

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

We, the undersigned Student and Parent/Guardian, understand that Student's performance as a participant and the reputation of the Student's school are dependent, in part on Student's conduct as an individual. We, the student and Parent/Guardian, hereby agree to accept and abide by the standards, rules, and regulations set forth by the New Plymouth School District's Board of Trustees and the sponsors for the activity in which Student participates.

We also authorize the New Plymouth School District to conduct random drug testing or urine specimens that Student provides, to test for illegal drugs and/or alcohol use. We also unconditionally authorize the release of information concerning the results of such test to the New Plymouth School District.

This testing shall be deemed a consent for the purposes of the Family Education Right to Privacy Act.

"Student" _____
Printed Name Signature Date

"Parent/
Guardian" _____
Printed Name Signature Date

ACKNOWLEDGMENT

STATE OF IDAHO)
)
) ss
County of Payette

On the _____ day of _____, in the year of _____, before me _____, a notary public in and for said State, personally appeared _____, personally known to me to be persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year this certificate first above written.

Notary Public for Idaho
Residing at _____
My Commission Expires: _____

New Plymouth School District finds that a mandatory random drug testing program for all students in grades 7 through 12 involved in extracurricular activities is necessary for the following reasons:

- **Health and safety of the individual and others.** Any student participating in a student activity under the influence of an illegal drug or alcohol is a danger to everyone.
- **Prevention.** Many students will be able to say “no” to drugs because they will have a legitimate reason: “I want to participate.”
- **Drug free role models for younger students.** Students who represent our school district in activities and are tested “drug free” serve as role models for younger students. We believe this program discourages younger students from ever beginning to experiment with drugs or alcohol.
- **Intervention.** Students desiring to participate in activities will be provided the impetus to seek professional, clerical or parental assistance for drug or alcohol problems.

The Board of Trustees for the New Plymouth School District No. 372 believes that this program gives a strong message to the student body and to the community that drugs and alcohol are not acceptable and offers assistance in getting free and staying free of drug use.

This program is not intended to, nor shall it be used in any manner to discriminate against any individual with a qualified disability, solely on account of such disability. This program shall be interpreted and administered in accordance with Title II of the Americans with Disabilities Act (42 U.S.C. 12101, et. seq.) and Section 504 of the U.S. Rehabilitation Act of 1973 (29 U.S.C. 794).

DEFINITIONS

Activity. Any IHSAA, WIC or other sanctioned activity sponsored by New Plymouth School District that takes place outside of the regular school day and/or for which a competition may be held, i.e., athletic teams, clubs, cheerleading, band and choir for grades 7 through 12.

Activity Season. If identified by the IHSAA, the period beginning on the first day of practice allowed by the IHSAA for any activity in which a student participates and ending the last day of competition for the school year.

Alcoholic Beverage. Any beverage that contains alcohol, including, but not limited to beer, wine, wine coolers, and liquor.

Drug. Any controlled substance as defined in Idaho Code 37-2705 or 37-2707, except those possessed and/or used pursuant to a valid prescription.

Student. Any student participating in an IHSAA or WIC sponsored other sanctioned activity sponsored by New Plymouth School District that takes place outside of the regular school day and/or for which a competition may be held.

Disability. This term shall have the same meaning ascribed in Title II of the Americans with Disabilities Act 42 U.S.C. 12010 (2) or as otherwise defined under 504 of the U.S. Rehabilitation Act of 1973.

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IHSAA. Idaho High School Activities Association.

Qualified Individual with Disability. An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, meets the essential eligibility requirements for participating in programs or activities provided by the District. The term specifically excludes any person who is currently engaging in the illegal use of drugs when the District acts on the basis of such use.

EFFECTIVE DATE

New Plymouth School District No 372 will, effective August 1, 2008, begin conducting a mandatory random drug testing program for students participating in activities in grades 7 through 12.

WRITTEN CONSENT REQUIRED

Before participating in any activity, the student and the student's custodial parent or lawful guardian shall execute and deliver to the District a written and notarized consent form attached hereto as Exhibit A. The form will be required for all students in the 2008-2009 school year, all new students and students in grades seven, nine and eleven in subsequent years. Any student who refuses or fails to provide the duly executed consent form or who refuses or fails to comply with the provisions of this policy shall not be allowed to participate in any activity program sponsored by the District.

