

**MOBERLY HIGH SCHOOL
DRUG TESTING PROGRAM FOR STUDENTS INVOLVED IN MSHSAA-SANCTIONED
EXTRA-CURRICULAR ACTIVITIES**

The Moberly Public School District recognizes that drug abuse is a serious problem in America, and America’s schools—including Moberly High School—are experiencing an increase in this problem. Students participating in school activities regulated by the Missouri State High School Activities Association (“MSHSAA”), including Moberly students, are increasingly experimenting with controlled substances which they are legally prohibited from possessing, using, or distributing.

Participation in extra-curricular activities is a privilege, not a right or entitlement. Thus, no student is guaranteed participation in any extra-curricular activity. District officials possess the authority to eliminate this privilege at any time upon the exercise of their professional judgment and discretion.

Our District believes that drug usage is inconsistent with the guidelines for student participation in MSHSAA-sanctioned extra-curricular activities. MSHSAA-sanctioned activity participants are admired by a large segment of the student body and the community. Accordingly, students in these activities carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible examples of conduct, which includes avoiding the use of illegal drugs. Moreover, drug use causes serious physical, mental and emotional harm. A student athlete or District representative using drugs is a danger to him or herself as well as other students and community members. Finally, all students in the District who choose to participate in MSHSAA-sanctioned extra-curricular activities are entitled to be able to do so in a drug-free environment.

Therefore, **the following mandatory drug testing policy will be in effect at the beginning of the 2012-13 school year for all students in grades 7-12 who participate in MSHSAA-sanctioned extracurricular activities.** Students participating in covered activities will be subject to drug testing from the first day through the last day of the school year. The specific details of the testing program and the consequences of a violation are described below.

Components of Drug-Testing Program

Covered activities: MSHSAA-sanctioned activities subject to testing under this policy include:

Football	Softball	Basketball	Baseball
Track	Cheerleading	Band/Chorus	Campus Bowl
Soccer	Golf	Tennis	Wrestling
Cross Country	Drama	Speech	Debate

Tested Drugs: The drugs to be tested include the following:

1. Opiates: morphine, codeine.
2. Amphetamines: Adderal, Dexedrine, Benezedrine.
3. Benzodiazepines: diazepam (Valium), chlordiazepoxide (Librium), oxazepam (Serax), alprazolam (Xanax) and others.
4. Barbiturates: pentobarbital, butabital, amobarbital, secobarbital and Phenobarbital.
5. Methadone: Dolophine.
6. Oxycodone: Percodan, Percocet, Oxycontin, oxymorphone (Numorphan), hydrocodone (Vicodin) and codeine.
7. Cocaine
8. Methamphetamine
9. Marijuana
10. Phencyclidine (PCP)
11. MDMA (methylenedioxyamphetamine): Ecstasy
12. Propoxyphene (Darvon): a synthetic opiate.

Adulteration Indicators, including:

Creatinine

Nitrites

pH

(Note: These substances are always present in urine, but variations in levels can indicate adulteration of the sample. Adulterant testing is conducted at the lab for confirmation tests.)

Consent: The parent or legal guardian and the student participant will be required to agree to and sign a written consent for testing prior to the student's participation in a covered activity. This consent form will also bind the student and parent to compliance with the terms of this policy. The refusal to consent to the application of any provision in this policy will result in the automatic exclusion of a student from all covered activities until consent is provided. The consent of a parent/legal guardian, as well as the student, is required for all students under the age of 18.

Privacy and Confidentiality: Parents of students who are under 18 and who still have the right of access to student records will receive all information applicable to the testing of their children under this policy. All information and records relating to a student's participation in the testing program under this policy shall remain confidential as required by law and shall be maintained in a file separate from the student's educational records.

Selection for Testing: In addition to the random testing process described below, the District may conduct drug testing of **all** covered activity participants at the beginning of the school year and/or at the beginning of any covered activity (also, if a student joins the covered activity while it is ongoing, that student may be subject to testing before participating in that activity). The District may conduct random drug testing of students participating in covered activities during any portion of the school year.

