

# Loving Municipal Schools

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## Students

### 369 DRUG POLICY

**Loving Municipal School District  
Loving, New Mexico  
Student Activities Drug /Alcohol Testing Policy**

**The Loving Municipal School District Board of Education, in order to:**

- Help prevent students participating in school activities from using illegal drugs and alcohol;
- Protect the health and safety of its students involved in activities from the use and abuse of illegal drugs, alcohol, and performance-enhancing drugs;
- Ensure that students involved in activities set an appropriate example for their fellow students, for whom they are often role models;
- Give students an additional incentive for declining the use of drugs; and,
- Provide any students involved in activities found to be using or abusing drugs or alcohol with assistance in overcoming this use or abuse.

**Hereby adopts this Student Activities Drug and Alcohol Testing Policy.**

**Statement of Purpose and Intent**

It is the intent and desire of the Loving Municipal School District Board of Education, Administration, and Staff that every student involved in activities in the Loving Municipal School District refrain from using or possessing illegal drugs/alcohol. Members of the Board of Education, Administration, Loving Municipal School District Staff, Community, and Parents, have long been concerned about the prevalent alcohol/substance abuse problem that has become evident in Loving during the preceding months. Evidence of a problem with experimentation and use of drugs/alcohol comes from anecdotal evidence, from student/administration discussions, discussions with parents, athlete/coach discussions, the increasing number of discipline referrals, violations of the LMS Athletic/Activity Contract, and observations of changing behavior patterns in students. With a great number of violent crimes being committed in the nation's school districts, and the direct link between drug use and violent crimes, the evidence of local problem is alarming. This policy is intended to supplement and complement all other polices and regulations of the Loving Municipal School District and the New Mexico State Board of Education regarding possession or use of illegal drugs/alcohol.

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##### **Participation in school-sponsored activities is a privilege**

Students who participate in activities are looked to as positive examples and are held to a higher standard of behavior and discipline by the student body and community. They are expected to hold themselves as good examples of conduct, sportsmanship, and self-discipline. Accordingly, as part of the privilege of participation, students involved in extra-curricular activities carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible example of conduct, which includes avoiding the use or possession of illegal drugs or alcohol.

**The purpose of this policy is to prevent drug/alcohol use. Some goals are:**

- To educate students as to the serious physical, mental, and emotional harm caused by illegal drug/alcohol use;
- To alert parents and students with possible substance abuse problems to the potential harm of illegal drug/alcohol use;
- To prevent injury, illness, and harm as a result of illegal drug/alcohol use;
- To strive for an environment free of illegal drug/alcohol use and abuse;
- To provide students the ability to say "no" to peer pressure when dealing with substance abuse situations;
- To foster school/parent/student communication and teamwork for the benefit of each student; and
- To encourage students to make proper, informed, decisions that positively affect their lives.

**This policy is not intended to be disciplinary or punitive in nature. The sanctions of the Policy relate solely to limiting the opportunity of any student found to be in violation of the Policy to participate in any activity programs. There will be no academic sanction for violation of this Policy unless the student violates student handbook policies. THIS POLICY IN NO WAY LIMITS THE SANCTIONS WHICH MAY BE APPLICABLE UNDER STUDENT HANDBOOK POLICIES.**

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Illegal substance abuse of any kind is incompatible with participation in any Activities program offered by the Loving Municipal School District. For the safety and well-being of the students involved in activity programs, the Loving Board of Education has adopted this policy for use by all eligible students grade 6-12 involved in activity programs.

Based upon the forgoing statement of purpose and intent, consent to this LMS Drug/Alcohol Testing Policy is a mandatory prerequisite for all students to participate in any school activity program.

