

STUDENTS

BP 5131.61 (a)

Drug Testing

The Governing Board is committed to maximizing the health and safety of district students and recognizes the district's role in helping to protect students from the dangers associated with illegal drug use and drug abuse. To support the district's substance abuse prevention efforts, the Board desires to establish a drug testing program in the district's high schools that will provide a deterrent from drug use and help refer drug users to appropriate counseling and rehabilitative services.

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.63 - Steroids)

The Superintendent or designee shall establish a nonvoluntary, random drug testing program for all students participating in athletics, marching band, and cheerleading.
(cf. 6145.2 - Athletic Competition)

Prior to implementing the drug testing program, the Superintendent or designee shall invite input from students, staff, parents/guardians, community leaders, and representatives of local healthcare agencies, community service agencies and businesses. The district's program shall be developed in consultation with drug treatment and prevention professionals, the laboratory contracted to conduct the tests, and district legal counsel.

The Superintendent or designee shall develop:

1. A drug testing consent form to be signed by the student and his/her parent/guardian prior to allowing the student to participate in any athletic or extracurricular activity listed above

The consent form shall indicate any prescription medication the student has been or is presently taking. The student shall present either a copy of the prescription or a physician's written verification of this fact with the consent form.

2. 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

Drug testing procedures shall ensure appropriate individual 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

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BP 5131.61 (b)

Drug Testing

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.

(cf. 5125 - Student Records)

No disciplinary or punitive action shall be taken against any student who tests positive, other than removing him/her from participation in extracurricular activities. Students who test positive shall be encouraged to participate in an assistance program and may be required to take subsequent drug tests. A student who has been removed from participation in extracurricular activities may appeal that decision to the Superintendent or designee and then to the Board.

Students and parents/guardians shall receive a copy of the district's policy and procedures on drug testing. In addition, at the beginning of the school year and prior to the commencement of the drug testing program, the Superintendent or designee shall conduct an orientation session with students participating in athletics and extracurricular activities and their parents/guardians. This session shall explain the district's policy and outline the procedures for drug testing and the consequences if a positive result is obtained.

The Superintendent or designee shall provide training to principals, coaches and staff advisors regarding the district's drug testing program.

Legal Reference:

EDUCATION CODE

44049 Known or suspected alcohol or controlled substance abuse by student

51262 Use of anabolic steroids; legislative finding and declaration

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

COURT DECISIONS

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

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

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

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BP 5131.61 (c)

Drug Testing

Management Resources:

OFFICE OF NATIONAL DRUG CONTROL POLICY PUBLICATIONS

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

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

Office of National Drug Control Policy: <http://www.whitehousedrugpolicy.gov>

National Institute on Drug Abuse: <http://www.nida.nih.gov>

Partnership for a Drug-Free America: <http://www.drugfreeamerica.org>

U.S. Department of Education: <http://www.ed.gov>

Second Reading/Adoption

October 21, 2008

CALAVERAS UNIFIED SCHOOL DISTRICT

San Andreas, California