

**Policy JFCI-2: STUDENT ALCOHOL AND DRUG TESTING**

Status: DRAFT

Original Adopted Date: Pending

**23D UPDATE EXPLANATION**

This policy was previously supplemental, and not all districts will have a copy in their manual. MSBA is offering this policy to all districts but encourages districts to read this policy carefully before adopting it.

There are two versions of this policy. This version (Version 2) authorizes the district administration to require students to submit to drug or alcohol testing when the administrator has reasonable suspicion that a student is under the influence of drugs or alcohol. This version also authorizes the administration to require random drug testing as a condition of participating in extracurricular activities governed by the Missouri State High School Activities Association (MSHSAA) in grades nine through twelve.

Districts that do not require random drug testing as a condition of participating in MSHSAA activities should adopt Version 1.

MSBA has created administrative procedures to address the details of these drug testing programs. In addition, there are sample forms available to assist with a random drug testing program.

**Drug Testing Is Not Required**

Please note that most of the time drug testing is not necessary. If an administrator has evidence that a student has consumed drugs or alcohol, the administrator does not need additional evidence to take action. Drug testing is one of many tools available to determine whether a student is under the influence of prohibited substances.

**Training**

MSBA strongly encourages administrators to receive professional training on drugs and alcohol and the signs that indicate that a student may be under their influence. This training can assist administrators in deciding whether there is reasonable suspicion to conduct drug testing.

**Marijuana**

Please note that MSBA has also addressed the use of marijuana in this policy. It is MSBA's position that students who come to school under the influence of marijuana can be disciplined even if they have a valid, Missouri-issued medical marijuana card. Marijuana is still illegal at the federal level, and students need to come to school unimpaired and ready to learn. Some attorneys disagree with this approach. Please consult your district's private attorney prior to adopting this policy language. MSBA recommends that districts provide professional training to employees such as administrators, school resource officers, or school nurses on the signs that a student is under the influence.

**A+ Scholarships**

High school students are eligible to participate in the A+ Scholarship program, which requires that students refrain from the use of alcohol and drugs (see policy JFCL). Districts that participate in the A+ Scholarship program will be required to exclude students from the program when a reasonable suspicion drug or alcohol test comes back positive.

MSBA does not recommend that districts exclude students from the A+ program based on a positive test in the random drug testing program. In *Vernonia Sch. Dist. 47J v. Acton (1995)*, the U.S. Supreme Court held that a random drug testing program required as a condition of participating in athletics was legal partially because the consequences were limited to exclusion from the activities and not exclusion from school. MSBA is concerned that a court might find a district's program unconstitutional if the stakes are higher and a student who is not otherwise showing signs of being under the influence of drugs tests positive and loses a valuable postsecondary scholarship in addition to being excluded from an activity.

**EDITOR'S NOTE:** The consequences were copied from the procedure.

---

### ***(District Performs Random Drug Testing)***

The board recognizes the importance of protecting the health and safety of students from the impact of using illegal drugs, performance-enhancing drugs, and alcohol. The purpose of this policy is to help prevent student substance use, encourage treatment for students who use substances, and ensure that students can attend school and participate in activities in a safe and healthy environment.

The board directs the superintendent or designee to create appropriate administrative procedures to implement this policy.

### **Reasonable Suspicion Drug and Alcohol Testing**

A drug or alcohol test is not necessary to discipline a student when there is evidence that the student is under the influence of or has recently consumed alcohol or any drug prohibited by district policy. In accordance with law, district administrators may, at their discretion, utilize drug and alcohol testing to assist with student discipline when there is reasonable suspicion that a student has consumed drugs or alcohol and is on district property or at a district activity.

Students who test positive will be disciplined and excluded from extracurricular activities in accordance with the district's discipline policy and may also be excluded from the district's A+ scholarship program. Students who refuse to submit to testing or take measures to falsify results may still be disciplined under the district's discipline code for being under the influence of alcohol or drugs.

The board encourages the superintendent or designee to consider alternative discipline for students who are willing to seek treatment or counseling options.

### ***Marijuana and Reasonable Suspicion Testing***

Students suspected of being under the influence who test positive for marijuana may be removed from school or activities and may be appropriately disciplined even if they have a valid, Missouri-issued medical marijuana card.

### **Random Drug and Alcohol Testing of Extracurricular Participants**

Participation in extracurricular activities is a privilege and carries with it the responsibility to adhere to high standards of conduct, including refraining from the use of illegal drugs, performance-enhancing drugs, and alcohol. To assist students in making healthy and safe choices, the district will require students in grades nine through twelve and their parents/guardians to consent to random testing for alcohol and illegal or performance-enhancing drugs as a condition of participation in covered extracurricular activities.

