

INTERSCHOLASTIC ACTIVITIES RANDOM DRUG AND ALCOHOL TESTING

The Lordsburg Municipal Schools (LMS) Board of Education recognizes that the use of illegal drugs and alcohol adversely impacts student health and safety. To combat the substantial harm presented by student drug and alcohol use, a proactive program of prevention and deterrence will be instituted to encourage students who participate in interscholastic athletics and activities to make healthy and positive choices, and to provide these students with support where they are found to be using prohibited substances.

Accordingly, LMS students who participate in New Mexico Activities Association (NMAA) sanctioned interscholastic athletics and activities (“eligible students”) are required to consent to random drug and alcohol testing as set forth in this policy. The consequence of a positive test result will be to limit the student’s privilege of participating in interscholastic athletics and activities; test results will not be turned over to law enforcement authorities or lead to disciplinary action not provided for in this policy. However, nothing in this policy limits the sanctions which may be applicable if a student commits a disciplinary offense under relevant District handbooks and policies, separate and apart from this testing policy. All students participating in interscholastic athletics and activities will be provided with a copy of this policy.

Purpose

- To prevent injury, illness, and harm resulting from student use of prohibited substances.
- To deter eligible students from using drugs and alcohol, which pose a threat not only to themselves but to the health and safety of all LMS students.
- To undermine negative peer pressure by providing a legitimate reason for students to refuse using drugs and alcohol.
- To create a safe and drug free environment for eligible students.
- To ensure that eligible set an appropriate example for their peers for whom they are role models.
- To ensure that eligible students are reaching their full potential in their academic endeavors.
- To determine the extent of current substance use and abuse to develop effective procedures for preventing and reducing student contact with and use of prohibited substances.
- To encourage students who use drugs and alcohol to participate in a treatment program and receive needed support.

Definitions

As used in this policy:

- “Eligible student(s)” means those students who participate in New Mexico Activities Association (NMAA) sanctioned interscholastic athletics and activities.
- “Faculty monitor” means District personnel who have been trained to observe sample collection as provided in this policy.
- “Interscholastic Athletics and Activities” means all sports and interscholastic activities sanctioned and regulated by the New Mexico Activities Association (NMAA), including but not limited to basketball, softball, volleyball, football, cheer, track and field, choir, student council, speech and debate, chess, science fair, JROTC, and mock trial.
- “Positive test results” under this policy means a toxicological test result that demonstrates the presence of one or more prohibited substances, using the standards customarily established by the testing laboratory administering the test.
- “Prohibited Substances” for which testing will be conducted under this policy include any substance found in the federal Controlled Substances Act, 21 U.S.C. § 802(6), 21 U.S.C § 812, and the New Mexico Controlled Substances Act, NMSA 1978, §§ 30-31-7 through 30-31-10. This definition also includes performance enhancing substances which include anabolic/androgenic steroids, hormones, and food supplements such as Creatine other than for a valid medical purpose as documented by a physician; inhalants; all prescribed and over-the-counter drugs used in any way other than for legitimate medical purposes by the proper individual and in accordance with the directions for use provided for in a valid prescription or by the manufacturer; and all alcoholic beverages.

The Superintendent or designee is authorized to amend the foregoing list upon reliable medical or scientific information indicating use of such additional substances is unlawful and/or detrimental to the health of minors. Any amendment to this list will be provided to each student athlete and testing for substances on the amended list may commence after ten (10) days’ notice of the amended list.

- “Sample” means a urine or saliva specimen.

Notification and Consent Procedures

- At the beginning of each interscholastic athletic and activity season, all students participating in interscholastic athletics and activities and their parent/guardian will be provided a copy of this policy and an LMS Student Drug and Alcohol Testing Consent Form. Both the student and parent/guardian must acknowledge receipt and sign these documents as a condition of participation in LMS interscholastic athletics and activities. In signing the requisite documents, the student and parent/guardian consent to the student’s participation in the random drug and alcohol testing program.

- The LMS Athletic Department or Activity Sponsor will be responsible for confirming receipt of the necessary consent forms and for maintaining them in a secure location.
- Refusal to cooperate with the requirements of this testing policy, including failure to provide a saliva or urine sample, will be deemed a positive test and an admission of the use of prohibited substances resulting in an immediate suspension from participation in all interscholastic athletics and activities for one calendar year (365 days) beginning on the date of the refusal.
- Once a student has been notified that *they/he/she* has been selected for testing, that student may not be excused from school before the testing is completed. If a parent or guardian nonetheless chooses to remove a student from school once the student has been notified that *they/he/she* has been selected for testing, the student will not be eligible competing in all interscholastic athletic and activity events until the student is tested on the next random testing date.