SUSPENSION

Any student who willfully provides a false urine sample or who otherwise tampers with a urine sample or undertakes any effort to obstruct, evaluate, or impair the accuracy of a drug test, shall be prohibited from or suspended from participation in any activity until an unadulterated and accurate urine sample is provided. Actions taken shall be determined solely at the direction of the superintendent.

STUDENT SELECTION

The superintendent or his/her designee shall take all reasonable steps to assure the integrity, confidentiality and random nature of the selection process including, but not necessarily limited to:

- Assuring that the names of all students are in the appropriate pool;
- Assuring that the person drawing names has no way of knowingly choosing, or failing to choose, particular students for the testing;
- Assuring that the identity of students drawn for testing is not known by the person making the selection or by persons involved in the laboratory analysis of urine specimens;
- Assuring direct observation of the selection process by at least two (2) adults.

At the option of the District, all students may be tested for drug or alcohol use at the beginning of any activity season. In addition, random testing may be conducted during the activity 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 students participating in any activity. Separate pools shall be established on a team-by-team basis.

PROCEDURE FOR RANDOM DRAWING

Prior to the start of the **school year**, all students who plan to participate in such activity shall submit a signed and notarized consent in the form attached hereto as Exhibit A. Any student who decides after the start of the school year to participate in such an activity must submit a signed and notarized consent form (Exhibit A) before participating in his/her first practice.

At the beginning of each sport season ten percent (10%) of the participants will be tested. Throughout the school year, at least **five percent (5%)** of the total number of students may be tested each week. To assure the anonymity of the participants, each student will be assigned a number at the beginning of each school year. Only the student and the superintendent or his/her designee will know these numbers and the identity of the student to who such number is assigned. The superintendent or his/her designee will keep the number lists in a secure place where access is limited only to them. All lists will be destroyed thirty (30) days after the end of the school year, except for the numbers for students who have tested positive for use of illegal drugs or alcohol. Those numbers will be kept until the students are eligible to participate in school sponsored activities again.

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

URINE SAMPLING PROCEDURE

On the day the numbers are drawn, those students selected will be notified and escorted by the principal or athletic director to the school nurse to produce a urine sample. They will be given a sample collector and will be ushered to a private bathroom stall where they will produce the urine sample. All students providing urine samples will be given the option of doing so alone in the bathroom with the door slightly ajar sufficient to permit aural monitoring, but closed sufficiently to provide personal privacy. Adult monitors may be assigned to listen for unusual sounds other than normal urination while outside the privacy stall.

All excess clothing, coats, extra shirts, and other garments or clothing accessories will be removed before entering the stall. Students may be asked to empty their pockets and surrender purses, wallets, backpacks or other bags, sacks, or pouches, in order to assure counterfeit urine samples are not hidden on their person. Full body “pat-downs,” body cavity searches or strip searches are absolutely prohibited. The testing official collecting the urine sample will color water in the commode before the student enters. After the urine sample is given, it will be checked for temperature and signs of tampering. The urine sample container will then be sealed with the number of the student printed clearly on the outside.

Urine samples will be collected at a mutually convenient time on the same day the student is selected for testing or, if the student is absent, on the day the student returns to school. If a student is unable to produce a urine sample at any particular time, the student will be allowed to return later the same day to provide the urine sample.

PRESCRIPTION MEDICATION

Students who are taking prescription medication must provide a copy of the prescription or a doctor's verification in a sealed envelope to school personnel at the time a urine sample is collected or within seventy-two (72) hours after the urine sample is taken. The sealed envelope will be forwarded, unopened, to a testing lab with instructions for the lab to consider the student's use of such medication in conducting its analysis. Prescription information provided by the student will not be disclosed to any school official. Students who test positive and who refuse to provide timely verification of prescriptive drug use will be subject to the actions specified below for "positive tests," irrespective of their use of prescriptive medication.

SCOPE OF TESTS

The testing device is designed to test for one or more controlled substances or for alcohol. Urine samples will not be screened for the presence of any substance other than any illegal drugs or alcohol, nor for the purpose of identifying the existence of any disability or physical condition.