### ***Background and Purpose***

The Raytown C-2 Board of Education would like to give students another reason to say "no" to drugs. In an effort to protect the health and safety of students from illegal drug use and abuse or injuries resulting from the use of drugs, thereby setting an example for all students of the district, the Board of Education adopts the following policy for drug testing of students participating in extracurricular and/or cocurricular activities, as well as those who have parking privileges.

Participation in school sponsored extracurricular and/or cocurricular Missouri State High School Activities Association (MSHSAA) activities, as well as parking on campus, at the Raytown C-2 School District is a privilege. Accordingly, students in extracurricular and/or cocurricular MSHSAA activities and/or who obtain a parking pass to park on campus carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible examples of conduct, which includes avoiding the use of illegal drugs.

The drug testing described in this policy and procedure is part of an overall drug prevention program in the district. The goal is not to levy discipline but rather to aid in the discovery and prevention of possible drug-related problems. The key component of this program is opening the lines of communication between students and parents about the serious matter of drug usage and abuse as well as giving students a reason to say "no" to drugs.

A student using drugs is a danger to him/herself as well as other students. All students in the district who choose to participate in extracurricular and/or cocurricular MSHSAA activities and park on campus are entitled to do so in a drug-free environment.

As a condition of participating in extracurricular and/or cocurricular MSHSAA activities and/or obtaining a parking pass to park on campus, high school students and their parents must consent to random drug testing of the students as further defined in this policy and administrative procedure.

### **Definitions**

*Activities* – Includes Missouri State High School Activities Association (MSHSAA) sanctioned activities, extracurricular/cocurricular activities and parking privileges.

*MSHSAA Activities* – Those activities sanctioned by the Missouri State High School Activities Association as determined by MSHSAA bylaws.

*Extracurricular/Cocurricular Activities* – Activities that take place outside of the regular course of study in school or that complement, but are not a part of, the regular curriculum.

*Parking Privileges* – The use of the Raytown School District parking lots for student drivers.

*Participant* – Any student in grades nine through twelve who is involved in extracurricular or cocurricular MSHSAA activities or any student who wishes to obtain a student parking pass and is thereby eligible to be randomly selected for drug testing.

*Drug Test* – A scientifically substantiated method to test for the presence of illegal drugs as determined by a urine test.

*Illegal Drugs* – The synthetic or generic equivalent or derivative drugs that are illegal under federal, state, or local laws, including but not limited to marijuana, alcohol, heroin, hashish, cocaine, amphetamines, methamphetamines, opiates, hallucinogens, depressants and stimulants not prescribed for the user. Illegal drugs include steroids and steroid derivatives or related substances that are not prescribed by a physician or are prescribed by a physician for uses not authorized by the manufacturer of the drug. This term shall include, but shall not be limited to, all drugs listed on the Narcotic Drug Act, § 195.101, RSMo, and Section 202 of the Controlled Substances Act, 21 U.S.C. § 812.

*Non-Negative Test* – Any test showing an initial positive result that has not been verified.

*Positive Drug Test* – A toxicological test result that is considered to demonstrate the presence of an illegal drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug use test. This term alternatively may be referenced as a “positive,” a “positive test” or a “positive result.”

### **Violations/Consequences for Testing Positive in Random Drug Testing Program**

In accordance with law, the only consequence for a student testing positive in the district's random testing program is exclusion from the extracurricular activity.

The superintendent or designee will immediately suspend students with a confirmed positive test for drugs or alcohol from all covered activities. Offenses accumulate throughout grades nine through twelve. Depending on the timing of the positive test result, the student may be excluded from participation in activities at the end of the school year, over the summer, and/or into the beginning of the next school year.

Any student who tests positive in a random drug use test under this procedure shall be subject to the following restrictions:

1. For the first offense, the student shall be suspended from student parking privileges on school property as well as participation in all in-season or off-season extracurricular and/or cocurricular MSHSAA activities for 30 days. This suspension can be reduced to 15 days if the parent/guardian obtains, at the parent's/guardian's expense, a substance abuse evaluation and education/counseling for the student deemed appropriate by the evaluation. Students enrolled in a class that involves cocurricular MSHSAA activities will remain in the class during the suspension period and will participate in classroom activities. If participation in activities is used in calculating a student's grade, the student will be given alternative assignments during the suspension. If a participant in an extracurricular or cocurricular MSHSAA activity is suspended from participation, the participant will be expected to fulfill all team responsibilities including attendance at practices, meetings,

competitions, and other expectations. At the end of the suspension period, the student will be retested and must pass a drug test to re-enter the extracurricular and/or co-curricular MSHSAA activity. If the student or she refuses to be retested, the student will be ineligible for the next 365 days.