Testing Procedures

- Throughout the school year and during each athletic season, students will be selected for testing on a random basis.
- Testing will be performed by an independent drug testing company contracted by the District. All testing will be conducted by the drug testing company according to testing standards established by the federal and/or state government.
- Eligible students are not permitted to choose the method by which they will be tested.
- At the beginning of each interscholastic athletic and activity season, the District will assign all eligible students a confidential number to be used in accordance with this policy. The District will provide a list of the confidential numbers to the drug testing company. The drug testing company will use the confidential numbers to randomly select students for testing and to code individual student samples.
- The drug testing company will randomly select testing dates. The testing dates will not be disclosed prior to testing. No student selected for testing will be given advance notice or an early warning that testing will take place.
- The drug testing company will randomly select ten (10) percent of all eligible students for testing each test session. However, no fewer than fifteen (15) students selected for testing each testing date.
- The fact that a student is selected on more than one occasion or on consecutive days for testing will not be grounds for refusing to be tested.
- If a student is absent on the day of the random test, a sample will be collected on the next

random testing date.

- A student may be removed from class for testing provided that no timed test or state required assessment test is in progress or that the student is in the process of presenting an oral report or project.
- An eligible student is not permitted to choose the method of testing.
- Urinalysis testing will be the primary method of testing and will also be used to confirm positive or presumptive positive test results. The process for collecting urine samples is as follows:
 - Urinalysis testing will occur at a testing facility chosen by the District in accordance with state and federal law.
 - A same-gender faculty monitor will accompany the eligible student into the designated testing restroom.
 - The faculty monitor will wait outside the closed restroom stall for the student to produce a sample and listen for the sounds of normal urination. For students who choose to use a urinal, the faculty monitor will observe from 12-15 feet behind the eligible student. The eligible student's back will be facing the faculty monitor while they produce a sample.
 - The eligible student will then give the sample to the faculty monitor who will check it for irregularities. If the faculty monitor determines the sample has been tampered with, the eligible student will be required to produce another sample.
 - Immediately after the sample is given, the student may return to class with a pass that is signed, dated, and timed by the principal or administrative designee.
- Saliva testing will be the secondary approved method of testing. The process for collecting saliva samples is as follows.
 - Test samples will be taken in a private location, one student at a time, supervised by a faculty monitor.

Test Results

- The testing laboratory will contact the Superintendent or authorized designee with the test results. If a test result is positive, the Superintendent or authorized designee will promptly contact the student and the student's parent/guardian to schedule a conference at which the student and the student's parent/guardian will have an opportunity to provide a valid medical explanation, and supporting documentation, for the positive result.

- A parent/guardian may also request a retest, at the expense of the parent/guardian, provided the request is made at the time of the initial positive test notification by LMS and the parent makes satisfactory arrangements with the testing laboratory for payment of the retest. Any retest will be conducted as soon as possible, preferably on the same date as the original test, and may be conducted without the presence of the parent. The student will be suspended from participation in all interscholastic athletics and activities until a retest is completed. If the retest is negative, the district will reimburse the parent for the cost of the retest.

Confidentiality

- Drug test results will be confidential and will be disclosed only to the student, the student's parent/guardian, LMS officials designated to administer the drug-testing program, and any other LMS official(s) with a legitimate interest in the information. Drug test results will not be disclosed to law enforcement officials except as required by law.
- Drug test results will not be maintained with a student's academic record. Upon written request of the student's parent/guardian or a student of legal age, the student's test results may be released to treatment facilities.
- All test results will be destroyed when the student graduates or transfers from the District or when the student's eligibility to participate in NMAA athletics expires. The test results will not be transferred to another district.

Consequences for Positive Test Results

Positive test results will result in a progressive series of disciplinary measures up to and including permanent prohibition from participating in any interscholastic athletics and activities for as long as the eligible student is enrolled in LMS.

- ***First Violation***
 - A mandatory conference will be held with the eligible student, the eligible student's parent/guardian, the athletic or activity coach or advisor, and/or other school administrators.
 - The eligible student will be suspended from competing in all interscholastic athletic and activity events for twenty (20) consecutive calendar days beginning on the date of verification of the first violation.
 - The eligible student will be required to submit to drug and alcohol testing on the testing date immediately following the first violation.
 - The eligible student and parent/guardian will be provided and must sign an acknowledgement of the consequences of a second offense.

