

Students

BP 5143.4

Voluntary 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 and middle school's that will provide a deterrent from drug use and help refer drug users to appropriate counseling and rehabilitative services.

Each high school or middle school may establish and maintain a voluntary drug testing program. Funding for the voluntary drug testing program shall come from sponsorships, site funds or at the expense of the participants. Participation in this program shall require the written consent of the student and his/her parents/guardians.

The Superintendent or designee shall develop:

1. A drug testing program form which is to be signed by the student and his/her parent/guardian indicating if the student will or will not participate in the program.
2. 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.
3. Procedures addressing how students will be selected, how samples will be collected and transported, and how results will be determined.

Drug testing procedures shall ensure appropriate individual privacy while maintaining the viability of the process. 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.

No disciplinary or punitive action shall be taken against any student who tests positive. Students who test positive shall be encouraged to participate in an assistance program and may be required to take subsequent drug tests.

Voluntary Drug Testing (continued)

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

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>