#### Definitions

- **"Student Activities"** are defined as non-academic activities where students represent the Loving Municipal School District in school-sponsored events or NMAA- sanctioned events, including athletics and extra-curricular activities by invitation, and as a supplement to the curricular aspects of their educations.
- **"Drug/Alcohol Use Test"** means a scientifically substantiated method to test for the presence of illegal drugs, alcohol, performance-enhancing drugs, or the metabolites thereof, in a person's urine, saliva, or blood.
- **"Random Selection Basis"** means a mechanism for selecting eligible students for drug/alcohol testing. The District will use a random selection process to select eligible students for testing.
- **"Illegal Drug/ Alcohol"** means:  
**Alcohol:** Any liquor, wine, beer, or other beverage containing alcohol.  
**Drugs:** Any drug, including illegal drugs, marijuana, inhalants, legal prescription and over the counter drugs used or possessed or distributed for unauthorized purposes, including, but not limited to marijuana, cocaine, opiates, amphetamines, methaqualone, benzodiazepines, phencyclidine (PCP) methadone, barbiturates, and propoxyphene.
- **"Performance Enhancing Drugs"** includes anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed, or other athletic ability. The term "performance-enhancing drug" does not include dietary or nutrition supplements such as vitamins, minerals, and proteins that can be lawfully purchased in over-the-counter transactions.

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- **"Positive"**, when referring to a drug/alcohol test administered under this policy, means a toxicological test result that demonstrates the presence of illegal drug/alcohol or a "performance-enhancing drug" or the metabolites thereof, using the standards customarily established by the testing laboratory administering the drug/alcohol use test.
- **"Substance Use Violation"** refers to a positive urinalysis, blood test, or saliva test. The District will not test for substances or purposes other than drug or alcohol use prohibited by this policy.

#### Procedures

- Each student grades 6-12 who wishes to participate in school activities shall be subject to the random testing program for the entire school year.
- Each student in activities shall be provided with a copy of the "LMS Student Activity Drug/Alcohol Testing Policy" and "LMS Student Activity Drug/Alcohol Testing Consent" which shall be read, signed, and dated by the students and parent or legal guardian before that student shall be eligible to practice or participate in any activities program.

#### The consent form shall be to provide a urine sample as chosen by the random selection basis

No student shall be allowed to practice in any activity program unless the student has returned the properly signed Student Activity Drug/Alcohol Testing Consent Form. The student must also have met all other eligibility requirements as set forth by the Loving Municipal School District.

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##### Selection for Testing

On the first of each month, the authorized testing company will randomly select the date of the unannounced testing for that month.

Five to fifty percent of students involved in activities will be randomly tested each year. Students will be selected by the authorized testing company using a random selection process on the testing dates. The authorized drug testing company will use a random selection system to determine which students are to be tested to ensure that all students will have an equal chance of being selected on an unannounced basis for the testing. The selection process will utilize a random numerical selection of all eligible students grade 6-12.

- Each student will be assigned a confidential number.
- Numbers will be selected by a computer or drawn randomly from a container containing all student numbers.
- Students who are selected to be tested during one test period will be eligible for future tests and, if selected, may be tested in successive tests.
- Students will be notified the day of testing at school and will be escorted to the designated drug testing areas to be processed. There will be no prior warning or notice.
- A refusal to provide a sample will be treated as resignation from all activity programs for the remainder of the current school year. In addition, if the student refuses to provide a sample, the student must have a drug/alcohol test prior to participation in any future school activity.

LMS will follow the Federal Department of Transportation (DOT) Title 49: Part 382 and Part 40 regulations as a guide for each student selected for testing:

- If a student provides a specimen that is not adequate for testing, allow a specimen-collector (of the same gender) to observe while the student provides another specimen.
- If the testing laboratory determines that an adulterant has been added to the student's specimen, the student will be subject to suspension from school activities.

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- The random testing of students will be performed by an authorized company - a certified drug testing company contracted by the District. The company chosen to conduct the testing shall be required to have detailed written procedures to assure proper chain of custody of the samples, proper laboratory control, and scientifically-validated testing methods.
- All students, regardless of country of domicile, are required to have prescriptions by medical doctors or dentists as a basis for explaining positive test results on the basis of medications to health.
- The drug testing company will contact the Superintendent or his/her designee with the test results. If a test result is positive, the Superintendent or his/her designee will immediately contact the student and the student's parents or legal guardians and schedule a conference at which time the student, parents, or legal guardians may explain the positive result. Parents or legal guardians may provide doctor's prescriptions and documentation in the form of the prescription containers of any drugs that the student was taking that might have affected the outcome of the drug/alcohol use test. These prescriptions must be properly dated and must be verified by pharmacy records.
- Parents/Guardians may request that another test be conducted on the remaining portion of the urine sample at their cost.
- The Loving Municipal School District reserves the right to investigate anomalies in the timing and documentation of prescription labels.
- No student shall receive an academic penalty solely as the result of a positive test result.

