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Statement of.....

Policy and Responsibility

SUBJECT: DRUG TESTING OF STUDENTS

I. BOARD POLICY

It is appropriate that schools establish procedures to insure protection of individual rights against excessive and unreasonable intrusion. However, school authorities are charged with protecting the health and safety of all students and promoting an atmosphere free from unnecessary disruption. A student's legitimate expectation of privacy must be balanced against the substantial interest of school authorities in maintaining discipline and a drug free environment in the classroom and on school property. The following policy shall be observed to assure the privacy of individuals and the safety and welfare of all students, staff and patrons.

II. POLICY

A. School authorities shall follow and enact the Safe Schools Policy (PS416) when there is reasonable suspicion predicated on one or more of the following:

- 1) Observation of physical signs/symptoms of controlled substance usage, possession of a drug or controlled substance, an imitation controlled substance or drug paraphernalia.
- 2) Reliable reports and/or information from credible sources made known to school authorities of use, sale, or distribution of a drug or controlled substance, an imitation controlled substance or drug paraphernalia. If the source is anonymous, the information must show that the informant has a relationship to the school or with the student to ensure credibility.
- 3) Observation of suspicious or evasive behavior suggesting violation of a school policy or law, or concealment of a drug or controlled substance, an imitation controlled substance or drug paraphernalia.
- 4) Observation of a student engaging in prohibited acts while being in a restricted area (see Section VI. Definitions).

B. If a student disagrees with the implementation of the enforcement provisions of the Safe Schools Policy, he/she may voluntarily submit to a drug test upon notification of his/her parents.

C. School authorities may require random testing of students participating in all secondary

interscholastic athletics with prior notification of participants and their parents.

D. Drug testing in accordance with this policy shall be:

- 1) at the district's expense unless the student disputes the results of the initial drug test and he/she requests an additional drug test of the remainder of the split sample. The second drug test shall be administered with procedures acceptable to the District but at the expense of the student.
- 2) performed at a National Institute of Drug Abuse (NIDA) certified, approved testing laboratory/facility.
- 3) all positive results will be immediately reviewed by a medical review officer for possible mitigating circumstances.
- 4) held in strict confidentiality.

III. GROUNDS FOR SUSPENSION OR EXPULSION FROM SCHOOL

- A. The possession or use of a drug or controlled substance, an imitation controlled substance or drug paraphernalia;
- B. The sale, control, or distribution of a drug or controlled substance, an imitation controlled substance or drug paraphernalia;”

IV. CONSEQUENCES

IMPLEMENTATION OF AND DISRUPTION FREE SCHOOLS

(See Section IV. CONSEQUENCES of PS 416)

Consequences of a school safety violation described in section IV of this policy are outlined below. All students will be provided an opportunity for due process. Violations of this section carry over from year to year.

A. First Violation

1. Law enforcement or juvenile court referral.
2. Immediate notification of parent/guardian. The student and/or parent(s)/guardian(s) will be given the opportunity to respond to the allegation.
3. Suspension not to exceed 10 school days.
4. Mandatory parent/guardian conference and behavioral contract drawn up by parents, student, and school personnel.
5. Parent/guardian and student must attend and complete an intervention program set up by the school district or show written evidence that an equivalent program has been completed.
6. Exclusion from participation in elected or appointed office or extracurricular activity for six school weeks.

B. Second Violation

1. Law enforcement or juvenile court referral.
2. Immediate notification of parent/guardian. The student and/or parent(s)/guardian(s) will be given the opportunity to respond to the allegation.
3. Student will be placed on alternative study or expelled from school for 60

- school days.
4. Exclusion from extracurricular activities and elected or appointed office activities during the suspension.
 5. A student suspended for 60 school days may have his/her suspension reviewed after 30 school days (see Section IX)

C. Third Violation

1. Law enforcement or juvenile court referral.
2. Immediate notification of parent/guardian. The student and/or parent(s)/guardian(s) will be given the opportunity to respond to the allegation.
3. Student will be placed on alternative study or expelled from school for 180 school days.
4. Exclusion from extracurricular activities and elected or appointed office activities during the suspension.
5. A student suspended for 180 school days may have his/her suspension reviewed after 90 school days (see Section IX)”

V. REDUCTION OF 180 SCHOOL DAY SUSPENSION

IMPLEMENTATION OF SAFE AND DISRUPTION FREE SCHOOLS

(See Section VII. REDUCTION OF SCHOOL DAY SUSPENSION/EXPULSION of PS 416)

A student who is participating in a treatment program and is making sufficient progress (as determined by the student’s therapist) or has successfully completed a treatment program may have the school day suspension reviewed and reduced upon completion of the following process:

- 1) Written request submitted to the Director of Student Services.
- 2) Submission of documentation which verifies the student’s participation in a treatment program including a record of his/her progress (as determined by the student’s therapist) or verification that he/she has successfully completed a treatment program.
- 3) A hearing panel, chaired by the Director of Student Services and consisting of district administrators and a representative of the student’s neighborhood school (principal, vice principal, or counselor) will convene to review the request.
- 4) The hearing panel shall submit a recommendation to the superintendent of schools.
- 5) The superintendent shall determine, on a case by case basis, that a reduction in the suspension is appropriate. The superintendent’s decision is final.

VI. DEFINITIONS

As used herein, the following terms shall mean:

- (a) “prohibited acts” shall mean to possess with intent to use or dispense a substance defined as a controlled substance in § 58 37 4 Utah Code Annotated or drug paraphernalia as defined in §58 37a 5 Utah Code Annotated; or knowing and intentionally being present where controlled substances are being used or possessed,
- (b) “restricted area” means on school grounds, to and from school, at school sanctioned activities (including summer, week end, and after school activities and/or when students are being transported in vehicles dispatched by the district.

(c) "controlled substance" shall mean a drug, substance, or immediate precursor included in Schedules I, II, III, IV, or V of the Federal Controlled Substances Act, Title II P.L. 91 513,

(d) "drug paraphernalia" means any equipment, product, or material used, or intended for use, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, conceal, inject, ingest, inhale, or to otherwise introduce a controlled substance into the human body and

(e) "interscholastic athletics" means any athletic or sports activity (including cheerleading) in which the competition is between or among different schools.