If the student and/or parent/guardian seeks to reduce this consequence by scheduling a substance abuse evaluation, the appointment must be confirmed before the student will be allowed to participate or resume parking privileges. Further, the student must attend the evaluation session within seven (7) business days of the confirmed test result.

If this consequence is reduced, the student must pass a follow-up drug test no sooner than 30 days after the initial positive test.

2. For the second offense, the student shall be suspended from participation in all extracurricular and co-curricular MSHSAA activities as well as student parking privileges for 90 days. The stipulations of the first offense shall continue to apply. This suspension can be reduced to 45 days if the parent/guardian obtains, at the parent's/guardian's expense, a substance abuse evaluation and education/counseling for the student deemed appropriate by the evaluation. At the end of the suspension period, the student will be retested and must pass a drug test to re-enter the extracurricular and/or co-curricular MSHSAA activity. If the student or she refuses to be retested, the student will be ineligible for 365 days.
3. For the third offense, the student shall be suspended from participation in all extracurricular and co-curricular MSHSAA activities as well as student parking privileges for 365 days. The stipulations of the first offense shall continue to apply. No reduction shall be allowed for this suspension and a substance abuse evaluation and education/counseling for the student deemed appropriate by the evaluation will be required before the student is allowed to return after the 365 day suspension.

Consequences may be imposed if a student refuses to submit to a test or takes measures to falsify results.

### ***Marijuana and Random Testing***

Students are prohibited from being under the influence of marijuana while participating in the district's extracurricular activities program, even if the student has a valid, Missouri-issued medical marijuana card. Students who test positive for marijuana will be subject to the consequences listed in this policy.

### ***Confidentiality***

Student health information derived from the results of random drug testing is a type of student record that is particularly sensitive and protected by numerous state and federal laws. Student information shall be protected from unauthorized, illegal or inappropriate disclosure by adherence to the principles of confidentiality and privacy. The information shall be protected regardless of whether the information is received orally, in writing or electronically and regardless of the type of record or method of storage. All appropriate laws and school policies will be used to enforce violation of confidentiality.

Portions © 2023 Missouri School Boards' Association  
Version JFCI-2C.2A.RAY (11/23)

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### **State References**

	<b>Description</b>
§§ 167.115, .117, .161, .171, 195.010, .017, RSMo.	<a href="#">State Statute</a>
§§ 577.625, .628, 578.250 - .265, RSMo.	<a href="#">State Statute</a>
Mo. Const. art. XIV § 1-2	<a href="#">State Statute</a>

#### **Federal References**

	<b>Description</b>
20 U.S.C. §§ 7101 - 7165	<a href="#">Safe and Drug-Free Schools and Communities Act</a>

21 U.S.C. §§ 812(c), 841, 844, 860

[Federal Statute](#)

34 C.F.R. § 300.520

[Federal Regulation](#)

FEDERAL COURT

[Board of Educ. of Ind. Sch. Dist. No. 92 of Pottawatomie County v. Earls, 536 U.S. 822 \(2002\)](#)

FEDERAL COURT

[Vernonia Sch. Dist. v. Acton, 515 U.S. 646 \(1995\)](#)

### **Cross References**

### **Description**

IGAEA

[TEACHING ABOUT DRUGS, ALCOHOL AND TOBACCO](#)

IGAEA-AP(1)

[TEACHING ABOUT DRUGS, ALCOHOL AND TOBACCO - \(Tobacco Use Prevention Education\)](#)

IGD

[DISTRICT-SPONSORED EXTRACURRICULAR ACTIVITIES AND GROUPS](#)

IGD-AP(1)

[DISTRICT-SPONSORED EXTRACURRICULAR ACTIVITIES AND GROUPS](#)

IGD-AP(2)

[DISTRICT-SPONSORED EXTRACURRICULAR ACTIVITIES AND GROUPS - \(Athletics—K-12 Districts\)](#)

IGD-AP(3)

[DISTRICT-SPONSORED EXTRACURRICULAR ACTIVITIES AND GROUPS - \(Participation of Part-Time Students in MSHSAA-Governed Activities\)](#)

IGD-AF(1)

[DISTRICT-SPONSORED EXTRACURRICULAR ACTIVITIES AND GROUPS](#)

IGD-AF(2)

[DISTRICT-SPONSORED EXTRACURRICULAR ACTIVITIES AND GROUPS](#)

IGD-AF(3)

[DISTRICT-SPONSORED EXTRACURRICULAR ACTIVITIES AND GROUPS](#)