

## **Random Drug and Alcohol Testing**

**J-4450 JJIE**

### **Goals of the District**

The Carlsbad Municipal Schools Board of Education, in order to:

- protect the health and safety of its students involved in activities from the use and abuse of illegal drugs, alcohol, and performance-enhancing drugs,
- help prevent students who participate in school activities from using illegal drugs, alcohol, performance enhancing drugs, and misuse prescription drugs.
- ensure that students involved in activities set an appropriate example for their fellow students for whom they are often role models,
- give students an additional incentive for declining to use drugs/alcohol/steroids, and
- provide any assistance to student involved in activities found to be using or abusing drugs, alcohol, performance-enhancing drugs and prescription drugs.

hereby adopts this Student Activities Drug, Alcohol and Steroids Testing Policy.

### **Statement of Purpose and Intent**

It is the intent and desire of the Carlsbad Municipal Schools Board of Education, administration, and staff that every student involved in athletics, co-curricular, or extra-curricular activities in the Carlsbad Municipal School District, refrain from using or possessing illegal drugs/alcohol. Members of the Board of Education, administration, staff, community and parents, have long been concerned about the prevalent alcohol/substance abuse problem that has become evident in Carlsbad. Evidence of a problem with experimentation and use of drugs and/or alcohol comes from anecdotal evidence, from student/administration discussion, discussion with parents, athlete/coach discussions, the increasing number of discipline referrals, violations of the Carlsbad Municipal Schools' Athletic/Activity Code of Conduct Contract, and observation of changing behavior patterns in students. With a great number of violent crimes being committed in the nation's school districts, and the direct link between drug use and violent crimes, the evidence of a local problem is alarming.

This policy is intended to supplement and complement all other policies and regulations of the Carlsbad Municipal Schools and the New Mexico Public Education Department regarding possession or use of illegal drugs/alcohol/steroids.

This policy is not intended to be academically punitive in nature. The sanctions of the policy relate solely to limiting the opportunity of any student found to be in violation of the policy to participate in any athletic, co-curricular, or extra-curricular activity programs. There will be no academic sanctions for violation of this policy unless the student violates student handbook policies.

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Students who participate in athletics, co-curricular, or extra-curricular activities are expected to hold themselves as good examples of conduct, sportsmanship and self-discipline. Accordingly, as part of the privilege of participation in athletics, co-curricular, or extra-curricular activities, they are required to avoid the use of and/or be in possession of illegal drugs and/or alcohol/steroids.

All students in grades seven (7) thru twelve (12), who wish to participate in school athletics co-curricular, or extra-curricular activities will be subject to random drug and alcohol testing for the entire school year, or as long as they participate in the District athletic, co-curricular, or extra-curricular activity programs.

Students who have been found to be in possession of or under the influence of controlled substances and/or drugs, alcohol, and performance-enhancing drugs on campus or at any school activity, and who wish to remain in an educational setting, may elect to be randomly selected for testing at the school's discretion as a part of an agreement if approved by the District.

### **Certified Drug Testing Company**

A certified drug testing company contracted by the District will perform the random testing of students. The company chosen to conduct the testing will be required to have a detailed written procedure to assure proper chain of custody of the samples, proper laboratory control, and scientifically-validated testing methods.

*Adopted:* date of manual adoption

LEGAL REF.:

CROSS REF.: [JKDA](#) - Removal of Students From School-Sponsored Activities  
[LC](#) - Relations with Education Research Agencies

**JJIE-R**

REGULATION

REGULATION

**RANDOM DRUG/ALCOHOL/STEROID TESTING**

Illegal substance abuse of any kind is incompatible with any athletic, co-curricular, or extra-curricular activity program offered by the Carlsbad Municipal Schools. Therefore, parental and student consent to this Carlsbad Municipal Schools' Drug and Alcohol testing is mandatory for all students to participate in any school athletic, co-curricular, or extra-curricular activity program. The consent form will be for testing of urine, blood test, saliva testing, and/or hair sample test.

No student shall be allowed to practice or participate in any athletic, co-curricular, or extra-curricular activity program unless the student has returned the properly signed Student Athletic, Co-Curricular, or Extra-Curricular Activity Drug/Alcohol Testing Consent Form. The student must also have met all other eligibility requirements as set forth by the Carlsbad Municipal School District and NMAA rules and regulations.