ACCESS TO RESULTS

The testing official will be authorized to report results only to the superintendent or to such other adult person(s) as the superintendent may designate. Test results may be provided to the superintendent or his/her designee by telephone provided the superintendent or his/her designee recites a predetermined code designed to uniquely identify his/her person. Test results shall be destroyed at the expiration of one year after the last day of the activity season for the school year, except with respect to students who have tested positive.

PROCEDURE IN THE EVENT OF A POSTIVE RESULT

Whenever a student's first test result indicates the presence of an illegal drug or alcohol (i.e., "positive test") the following procedures shall be followed:

- The student will be asked to provide another urine sample as soon as possible following the procedures set forth above. If the student refuses to provide another urine sample, or unduly delays in providing such urine sample, the results of the first urine sample shall be accepted as accurate.
- If the second test sample reveals a positive test, the first urine sample will be submitted to a testing lab and a meeting with the student's custodial parent or legal guardian and building principal will be scheduled.
- If a student's test is confirmed positive by a testing lab his/her number will be removed from the pool until after completion of the probationary period.
- If a student's second urine sample tests negative, the student will be notified and no further action will be taken.

CONSEQUENCE OF FIRST POSITIVE RESULT

In the event a student tests positive for the use of alcohol or the unauthorized or illegal use of a drug or drugs, the student will be given the option of:

- **Option #1** – Suspension from competing in any sport for a period of 4 weeks and will cooperate with **all** recommendations set forth by the Students Assistance Team (S.A.T.) which is comprised of teachers, principal and counselor. Cooperation will include, but not be limited to, the following:
 - Submit to a drug/alcohol assessment;
 - Participate in a drug education class a minimum of six weeks, and;
 - Be subject to **weekly** drug testing for one year.
- **Option #2** - Suspension from participation in all school-sponsored activities for 6 months (school months). Suspension days are served from the 1st day of school and conclude on the last day of school. Time during the summer will not count as suspension days. Therefore suspensions will carry over from one school year to the next. A student may choose to cooperate with Option #1 any time during this suspension. If a senior cannot fulfill his/her suspension days before graduation, s/he may not be allowed to participate in the graduation ceremony or the senior trip.

Failure by the student to select an option within seventy-two (72) hours after notification of the test results shall be deemed to be a selection of Option #2.

SECOND POSITIVE RESULT

If any student tests positive a second time within two (2) calendar years of the first positive test result while enrolled in New Plymouth School District or any other district which conducts a similar drug testing program, the student will be suspended from participating for a period of 6 weeks and cooperate with all recommendations set forth by the Student Assistance Team as set forth above. No cooperation will result in an automatic 1 year (12 calendar months) suspension from all activities. The students may choose to cooperate at any time during the suspension.

THIRD POSITIVE RESULT

If any student tests positive a third time within two (2) calendar years of the first positive test result while enrolled in New Plymouth School District or any other district which conducts a similar drug testing program, the student will be suspended from participation for 1 year and must comply with the recommendations of the Student Assistance Team as set forth above. No cooperation will result in suspension from all activities indefinitely.

FOURTH POSITIVE RESULT

If any student tests positive a fourth time within two (2) calendar years of the first positive test result while enrolled New Plymouth School District or any other district which conducts a similar drug testing program, the student will be suspended from activities indefinitely.

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 any benefits or services, other than the district-sponsored activity programs as outlined above. 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

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confidential between the superintendent, the building principal, their designee, the student's custodial parent or legal guardian, and the student.

In particular, 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 from the time the District is notified. 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/her custodial parent or legal guardian or upon personal service upon the student's custodial parent or legal guardian. Verbal notification may be given, if time does not permit written notification within the seventy-two (72) hour time frame.



LEGAL REFERENCE:

Idaho Code Section 33-512 (12)

Vernonia School Dist. 47J v. Acton, 115 S. Ct. 2386 (1995)

Todd v. Rush County Schools, 139 F.3d 571 (1998)

ADOPTED:

AMENDED:

ATTACHMENT: Student-Parent/Guardian Drug Testing Consent Form