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**VIOLATIONS: A STUDENT FOUND TO HAVE BEEN IN VIOLATION OF THIS POLICY SHALL BE SUBJECT TO THE FOLLOWING CONSEQUENCES:**

##### **First Violation**

- A parent or legal guardian/Superintendent or his/her designee conference will be required when a student commits a first violation. The student will also be subject to the sanctions of the LMS Athletic/Activities Contract.
- The student will be suspended from participation in any activity program, as per the LMS Athletic/Activities Contract, forty-five (45) school days.
- The student will be required to fulfill the requirements of his/her class schedule, including participation in the activities class during the suspension period. There may be a forthcoming schedule change, should the circumstances of the suspension from the activity dictate a student be removed from the activities class.
- The student will be required to successfully complete the LMS Substance Abuse Contract as a condition of any further participation in school activities.
- The student will sign a statement acknowledging the consequences of a second offense and will be responsible for payment of subsequent tests.

##### **Second Violation**

- The student will be suspended from participation in all activities for one calendar year.
- The student will be required to successfully complete the LMS Substance Abuse Contract as a condition of any further participation in school activities.

##### **Third Violation**

- The student will be suspended from participating in activities for the remainder of his/her tenure at the Loving Municipal School District.

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##### Right of Review

- A student may request a review of suspension under this policy by providing a written request for review with the Superintendent and a copy to the Principal whose decision is being challenged within five (5) school days of the Principal's decision. The request for review shall state the reasons the suspension should be reversed. The Principal shall provide the Superintendent with the reasons the suspension should be sustained.
- Within ten (10) school days, the Superintendent or his/her designee shall review the Principal's suspension, in light of the provisions of this policy, and issue a decision in writing sustaining or reversing the suspension. The Superintendent's review and decision shall be the final administrative action for a first violation of this policy.
- A student may request a review of the Superintendent's decision of the second and/or third suspension to the Board of Education by providing a written request for the review to the Superintendent within five (5) school days of the date of the Superintendent's decision. The request for review shall state the reasons the suspension should be reversed. The Superintendent shall provide the Board with written reasons the suspension should be sustained. The Board shall review the student's written appeal and the Superintendent's written reasons for the decision in an executive session of the Board at its regularly scheduled meeting. The Board shall issue its decision, in writing, sustaining or reversing the suspension within five (5) days of the meeting at which the suspension was reviewed. The Board's decision shall be the final action of the District for second or third violations of this policy.
- Students will remain ineligible pending requests for review.

**Loving Municipal School District  
Student Activities Drug/Alcohol Testing Consent Form**

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Student's Last Name

First Name

Grade

According to District Policy, each student participating in the activity programs shall be provided a copy of the Student LMS Drug/Alcohol Testing Policy and the LMS Student Drug/Alcohol Testing Consent Form.

This form shall be **read, signed, and dated by the student and parent or legal guardian before the student shall be eligible to practice or participate in any activity program.** By signing the consent form, the student and parent/guardian consent to the student's providing a sample of urine, saliva, or blood under the conditions stated in the policy by random selection, based on reasonable suspicion, to be tested for illegal drugs/alcohol.

**No student shall be allowed to practice or participate in any activity program until the student has returned the properly signed LMS Drug/Alcohol Testing Consent Form.**

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Student's Last Name

First Name

Middle Initial

I have read the Activities Drug/Alcohol Testing Policy and the Student Drug/Alcohol Consent Form and Substance Abuse Contract and any questions I have about the Policy or the Consent Form have been answered. I understand the Policy and Consent Form. I further understand that if I violate the Policy regarding the use of illegal drugs/alcohol, I will be subject to the consequences provided in the policy.

