

Policy 5131.61: Drug Testing**Status: ADOPTED****Original Adopted Date:** 07/01/2003 | **Last Revised Date:** 08/01/2013 | **Last Reviewed Date:** 08/01/2013

The Governing Board is committed to providing a safe, drug-free school environment to maximize the health and safety of district students and to protect them from dangers associated with illegal drug use and drug abuse. To support the district's drug abuse prevention efforts, the Board desires to establish a drug testing program in the district's high schools that will discourage illegal drug use among students and timely identify and refer drug users to appropriate counseling and rehabilitative services.

Any drug testing program to be implemented by the district shall be developed in consultation with drug treatment and prevention professionals, the laboratory contracted to conduct the tests, and district legal counsel. In addition, the Superintendent or designee may invite input from students, staff, parents/guardians, community members, and representatives of local health care agencies, community service agencies, and businesses.

Participation in the district's drug testing program shall require the written consent of students' parents/guardians. The Superintendent or designee shall provide information about the program, including the district's policy and procedures, to all high school students and their parents/guardians at the beginning of each school year. All informational materials provided for this purpose shall contain clear statements about how the program will be implemented, including, but not limited to, a list of every substance that to be tested for and how students may be withdrawn from participation in the program.

Drug testing procedures shall ensure appropriate student privacy while maintaining the viability of the process. If urinalysis testing is used, the supervisor collecting the specimen shall be the same gender as the student and the specimen shall be collected in a private facility behind a closed stall.

Parents/guardians shall be notified after any positive test results are confirmed. Test results shall be kept separate from the student's other educational records and shall be disclosed only to school staff designated by the Superintendent or designee as responsible for program implementation. The district shall not release test results to law enforcement authorities except in compliance with a court order.

The Superintendent or designee shall provide training to principals, coaches, and other district staff involved in implementing the district's drug testing program.

Students who test positive in any voluntary drug testing program shall be encouraged to participate in an assistance program and may be required to take subsequent drug tests. No disciplinary or punitive action shall be taken against any student who tests positive in the voluntary drug testing program.

Random Drug Testing for Athletics

The Superintendent or designee may establish a nonvoluntary, random drug testing program for students participating in athletics.

No fee shall be charged for student participation in the district's drug testing program.

The Superintendent or designee shall develop:

1. Informational materials to be provided to participating students and their parents/guardians about the drug testing program

The informational materials shall require parents/guardians to notify the school when their child is taking any medication by presenting either a copy of the prescription or a physician's written verification of this fact.

2. A drug testing consent form to be signed by the student and his/her parent/guardian prior to allowing the student to participate in athletics

The consent form shall specify the substances to be tested for and shall clearly indicate that the consent can be withdrawn and that the only consequence for such withdrawal will be that the student will no longer be able to participate in athletics

3. Procedures addressing how students will be selected, how often tests will be conducted, how samples will be collected and transported, and how results will be confirmed

Any student participating in athletics who fails a required drug test shall be disqualified from participating in the athletic activity in accordance with district policy and shall be referred to an assistance program.

At the beginning of each school year, the Superintendent or designee shall conduct an orientation session for students participating in athletics and their parents/guardians, to explain the district's policy and outline the procedures for drug testing and the consequences if a positive result is obtained.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

3 CCR 6724

Description

[Training of employees handling pesticides](#)

CA Constitution Article 9, Section 5

[Common school system](#)

Ed. Code 35160.5

[District policy rules and regulations; requirements; matters subject to regulation](#)

Ed. Code 44049

[Known or suspected alcohol or controlled substance abuse by student](#)

Ed. Code 51262

[Use of anabolic steroids; legislative finding and declaration](#)

Management Resources

Court Decision

Description

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls (2002) 122 S.Ct. 2559

Court Decision

Brown v. Shasta Union High School District, No. C061972, 2010 WL 3442147 (Cal. App. 3d Sept. 2, 2010)

Court Decision

Vernonia School District v. Acton (1995) 115 S.Ct. 2385

Court Decision

Hartzell v. Connell (1984) 35 Cal. 3d 899

Office of National Drug Control
Policy Publication

What You Need To Know About Drug Testing in
Schools, August 2002

Website

[CSBA District and County Office of Education Legal
Services](#)

Website

[National Institute on Drug Abuse](#)

Website

[Office of National Drug Control Policy](#)

Website

[U.S. Department of Education](#)

Website

[California Department of Education](#)

Cross References

Code

0450

Description

[Comprehensive Safety Plan](#)

0450

[Comprehensive Safety Plan](#)

3530

[Risk Management/Insurance](#)

3530

[Risk Management/Insurance](#)

4112.41

[Employee Drug Testing](#)

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[Student And Family Privacy Rights](#)

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5030	<u>Student Wellness</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
5131.6	<u>Alcohol And Other Drugs</u>
5131.6	<u>Alcohol And Other Drugs</u>
5131.63	<u>Steroids</u>
5131.63	<u>Steroids</u>
5141.6	<u>School Health Services</u>
5141.6	<u>School Health Services</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E(1)	<u>Parent/Guardian Notifications</u>
6145.2	<u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u>