicion to be tested for illegal drugs.

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Student's Last Name	First Name	Date
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I have been given, read, and understood the “Student Activity Drug Testing Policy” and this “Student Drug Testing Consent”. I understand that Joliet Public Schools enforces the rules applying to the use or possession of illegal drugs as defined in the policy. As a member of an extra-curricular activity, I realize that the personal decisions that I make daily in regard to the use or possession of illegal drugs may affect my health and well being, may endanger those around me, and may reflect negatively upon myself, my family, my activity, my school, and my community. If I choose to violate school policy regarding the use or possession of illegal drugs, I understand I will be subject to discipline and restrictions on my participation as outlined in the Policy. I consent to submit to drug testing in accordance with the Student Activity Drug Testing Policy.

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Signature of Student	Date
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We have read and understand the “Activity Student Drug Testing Policy” and this “Student Drug Testing Consent”. We desire that the student named above participate in the extra-curricular activities of Joliet Public Schools. We consent to the implementation and enforcement of the policy, and we agree that the student named above will be subject to the policy. We give our consent to drug testing of this student in accordance with the policy and the procedures implementing the policy. We understand the discipline and restrictions on participation that can be enforced against the student for violations as explained in the policy.

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Signature of Parent/Guardian	Date
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