**Definitions**

- Student Activities are defined as activities where students represent the Carlsbad Municipal Schools in school-sponsored events or NMAA-sanctioned events.
- Drug/Alcohol Use Test means a scientifically substantiated method to test for the presence of illegal drugs, alcohol, performance-enhancing drugs, or the metabolites thereof, in a person's urine.
- Random Selection Basis means a mechanism for selecting eligible students for drug/alcohol testing. The district will use a random selection process to select eligible students for testing.
- Illegal Drugs/Alcohol means: Alcohol (any liquor, wine, beer, or other beverage containing alcohol). Drugs (any drug, including illegal drugs, marijuana, inhalants, legal prescription and over-the-counter drugs used or possessed or distributed for unauthorized purposes, including, but not limited to marijuana, cocaine, opiates, amphetamines, methaqualone, benzodiazepines, phencyclidine (PCP) methadone, barbiturates, and propoxyphene).
- Performance Enhancing Drugs includes anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed, or other athletic ability. The term "performance-enhancing drug" does not include dietary or nutrition supplements such as vitamins, minerals, and proteins that can be lawfully purchased in over-the-counter transactions.
- Positive when referring to a drug/alcohol test administered under this policy means a toxicological test result that demonstrates the presence of illegal drug/alcohol or a performance-enhancing drug or the metabolites thereof, using the standards customarily established by the testing laboratory administering the drug/alcohol use test.
- Substance Use Violation refers to a positive urinalysis, blood test, saliva test, or hair sample test. The Carlsbad Municipal School District will not test for substances or purposes other than drug or alcohol use prohibited by this policy.

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## **Procedures**

All students in grades 7-12 who wish to participate in school athletics, co-curricular, or extra-curricular activities will be subject to the random testing program for the entire school year or for as long as they participate in the district athletic, co-curricular, or extra-curricular activity programs.

Each student in athletics, co-curricular, or extra-curricular activities shall be provided with a copy of the Carlsbad Municipal Schools Student Athletic, Co-curricular, or Extra-curricular Activities Drug/Alcohol Testing Policy and the Carlsbad Municipal Schools Student Athletic, Co-curricular, or Extra-curricular Activity Drug/Alcohol Testing Consent Form, which shall be read, signed, and dated by the student and parent or legal guardian before that student shall be eligible to practice or participate in any athletics, co-curricular, or extra-curricular activities program.

## **Selection for Testing**

The authorized testing company will randomly select the date of the unannounced testing to be conducted at various times during the school year.

Students who are randomly selected by the authorized testing company to be tested during one testing period, will be eligible for future tests and if selected may be tested in successive tests.

Students will be notified the day of the testing at school, and will be escorted to the designated drug testing areas to be processed. There will be no prior warning or notice.

A refusal to provide a sample will be treated as resignation from all athletic, co-curricular, or extra-curricular activity programs for the remainder of the current school year. In addition, if the student refuses to provide a sample, the student must have a drug/alcohol test prior to participation in any future school athletic, co-curricular, or extra-curricular activity.

Carlsbad Municipal Schools will follow the Federal Department of Transportation (DOT) Title 49: Part 382 and Part 40 regulations as a guide for each student selected for testing:

- a. If a student provides a specimen that is not adequate for testing, he/she will allow a specimen-collector (of the same gender) to observe while the student provides another specimen.
- b. If the testing laboratory determines that an adulterant has been added to the student's specimen, the student will be subject to suspension from school athletics, co-curricular, or extra-curricular activities.

A certified drug testing company contracted by the district will perform the random testing of students. The company chosen to conduct the testing should be required to have a detailed written procedure to assure proper chain of custody of the samples, proper laboratory control, and scientifically-validated testing methods.

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All students, regardless of country of domicile, are required to have prescriptions by medical doctors or dentists as a basis for explaining positive test results on the basis of medications necessary to health.

Parents/Guardians may request that another test be conducted on the remaining portion of the urine sample at their cost. The Carlsbad Municipal Schools reserve the right to investigate anomalies in the timing and documentation of prescription labels. No student shall receive an academic penalty solely as the result of a positive test result.

The drug testing company will contact the Superintendent or his/her designee with the test results.

If a test result is positive, the Superintendent or his/her designee will immediately contact the student and the student's parents or legal guardians and schedule a conference at which time the student, parents, or legal guardians may explain the positive result.

