

MIDDLETOWN UNIFIED SCHOOL DISTRICT

Policy 5131.61: Drug Testing

Adopted Date: 12/13/2023

The Governing Board is committed to providing a safe, drug-free school environment to maximize the health and safety of district students and to protect them from dangers associated with illegal drug use and drug abuse. To support the district's drug abuse prevention efforts, the Board desires to establish a drug testing program in the district's high schools that will discourage illegal drug use among students and timely identify and refer drug users to appropriate counseling and rehabilitative services.

Any drug testing program to be implemented by the district shall be developed in consultation with drug treatment and prevention professionals, the laboratory contracted to conduct the tests, and district legal counsel. In addition, the Superintendent or designee may invite input from students, staff, parents/guardians, community members, and representatives of local health care agencies, community service agencies, and businesses.

Participation in the district's drug testing program shall require the written consent of students' parents/guardians. The Superintendent or designee shall provide information about the program, including the district's policy and procedures, to all high school students and their parents/guardians at the beginning of each school year. All informational materials provided for this purpose shall contain clear statements about how the program will be implemented, including, but not limited to, a list of every substance that to be tested for and how students may be withdrawn from participation in the program.

Drug testing procedures shall ensure appropriate student privacy while maintaining the viability of the process. If urinalysis testing is used, the supervisor collecting the specimen shall be the same gender as the student and the specimen shall be collected in a private facility behind a closed stall.

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 except in compliance with a court order.

The Superintendent or designee shall provide training to principals, coaches, and other district staff involved in implementing the district's drug testing program.

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

Random Drug Testing for Athletics

The Superintendent or designee may establish a nonvoluntary, random drug testing program for students participating in athletics.

No fee shall be charged for student participation in the district's drug testing program.

The Superintendent or designee shall develop:

1. Informational materials to be provided to participating students and their parents/guardians about the drug testing program

The informational materials shall require parents/guardians to notify the school when their child is taking any medication by presenting either a copy of the prescription or a physician's written verification of this fact.

2. A drug testing consent form to be signed by the student and his/her parent/guardian prior to allowing the student to participate in athletics

The consent form shall specify the substances to be tested for and shall clearly indicate that the consent can be withdrawn and that the only consequence for such withdrawal will be that the student will no longer be able to participate in athletics

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

Any student participating in athletics who fails a required drug test shall be disqualified from participating in the athletic activity in accordance with district policy and shall be referred to an assistance program.

At the beginning of each school year, the Superintendent or designee shall conduct an orientation session for students participating in athletics and their parents/guardians, to explain the district's policy and outline the procedures for drug testing and the consequences if a positive result is obtained.

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	Description
5 CCR 350	Fees not permitted
CA Constitution Article 9, Section 5	Common school system
Ed. Code 35160.5	District policy rules and regulations; requirements; matters subject to regulation
Ed. Code 44049	Known or suspected alcohol or controlled substance abuse by student
Ed. Code 51262	Use of anabolic steroids; legislative finding and declaration
Management Resources	Description
Court Decision	Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls, (2002) 122 S.Ct. 2559
Court Decision	Brown v. Shasta Union High School District, No. C061972, 2010 WL 3442147 (Cal. App. 3d Sept. 2, 2010)
Court Decision	Vernonia School District v. Acton, (1995) 115 S.Ct. 2385

Court Decision	Hartzell v. Connell, (1984) 35 Cal. 3d 899
Office of National Drug Control Policy Publication	What You Need To Know About Drug Testing in Schools, August 2002
Website	CSBA District and County Office of Education Legal Services
Website	National Institute on Drug Abuse
Website	Office of National Drug Control Policy
Website	U.S. Department of Education
Website	California Department of Education

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness
5125	Student Records
5125	Student Records
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.63	Steroids
5131.63	Steroids
5141.6	School Health Services
5141.6	School Health Services
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications

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