

# Carmel USD

## Board Policy

### Alcohol And Drug Testing

BP 5131.61

#### Students

The Board of Education 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 voluntary random drug testing program in the district's middle and high schools to provide a service to parents and students that may serve as 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 and maintain a voluntary random drug testing program. 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 consent form to be signed by both the student and his/her parent/guardian prior to allowing the student to participate in the voluntary random drug testing program. Completion of this form shall be required of all students in eligible grades. If a parent and student agree to participate in the voluntary random drug testing program, participation will continue until graduation. However, the parent and/or student may withdraw from the program at any time by signing a new consent form. Parents will be notified when a student chooses to withdraw from the program.
2. A process to ensure that at least once per year all eligible parents and students not currently participating are informed about the program and are given an opportunity to enroll in the program.
3. 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.

All tests shall be conducted by a drug collection firm which is properly licensed by the state of California. Drug testing and collection procedures shall ensure appropriate individual privacy while maintaining the viability of the process.

Parents/guardians shall be notified directly by the drug collection firm after any positive test results are confirmed. Individual test results shall not be provided to the district, nor to any of its

schools, nor to any district employee, nor kept as a student's educational records. After parents have been notified and results have been mailed, test results and samples, including the letter mailed to the parent/guardian, shall be destroyed by the drug collection firm.

(cf. 5125 - Student Records)

No disciplinary or punitive action shall be taken against any student who tests positive. Parents/guardians of students who test positive shall be provided information by the drug collection firm regarding available assistance programs.

Students and parents/guardians shall receive a copy of the district's policy and procedures on drug testing along with the Voluntary Random Drug Testing Program Participation Form.

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>

Policy CARMEL UNIFIED SCHOOL DISTRICT

adopted: March 12, 2007 Carmel, California

revised: September 22, 2010

revised: March 21, 2018