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Signature of Student

Date

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Name of Parent or Legal Guardian

We have read and understand the Loving Municipal School District Student Drug/Alcohol Testing Policy and the Student Drug/Alcohol Testing Consent Form.

We desire that \_\_\_\_\_ participate in the  
Student's name

activity programs offered by the Loving Municipal School District, and we hereby agree that the student shall be subject to the terms of the Policy and Consent Form. We understand and agree to the requirements and procedures specified by the Policy, and to all other aspects of the program. We further agree and consent to the reporting of results of testing as provided by the Policy.

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Signature of Parents or Legal Guardians

Date

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Signature of Coach/Sponsor/Principal or Athletic Director

Date

**Coach/Sponsor/Principal or Athletic Director must sign and date on day received from student/parent to document date received**

## ILLEGAL DRUG/ALCOHOL ABUSE SUSPENSION FORM

The undersigned administrator has determined that \_\_\_\_\_

Student's Name

has violated the LMS Activities Drug/Alcohol Testing Policy. The administrator has imposed the appropriate consequence/suspension for this offense, as per Activities Code, and the student has been made aware of the consequences of the subsequent offenses in the space provide below.

**Check One:**

\_\_\_\_\_ **First Violation/Offense**

- The student is suspended from participating in any activity program for forty-five (45) school days beginning on \_\_\_\_/\_\_\_\_/\_\_\_\_ and ending on \_\_\_\_/\_\_\_\_/\_\_\_\_;
- Student will be required to participate in random sampling for the remainder of the time of suspension, and cost of tests will be responsibility of student; and
- Student will complete the Substance Abuse Contract (attached).

The student has been made aware of the additional criteria for continued participation in any activity program as per Activities Code. The student will sign a statement acknowledging the consequences of a second offense. My signature below indicates that I have been aware of and understand the consequences of a second offense.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_ **Second Violation/Offense**

**The previous offense occurred on the following date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

- The student is suspended from participating in any activity program for one calendar year beginning on \_\_\_\_/\_\_\_\_/\_\_\_\_ and ending on \_\_\_\_/\_\_\_\_/\_\_\_\_;
- Student will be required to participate in random sampling for the remainder of the time of suspension, and cost of tests will be responsibility of student; and
- Student will complete the Substance Abuse Contract (attached).

The student is suspended from all activities for a calendar year from the date of the infraction. The student has been aware of the additional criteria for future participation in any activities program. The student will sign a statement acknowledging the consequences of a subsequent (third) offense.

My signature below indicates that I have been aware of and understand the consequences of a third offense.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_ **Third Violation/Offense**

**The previous offense occurred on the following date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

- The student is suspended from all activities for the remainder of his/her tenure at Loving Municipal School District.

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Parent/Legal Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Administrator

\_\_\_\_\_  
Date

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**Refusal To Submit to Random Drug/Alcohol Test**

Student: \_\_\_\_\_ has been randomly selected for the

LMS Drug/Alcohol Test on (Date) \_\_\_\_/\_\_\_\_/\_\_\_\_\_.

He/She has refused to provide a sample to be tested on this date as required by the Student Drug/Alcohol Testing Policy. As stated in the LMS Policy, a refusal to provide a sample will be treated as a resignation from all activities for the remainder of the current school year.

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Signature of Student

Date

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Signature of Parent or Legal Guardian

Date

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Signature of Administrator

Date

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Signature of Witness

Date

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#### Parent Notification of Student Drug/Alcohol Test

Dear \_\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Your child has been randomly tested on \_\_\_\_/\_\_\_\_/\_\_\_\_, according to your agreement with the School Board Policy and the Activities Code that you signed at the beginning of the activity or school year. The results have been sent to the lab for testing. Within one week, you will be notified whether your child has tested positive or negative. If your child tests positive, you will be contacted and will meet with the administration to discuss the disposition of the case.

Thank you for your time and patience in this process.

Sincerely,

Administrator

First Reading	Second Reading	Adopted	Revised
August 18, 2005	September 20, 2005	October 18, 2005	