

JAL PUBLIC SCHOOLS

Jal, New Mexico

Student Drug/Alcohol/Tobacco Policy

The Jal Public School Board of Education, in an effort to protect the health and safety of its students involved in extra-curricular activities from illegal drugs/alcohol/tobacco and/or performance-enhancing drug use and abuse, thereby setting an example for all other students adopts the following Policy for drug testing and alcohol and tobacco use of students involved in extra-curricular activities. (Policy adopted 6/8/04 and revised yearly)

1. STATEMENT OF PURPOSE AND INTENT

It is the desire of the Board of Education, administration, and staff that every student in the Jal Public School District refrains from using or possessing illegal drugs/alcohol/tobacco. Notwithstanding this desire, the administration and Board of Education realize that their power to restrict the possession or use of illegal drugs/alcohol is limited. Therefore, the sanctions of the Policy relate solely to limiting the opportunity of any students determined to be in violation of the Policy to participate in extra-curricular activities. This Policy is intended to supplement and complement all other policies and regulations of the Jal Public School District and the New Mexico State Board of Education regarding possession or use of illegal drugs/alcohol/tobacco.

Participation in school sponsored extra-curricular activities is a privilege. Students who participate in these activities are respected by the student body and are expected to hold themselves as good examples of conduct, sportsmanship, and training. Accordingly, students involved in extra-curricular activities carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible example of conduct, which includes avoiding the use or possession of illegal drugs/alcohol/tobacco.

The purpose of this Policy is to prevent drug/alcohol use, to educate students as to the serious physical, mental, and emotional harm caused by illegal drug/alcohol/tobacco use, to alert students with possible substance abuse problems to the potential harm of illegal drug/alcohol/tobacco use, to prevent injury, illness and harm as a result of illegal drug/alcohol/tobacco use, and to strive for an environment free of illegal drug/alcohol/tobacco use and abuse. **This policy is not intended to be disciplinary or punitive in nature. The sanctions of the Policy relate solely to limiting the opportunity for any student found to be in**

violation of the Policy to participate in extra-curricular activities. There will be no academic sanction for violation of this Policy.

Illegal drug/alcohol/tobacco use of any kind is incompatible with participation in extra-curricular activities on behalf of the Jal Public Schools District. For the safety and well being of the students involved in extra-curricular activities, the Jal Board of Education has adopted this policy for use by all students involved in extra-curricular activities. Therefore, consent to the drug/alcohol/tobacco policy is a **mandatory pre-requisite** for all students to participate in any extra-curricular activity.

2. DEFINITIONS

"Extra-curricular activities" are defined to include the following activities: New Mexico Activities Association Activities and events, such as: Student Council, National Honor Society, Cheerleading, and all school sponsored activities. The activity is not necessarily directly related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum. In addition, an activity shall be subject to the provisions for an extra-curricular activity if any one of the following criteria apply:

- a. the activity is competitive;
- b. the general public is invited; or
- c. admission is charged;
- d. the activity is the result of being elected or appointed to a position of honor.

"Drug test" means a scientifically substantiated method to test for the presence of alcohol in a person's breath and/or saliva.

"Random selection basis" means a mechanism for selecting students for drug/alcohol testing. The District will use a random selection process to select and request a student to be tested. A random number generator to calculate which students are to be tested will be utilized to ensure students will have an equal chance of being selected on an unannounced basis for the testing. Students who are selected to be tested during one test period will be eligible for future tests, and if selected, may be tested in consecutive tests.

"Illegal drugs/alcohol" means any substance that an individual may not sell, possess, use, distribute, or purchase under either Federal or New Mexico law. "Illegal drugs/alcohol" includes, but is not limited to, marijuana, cocaine, opiates, amphetamines, methaqualone, benzodiazepines, phencyclidine (PCP), methadone, barbiturates and propoxyphene. "Illegal drugs/alcohol" includes, but is not limited to, all prescription drugs obtained without

authorization; and over-the-counter drugs upon reasonable suspicion that they are being used in an abusive manner, and all alcohol.

"Performance-enhancing drugs" includes anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed, or other athletic ability. The term "performance-enhancing drug" does not include dietary or nutrition supplements such as vitamins, minerals, and proteins that can be lawfully purchased over-the-counter transactions.

"Positive" when referring to drug/alcohol test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal drug/alcohol or a performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug/alcohol use test.

"Diluted sample", when referring to a drug/alcohol test administered under this policy, means a toxicological test result with a Creatinine concentration level less than 20mg/dL. A diluted urine sample is most likely due to increased water intake. It can be a result of short-term water loading (flushing) in an attempt to dilute any drug below testing cutoff concentrations.

"Adulteration" or "tampering" is any attempt to alter the outcome of a urine drug test by adding a substance to the sample, attempting to switch the sample, or otherwise interfere with the detection of illicit or banned substances in the urine, or purposefully over hydrating oneself in an attempt to dilute the urine to decrease possible detection of illicit or banned substances. A Creatinine concentration level less than 5mg/dL usually indicates that the specimen is not consistent with human urine.