Prior to testing, each participant in a covered activity will be assigned an identification code. The Athletic Director will maintain one cross-referenced list of names and codes. Only the Athletic Director, principal, and superintendent/assistant superintendent will have access to this list. When the District determines that testing is to occur, the testing service will generate random numbers using a computer generated methodology. **Students not participating in continuous activities will remain in this testing group for the entire school year and, thus, will be subject to random testing at any time during the school year.**

Analysis and Finding by Provider/Laboratory: Upon receiving a notice from the designated school official that the student has been selected for a random drug test, the student will proceed to the high school administrative office.

The testing entity will operate the collection process. Appropriate steps will be taken to respect the privacy of students while, at the same time, preventing the falsification of testing. The student will void urine in private within a closed-door bathroom. Before the student enters the bathroom, the collection technician will have secured the bathroom by taking steps such as removing trash cans, placing dye in the toilet bowl water, taping-off water supplies and the like.

Once the student has completed the void and opened the bathroom door, the collection technician will check the specimen for sufficient amount, appropriate temperature, no foreign color and no foreign odor. If the specimen does not show signs of tampering, the student will be allowed to wash his/her hands while the collection technician initiates a preliminary drug screen of the specimen.

If the initial screening test indicates a non-negative result, or if the collection technician is conducting an internal self-audit of a testing device, a split specimen will be created. The collection technician will initiate a Custody and Control Form, that, when completed, will accompany the specimen to an HHS-certified laboratory for a second screening test. If the second screening test is also non-negative, the laboratory will conduct a more in-depth test by means of a gas chromatography/mass

spectrometry (GC/MS) analysis. When determined appropriate in its judgment, the testing entity may eliminate the second screening test and send the specimen directly to be tested by GC/MS.

If the GC/MS test is non-negative, the results will be forwarded to the Designated School Official. The Designated School Official will advise the student's parent/legal guardian (or eligible student age 18 or over) of the non-negative test result. The Designated School Official will send the following information to the testing entity: the test results; the student's name and identification code and the parent/legal guardian's name, address, and phone contact number. The testing entity will then forward the above information to the Medical Review Officer ("MRO").

When the MRO receives the above information, the MRO will contact the parent/legal guardian, verify identification and then discuss medications the student is taking. If any of the medications being taken by the student could explain the non-negative result, the MRO will verify with the pharmacy filling the prescription or the prescribing physician (in some cases, both) that there is a legitimate prescription in the student's name. Once all pertinent information has been obtained, the MRO will make a final determination, in his/her professional judgment, of the test results. Those results will be forwarded to the testing entity, who will then forward them to the Designated School Official.

Within 48 hours of the decision of the MRO, the parent/legal guardian may request that confirmatory testing be conducted using the split specimen. The cost of the confirmatory testing will be at District expense. The results of the confirmatory test will be submitted to the MRO to determine whether such results affect his/her prior determination. If not, the MRO's previous determination stands.

If a student is unable to void urine within 3 hours, the testing entity will refer the matter to the MRO for review and the possible initiation of a medical exam at the expense of the parent/legal guardian.

As used above, the term "non-negative result" refers to the detection of one or more Tested Drugs in the initial screening test, which requires additional testing by the laboratory and confirmation by the MRO. The term "positive result" refers to a non-negative test result which the laboratory has confirmed as a result of additional testing and which, thereafter, is confirmed by the MRO.

Consequences and Follow-up Testing Obligations:

First Offense: A student who tests positive for a Tested Drug shall be suspended from participation in all covered activities for a minimum of 30 calendar days. The student shall also incur a mandatory retest, as described below.

For purposes of this section, the term "participation" includes all meetings, practices, activities, events and contests. To provide continuity of instruction, during the 30-calendar-day suspension period, the student will be permitted to attend training and instructional sessions and to sit with fellow participants during practices, activities, contests and events; however, the student is not permitted to directly participate in, or to dress in a uniform reflecting eligibility for participation in, any practices, activities, contests or events.