## **VIOLATIONS**

A student found to have been in violation of this policy shall be subject to the following consequences:

### **FIRST OFFENSE**

A parent/legal guardian, coach, Athletic/Activities Director and site administrator conference will be required. The student will also be subject to the sanctions of the Carlsbad Municipal Schools Athletics and Activities Code of Conduct Contract as defined under Consequences for Illegal Violations – First Offense.

### **SECOND OFFENSE**

A parent/legal guardian, coach, Athletic/Activities Director and site administrator conference will be required. The student will also be subject to the sanctions of the Carlsbad Municipal Schools Athletics and Activities Code of Conduct Contract as defined under Consequences for Illegal Violations – Second Offense

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**THIRD OFFENSE**

A parent/legal guardian, coach, Athletic/Activities Director and site administrator conference will be required. The student will also be subject to the sanctions of the Carlsbad Municipal Schools Athletics and Activities Code of Conduct Contract as defined under Consequences for Illegal Violations – Third Offense.

**FOURTH OFFENSE**

A parent/legal guardian, coach, Athletic/Activities Director and site administrator conference will be required. The student will also be subject to the sanctions of the Carlsbad Municipal Schools Athletics and Activities Code of Conduct Contract as defined under Consequences for Illegal Violations – Fourth Offense.

**APPEALS PROCESS**

A student may appeal a decision as outlined in the Carlsbad Municipal Schools Athletics/Activities Code of Conduct Contract as defined under Rights of Appeal.

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**JJIE-EA**

**EXHIBIT** **EXHIBIT**

**RANDOM DRUG/ALCOHOL/STEROID TESTING CONSENT FORM**

**CARLSBAD MUNICIPAL SCHOOLS STUDENT ATHLETIC, CO-CURRICULAR, OR EXTRA-CURRICULAR  
ACTIVITY DRUG/ALCOHOL TESTING CONSENT FORM**

According to district policy, each student participating in the athletic, co-curricular, or extra-curricular activity program shall be provided with a copy of the Student Athletic, Co-curricular, or Extra-curricular Activity Drug/Alcohol Testing Policy and the Student Athletic, Co-curricular, or Extra-curricular Activity Drug/Alcohol Testing Consent Form. This form shall be read, signed, and dated by the student and parent or legal guardian before the student shall be eligible for practice or participate in any athletic, co-curricular, or extra-curricular activity program. By signing the consent form, the student and parent/guardian consent to the student's providing a sample of urine, saliva, blood and/or hair sample under the conditions stated in the policy -- by random selection, based on reasonable suspicion, to be tested for illegal drugs/alcohol.

No student shall be allowed to practice or participate in any athletic, co-curricular, or extra-curricular activities program until the student has returned the properly signed Drug/Alcohol Testing Consent Form.

\_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Student's Last Name                      First Name                      Middle Name                      SS #

I have read the Student Athletic, Co-curricular, or Extra-curricular Activity Drug/Alcohol Testing Policy and the Student Athletic, Co-curricular, or Extra-curricular Activity Drug/Alcohol Testing Consent Form and any questions I have about the policy or the consent form have been answered. I understand the policy and the consent form. I further understand that if I violate the policy regarding the use of illegal drugs/alcohol, I will be subject to the consequences provided in the policy.

\_\_\_\_\_  
Signature of Student Date

We have read and understand the Carlsbad Municipal Schools Student Athletic, Co-curricular, or Extra-curricular Activity Drug/Alcohol Testing Policy and the Student Athletic, Co-curricular, or Extra-curricular Activity Drug/Alcohol Testing Consent Form. We desire that student, \_\_\_\_\_, participate in the athletic, co-curricular, or extra-curricular activity program offered by the Carlsbad Municipal Schools, and we hereby agree that the student shall be subject to the terms of the policy and consent form. We understand and agree to the requirements and procedures specified by the policy, and to all other aspects of the program. We further agree and consent to the reporting of results of testing as provided by the policy.

\_\_\_\_\_  
Signature of Parent/Guardian Date

\_\_\_\_\_  
Signature of Coach/Athletic/Activity Director Date

**CARLSBAD MUNICIPAL SCHOOLS  
"REQUEST FOR REGULAR TESTING OF MY CHILD" (OPTIONAL)**

The undersigned parent of student, \_\_\_\_\_, in addition to the foregoing agreements and consents, further requests that the student be subject to testing by the school as part of every testing cycle, subject to written revocation of the request by the undersigned parent/legal guardian. I also agree to provide payment for these tests.

Signature of Parent/Legal Guardian: \_\_\_\_\_ Date: \_\_\_\_\_