"School year" is interpreted as the first day of football or volleyball practice through the last day of school.

3. PROCEDURES

All students in grades 7-12 who wish to participate in the school extra-curricular program must declare the intention at the time of their registration for school each year. They will then be subject to the random testing program and the terms of the drug/alcohol/tobacco policy for the entire school year or for as long as they participate in the program. Students who are currently participating in extra-curricular, or plan to participate, in extra-curricular activities during the current school year will be subject to random drug testing or they must discontinue that participation in extra-curricular activities. Students who request to declare their intentions to participate in extra-curricular activities after their enrollment in school must have an acceptable reason for not doing so at the appropriate time and agree to the following: Students

who declare late must prove themselves drug/alcohol/tobacco free with an initial test. Then, they will be added to the pool of participants and be subject to the random testing for as long as they participate in the program.

There will be a meeting scheduled whose purpose is to inform students and parents about the Drug/Alcohol/Tobacco Testing Program. This meeting will require the attendance of all students grades 7-12 who wish to participate in the school extra-curricular programs and at least one parent/custodial guardian. Failure to attend this meeting will prevent the student from participation in extra-curricular activities.

Each student shall be provided with a copy of the "Student Drug/Alcohol/Tobacco Testing Policy" and "Student Drug/Alcohol/Tobacco Consent" which shall be read, signed, and dated by the student and parent/custodial guardian before that student shall be eligible to practice or participate in any extra-curricular activities. The consent shall be to provide a urine/saliva sample: (a) as chosen by the random selection basis; (b) upon reasonable suspicion, based on specific observations by a Jal School coach/sponsor, faculty member, parent, or administrator, concerning the appearance, speech, or behavior of the student that indicates the effects of drug/alcohol/tobacco use; (c) upon personal observation of a substance use violation by a Jal School coach/sponsor, faculty member, or administrator during the school year; (d) a personal confession by a student of substance use or a violation reported to the parent/custodial guardian of the student (will be ruled a self-referral); (e) a citation issued by the police for an MIP (Minor In Possession) or DUI (Driving Under the Influence). MIP/DUI verifications will be made by the administration contacting the police department on Monday mornings.

Selection for testing:

- a) On the first day of each month, one number between 1 and 31 will be randomly sorted for the date of the unannounced testing for that month. If the number falls on a day which is a school day, that will be the testing day for the month. If the date falls on a weekend or during a school holiday, another number will be drawn. There may be other dates selected during the year which will mean that there may be more than one test per month.
- b) At least (20) twenty students in the pool (extra-curricular activity participants) shall be randomly selected to be tested. The number will be randomly selected on the first day of the month.
- c) Students not included in the extra-curricular pool and whose parents volunteer and request that the student participate in the testing program will be placed in the pool and subject to the random selection process to be tested as a student extra-curricular participant. These tests will be paid for by the parent.

- d) A random selection process will select students on the testing dates. A random number generator to calculate which students are to be tested will be utilized to ensure students will have an equal chance of being selected on an unannounced basis for the testing. Students who are selected to be tested during one test period will be eligible for future tests, and if selected, may be tested in consecutive tests.

4. SAMPLE COLLECTION AND TESTING PROCEDURES

Students who are selected to be tested for drug/alcohol use will be required to provide a urine sample within 60 minutes of the time they are requested to do so. Prior to the sample being produced, the student will remove personal items from pockets and leave jackets, purses, backpacks, etc. in a designated area.

All aspects of the drug use testing program will be conducted in a manner that will safeguard the personal and privacy rights of the students to the maximum degree possible.

The administration shall designate a faculty/staff member of the same sex as the student to accompany the student to a restroom or other private area where the urine sample is to be produced under the supervision of a designated health care professional. The monitor/s **shall not** observe the student while the sample is being produced but shall remain within hearing distance in order to guard against tampered samples and to ensure an accurate chain of custody of the sample.

A refusal to provide a sample or providing a tampered/adulterated sample will be treated as a resignation from all extra-curricular activities for the remainder of the current school year and the next school year.

If at any time during the sampling procedure a monitor has reason to believe that a student is tampering with the sample, the monitor may inform the administration that will then determine if a new sample should be obtained.

The monitor shall give each student a form on which the student may list any medications he/she has taken or any other legitimate reasons for having been in contact with illegal drugs/alcohol or performance-enhancing drugs in the preceding thirty (30) days. The medication list may be submitted to the lab in a sealed and confidential envelope.

All urine samples will be identified with a student number that is verified to be solely unique to that student, sealed, and submitted to a professional laboratory for testing. Any laboratory chosen by the school district to conduct the testing shall be required to have detailed written procedures to assure proper chain of custody of the samples, proper laboratory control, and scientifically validated testing methods.

The laboratory will immediately contact the administration by telephone if the result of the drug use tests for any extra-curricular student indicates any reasonable suspicion that the drug or alcohol test is positive. The administration will immediately contact the student and the student's parents/custodial guardians and schedule a conference at which time the student or parents may offer any explanation of the positive result. Parents/custodial guardians may provide any doctor's prescriptions of any drugs that the student was taking that might have affected the outcome of the drug use or alcohol test and may request that another test be conducted on the remaining portion of the urine sample. Any such re-test shall be at the expense of the parent/custodial guardian.

