

The Transylvania County Board of Education recognizes the importance and special need of maintaining a drug-free environment at all Transylvania County Schools. To that end, the Board believes it is necessary to support its students by maintaining a drug-free and safe atmosphere. Further, the Board believes drug testing is an effective way to deter students from using illegal drugs and to provide counseling and training to students who are using illegal drugs.

All students participating in a competitive extra-curricular activity at the middle schools and high schools and/or students issued high school parking permits will be subject to random and suspicionless drug testing. Students participating in extra-curricular activities will be subject to random drug testing during the competitive/sports season in which they participate in the activity. Students having high school parking permits will be subject to random drug testing throughout the school year. The test shall detect illegal drugs and other controlled substances in which it is illegal for a student to possess or consume.

Students will be allowed to indicate the prescription drugs that they are taking under the care of a physician. A student will not be suspended from the competitive extra-curricular activity nor have his/her parking privileges suspended for taking a drug prescribed to him/her by a medical doctor, and taken as directed.

A. NOTICE

All middle and high school students, and their parents, will receive notice of this policy at the beginning of the school year and at the commencement of the competitive extra-curricular activity. A student participating in a competitive extra-curricular activity and having a high school parking permit must acknowledge that he/she has received a copy of this policy before participating in that activity or receiving a parking permit.

B. SELECTION OF STUDENTS

Students selected to undergo a drug test will be chosen at random by the testing laboratory; selection will not be based on any level of suspicion. When a student has two negative tests during a competitive/sports season, his/her name will not be chosen again while participating in that same activity for the remainder of that competitive/sports season. He/she may, however, be selected during a different competitive/sports season while participating in a different activity.

A student having a high school parking permit and not involved in competitive extra-curricular activities who has two negative drug tests during a semester will not have his/her name randomly selected again during that semester. His/her name will be eligible to be randomly selected the following semester.

C. TESTING AND CHAIN OF CUSTODY

The testing shall be a normal urinalysis or swab test that is readily in use and available.

The student will be required to participate in the test the day his/her name is drawn. If a student is absent the day his/her name is drawn, the school system reserves the right to require this student to participate in the test on the day he/she returns. If this student refuses to participate when selected to be tested, he/she will be banned from participation in the activity and/or have parking privileges removed. If a student leaves school or skips class without a valid excuse after it becomes known that students are being tested, this shall be considered a refusal to be tested. If a student indicates that he/she is physically unable to be tested due to medical reasons, the student will supply a note from his/her medical doctor stating the reason. Any student who attempts to alter the collected specimen/sample and/or tries to compromise the collection process in any way will be banned from participation in their competitive extra-curricular activity and/or have parking privileges removed for the remainder of the school year or a maximum of 90 school days. The length of the suspension may carry over into the next school year.

D. OTHER POLICIES RELATED TO ILLEGAL DRUG/CONTROLLED SUBSTANCES VIOLATIONS

Nothing in this policy is intended to alter other school district policies or practices in dealing with illegal drug/controlled substance use or possession where reasonable suspicion of the use or possession is obtained by means other than random testing under this policy. Students who violate the student behavior policies (4300 series), including policy 4325, Drugs and Alcohol, will be disciplined in accordance with those policies.

E. URINE TEST

The student will produce a urine sample in a private restroom with private stall(s), monitored by Transylvania Community Hospital lab personnel. The monitor will wait outside a closed restroom stall for the student to produce a urine sample. If more than one student is being tested at a time, an empty restroom stall will be between each student tested. The monitor will guard against tampered specimens and preserve the chain of custody. The student will give the monitor a sample in a cup provided by the school. In addition to the monitor, the school system will provide a school system staff member as another monitor in each testing situation.

In order to maintain confidentiality, the monitor will label the specimen with a sequential number and will record the number. The monitor will then place the specimen in a sealed envelope. The envelope will be sent directly to the laboratory, which will test the specimen.

F. SALIVA TEST

The student will provide a saliva specimen in a specimen kit given to the student by a Transylvania Community Hospital lab person. The student will place the saliva specimen

in a container, which the lab person will seal and label with the required information. The chain of custody for the saliva test will follow the same process as that for the urine test. In addition to the monitor, the school system will provide a school system staff member as another monitor in each testing situation.

G. TESTING RECORDS

All testing results under this policy must be maintained in a confidential file separate from a student's regular education record. The file will be released only to school personnel that have a direct educational purpose for knowing such results. The results may also be released to the parent(s) or guardian(s) or to the student when he/she has reached the age of eighteen. The records will be expunged at the end of the year of the student's graduation.

H. DISCIPLINARY ACTION

All positive test results are cumulative (grades 6 through 12) throughout a student's tenure in the Transylvania County School System.

1. Upon a student's first positive drug test, the school administrator will contact the student's parent(s) or guardian(s). The student may resume participation in the competitive extra-curricular activity and/or have parking privileges restored provided he/she has completed two hours of substance abuse counseling and produced a medical doctor's release. To remain active in the competitive extra-curricular activity and/or keep his/her parking privileges, the student must agree to submit to another drug test at his/her school's next scheduled drug testing session. If a student tests negative on the second test, his/her name will be returned to the list of eligible students for random drug testing if he/she is still participating in a competitive extra-curricular activity and/or have his/her parking privileges reinstated.
2. Upon the second positive drug test, regardless of the competitive/sports season, the student will be suspended from participating in all competitive extra-curricular activities and/or have parking privileges suspended (not school itself) for 14 school days. The student must also complete four hours of substance abuse counseling, produce a medical doctor's release and must agree to submit to monthly drug testing for the remainder of that school year. Failure to comply with the agreed upon monthly drug test will result in suspension from all competitive extra-curricular activities and/or suspension of parking privileges for the remainder of the school year.
3. Upon the third positive drug test, regardless of the competitive/sports season of the year, the student will be suspended from all competitive extra-curricular activities for the remainder of the school year or for 90 school days, whichever is

longer. The suspension for the 90 school days may carry into the next school year. The student must produce a medical doctor's release prior to participating in any competitive extra-curricular activity after having tested positive for the third time.

With the occurrence of a third positive drug test, the student will have parking privileges suspended for the remainder of the school year or 90 schools days, whichever is longer. The suspension for 90 school days may carry over into the next school year. The student must also produce a medical doctor's release after having tested positive for the third time and following the conclusion of his/her suspension of parking privileges in order to have parking privileges restored.

4. With the occurrence of the fourth positive drug test, the student will be banned from participating in all extra-curricular competitive activities and/or will not be eligible for high school parking privileges.

Under no circumstance will a student receive a disciplinary action for testing positive other than those listed. Further, no report will be made to law enforcement when a student tests positive.

I. DEFINITIONS

1. Competitive Extra-Curricular Activity - Any competitive activity in which a student's participation is not mandatory or required by the school and which activity does not receive academic credit.
2. High School Parking Privileges - Any student who receives a parking permit.
3. Season - The time in which a competitive extra-curricular activity takes place during the school year.
4. Illegal Drug - A drug that is illegal under State or Federal Law, including prescription drugs that a medical doctor has not prescribed to the student.

Legal References:

Cross References: Student Behavior Policies (policy 4300), Drugs and Alcohol (policy 4325)

Adopted: July 22, 2004

Revised: August 21, 2006; May 21, 2007; May 19, 2008; December 18, 2017