- During the time of suspension, the eligible student will be required to attend interscholastic athletic and activity events at the student's home school, but the student will not be allowed to compete. The student will not be allowed to attend or compete in out-of-town interscholastic athletic and activity events.
 - The eligible student will be allowed to participate in interscholastic athletic and activity meetings and/or practices.
 - The eligible student will be required to successfully complete four (4) hours of drug and alcohol counseling, paid for by the District, as a condition of any further participation in interscholastic athletics or activities. The District will provide a list of/refer the eligible student to community or area counseling and rehabilitation programs through the campus principal. The parent or guardian must provide evidence of the eligible student's completion of the required counseling program, signed by the program providers, to the campus principal.
 - During the period of suspension, LMS may conduct random drug and alcohol testing. The student will be reinstated to the student's sport or activity at the end of the suspension period so long as all tests conducted during the suspension period return negative results. A positive test result during the suspension period will be considered a second violation with the consequences set forth below.
- ***Second Violation***
 - A mandatory conference will be held with the eligible student, the eligible student's parent/guardian, the athletic or activity coach or advisor, and/or other school administrators.
 - The student will be suspended from competing in all interscholastic athletic and activity events for the remainder of the current season or forty (40) calendar days, whichever is longer, beginning on the date of the second violation.
 - The student and parent/guardian will sign an acknowledgement of receipt of the consequences of a third offense.
 - The eligible student will be required to successfully complete eight (8) hours of drug and alcohol counseling, paid for by the parent or guardian, as a condition of any further participation in interscholastic athletics or activities. The District will provide a list of/refer eligible student to community or area counseling and rehabilitation programs through the campus principal. The parent or guardian must provide evidence of the eligible student's completion of the second required counseling program, signed by the program providers, to the campus principal.
 - During the period of suspension, LMS may conduct random drug and alcohol testing. The eligible student will be reinstated to the sport or activity at the end of

the suspension period so long as all tests conducted during the suspension period return negative results. A positive test result during the suspension period will be considered a third violation with the consequences set forth below.

- ***Third Violation***

- A mandatory conference will be held with the eligible student, the eligible student's parent/guardian, the athletic or activity coach or advisor, and/or other school administrators.
- The eligible student will be suspended from participation from all interscholastic athletics and activities for the remainder of the current season. Additionally, the eligible student will be suspended from participation from all interscholastic athletics and activities for the entire next season or eighty (80) calendar days, whichever is longer.
- Eligible students who participate in only one interscholastic sport or activity will be suspended from participation in their sport or activity for the remainder of the current season and for eighty (80) calendar days.
- The eligible student will be required to successfully complete sixteen (16) hours of drug and alcohol counseling paid for by the parent or guardian as a condition of any further participation in interscholastic athletics or activities. The District will provide a list of/refer eligible student to community or area counseling and rehabilitation programs through the campus principal. The parent or guardian must provide evidence of the eligible student's completion of the second required counseling program, signed by the program providers, to the campus principal.

- ***Fourth Violation***

- A mandatory conference will be held with the eligible student, the eligible student's parent/guardian, the athletic or activity coach or advisor, and/or other school administrators.
- The student will no longer be eligible to participate in any interscholastic athletics or activities for as long as the student attends LMS.

- ***Non-Consecutive Violations***

- If a student has two or three confirmed non-consecutive positive drug tests during a 365-calendar day period from the date of the first positive test, those positive test results will be cumulative.
- Therefore, the consequences for a first positive test result will follow the consequences beginning at First Violation as outlined in this policy, the consequences for a second positive test result during the 365 calendar day period

will follow the consequences for a Second Violation as outlined in this policy, and the consequences for a third positive test result during the 365 calendar day period will follow the consequences for a Third Violation, as outlined in this policy.

Appeal Process

- A parent/guardian and student may appeal a suspension under this policy to the Superintendent by submitting a written request within five (5) days of the positive report of drug/alcohol use. The notification will state the reasons for why the discipline should be reversed.
- The Superintendent or designee will review the notification and all relevant documentation and issue a written decision, consistent with this regulation, either sustaining or reversing the discipline within fifteen (15) school days. The student will remain suspended from their sport or activity pending any appeal.

The Superintendent may develop additional rules or procedures for the implementation of the provisions of this policy.

Adopted:

LEGAL REF:

6.11.2.8(B)(4)

6.11.2.9(C)

U.S. Const. amend. IV

N.M. Const. art. 2, § 10

CROSS REF:

JICH – Drug and Alcohol Use by Students

JLC – Student Health Services and Requirements

JLCD – Administering Medicines to Students

JJIB – Interscholastic Sports

JJJ – Extracurricular Activity Eligibility