In the event the test results conclude that a sample is diluted, the student will be required to submit a new sample immediately.

No student shall be penalized academically for testing positive for illegal drugs. the results of drug tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of the drug tests will not be disclosed to criminal or juvenile authorities, absent legal compulsion by valid and binding subpoena, or other legal process, which the District shall not solicit. In the event of service of any such subpoena or legal process. the students parent/custodial guardian will be notified in writing in a language that they understand at least 72 hours before response is made by the District.

5. SUBSTANCE VIOLATIONS

All offenses are cumulative for the student's enrollment in grades 7-8 and in grades 9-12 in Jal Public Schools. Ninth grade students will be given a "clean slate". Sanctions may continue from one school year to the next.

Self-referral (Cannot submit a self-referral on random test day or after having a non-negative test.)

An administrator/parent conference will be required when a student initiates a self-referral.

In the event that a student self-reports a substance violation, the suspension may be reduced to 10 consecutive days and the student will be required to fulfill the remainder of the requirements for a first violation.

****A student may self-refer only one time during their school career****

First Violation:

An administrator/parent conference will be required when a student commits a first violation.

The student will be suspended from participating for 20 consecutive school days beginning from the date and time of administration verification of involvement in the first violation. In the event that a student self-reports a substance violation, the suspension may be reduced to 10 consecutive days and the student will be required to fulfill the remainder of the requirements for a first violation.

The student shall be required to attend extra-curricular activities scheduled at home sitting with the extra-curricular group. The student will not be allowed to travel to out of town events. This allows the student to provide continued representation and support of their school and activity.

The student will be required to continue to practice if the student is an athlete in an in-season sport and desires to continue that sport.

There will be a mandatory drug education program (minimum of an 8 hour program). The counseling or drug education will be the responsibility of the parents/custodial guardians at their own expense. As a condition of continued participation in extra-curricular activities, students are required to submit verification within ten (10) days that treatment is in process. Treatment must be completed within 10 weeks or continued participation is forfeited until completion.

There will be a minimum mandatory drug screen or lab test monthly for the remainder of the school year and the student must test negative on each one. The student will sign a statement acknowledging the consequences of a second offense.

Second Violation:

The student will be suspended for participating in all activities of the extra-curricular programs for 40 consecutive school days beginning from the date and time of administration verification of involvement in the second offense. The student shall be required to attend extra-curricular activities scheduled at home. The student will sit with his/her group but not in uniform. The student will not attend out of town activities. This allows students to provide continued representation and support of their school.

Should a student test positive during the first suspension, the second suspension will run consecutively beginning on the first school day after the first suspension.

The student will be required to continue to practice in any sport/s he/she desires to continue to participate in.

There will be mandatory drug education program (minimum of an 8 hour program). The counseling or drug education program will be the responsibility of the parents/custodial guardians at their own expense. As a condition of continued participation in extra-curricular activities, students are required to submit verification within ten (10) days that treatment is in process. Treatment must be completed within 10 weeks or continued participation is forfeited until completion.

There will be a minimum mandatory drug screen or lab test monthly for the remainder of the school year and the student must test negative on each one. The student will sign a statement of acknowledging the consequences of a second offense.

The suspension from activity will carry over if it occurs at the end of the school year.

Third and Subsequent Violations:

The student will be suspended from all activities of the extra-curricular program for one year from the date of the offense.

There will be mandatory drug education program (minimum of an 8 hour program). The counseling or drug education will be the responsibility of the parents/custodial guardians at their own expense. As a condition of continued participation in extra-curricular activities, students are required to submit verification within ten (10) days that treatment is in process. Treatment must be completed within 10 weeks or continued participation is forfeited until completion.

The student will be subject to monthly drug use tests during the period of suspension and must test negative on each one.

6. APPEALS PROCESS

A student may appeal a suspension under this policy by contacting the superintendent of the Jal Public School District.

7. YEARLY REVIEW PROCESS

A committee composed of parents, teacher representative, school board representative, student representative, and administration will review this policy yearly. The committee will recommend changes to the Jal Public Schools Board of Education. The Board of Education will then review the policy.

8. TEST DAY PROCEDURES

If for some reason the principal/athletic director is not present to oversee the testing, the testing will be rescheduled. The testing will be conducted in the high school cafeteria. School staff members will escort the students from the classrooms to the cafeteria. Students **will not** be allowed to leave the cafeteria once they have been escorted into the venue. If the venue is exited, it will be considered a refusal and the parents will be contacted. School staff will fill out the required paperwork with the students. Once the paperwork has been completed, the testing will begin. If there are no volunteers to test, the staff will randomly draw from the paperwork that has been completed. Students will have the allotted time to draw a sample. If they do not draw a sample in the allotted time frame, the administration will contact their parents and inform them that the student has not drawn a sample and if it is not drawn, a refusal will be written. Students will not be allowed to enter samples from outside agencies. Students are to leave the testing area immediately after they have completed their test.