Mandatory Retest: A student who has committed a First Offense shall be retested on the next random test date after the 30 day suspension period. This retest will be at District expense. If the student achieves a negative retest result, the student may resume participation in covered activities at that time. However, if the student's retest result is positive, the student will be deemed to have committed a Second Offense.

Second Offense: Offenses are cumulative during a student's high school career. A student commits a Second Offense in either of the following instances:

(1) *The student previously committed a First Offense and has resumed participation in covered activities, but thereafter receives a positive test result;*

or

(2) *The student committed a First Offense, and the mandatory retest result is positive.*

If a student commits a Second Offense, the student will be suspended from participation in covered activities for 365 days from the date upon which the District learns of the second positive test result (i.e. the first positive test result after the 30 day suspension imposed because of a first offense). The student shall be retested, at District expense, on the first random test date after the 365 day suspension ends. If, at that time, the student's test result is positive, the student is permanently banned from participation in covered activities.

For purposes of this section, the term "participation" includes all meetings, practices, activities, events and contests.

Additional Consequences Applicable to First and Second Offenses: As a condition of further participation in an extra-curricular activity after a student tests positive, the student shall be subject to additional follow-up testing for a period of one calendar year from the date of the positive test. Such follow-up testing may be conducted at such times as the administration determines to be appropriate. Such follow-up drug testing shall be conducted using the provider/laboratory protocol described above in this policy and shall be at District expense.

Third Offense: No third offenses are permitted. Therefore, a student who tests positive for Tested Drugs on a third occasion will be permanently banned from participation in a covered activity. The term "participation" includes all meetings, practices, activities, contests, and events.

Refusal to be tested will result in a 365-day suspension from refusal date.

Appeals: Because participation in activities is a privilege, and not a legal entitlement, there is no right to a hearing to challenge a suspension or ban under this policy. However, the District will provide the opportunity for a student or parent/legal guardian to appeal any suspension or ban from activities under this policy. The consequences of this policy (i.e., suspension or ban) remain in effect during all appeals.

An appeal may be made in writing to the District's Superintendent within five (5) school days of the issuance of the suspension. Failure to appeal in a timely manner to the Superintendent waives any further right to appeal. After receiving the written appeal, the Superintendent will meet with the student and student's parent/legal guardian (who are responsible for clearing their schedules to meet with the Superintendent at the designated time). During this meeting, the student and parent/legal guardian will be permitted to explain their position and the facts that they believe warrant reversal of the decision. The Superintendent shall thereafter determine whether a different result is warranted.

The student or parent/legal guardian may appeal the decision of the Superintendent to the Board of Education by submitting a written appeal request no later than five (5) working days after the Superintendent has communicated the decision. In the written appeal request, the student or parent/legal guardian should set forth the specific relief sought, as well as the reasons why the Board should grant that relief. The Board has the right, in its sole discretion and judgment, to determine the appeal on the written documentation provided or, alternatively, request that the student and parent/legal guardian appear before the Board to address the matter.

Effect on Other Policies: This policy intends to limit the participation opportunities of a student found to be in violation of its terms. However, if a student engages in conduct that constitutes a violation of any part of the District's/school's student code of conduct, that student may also be subject to the respective disciplinary consequences set forth under the applicable code. Further, this policy does not invalidate or supplant other policies and practices of the District regarding drug-related issues.

Academic Credit: Certain extra-curricular activities, such as Band and Chorus, have an academic component during the school day, as well as an extra-curricular component outside of school hours. This policy applies only to the participation opportunities afforded students during the extra-curricular component of the activity. Therefore, if a student violates this policy, the consequences described above will apply only to the extra-curricular component of the activity. The student's grade will not be lowered because of the student's suspension from participation in extra-curricular activities.

