

**Merkel Independent School District**

**Deterrent to the use of Illegal Drugs and Alcohol  
2023-2024 school year**

# **MERKEL I.S.D**

## **DETERRENT TO ILLEGAL DRUG AND ALCOHOL USE**

**2023-2024**

Approved by Merkel I.S.D Board of Trustees  
August 8, 2016

Reviewed by the Board of Trustees  
July 25, 2023

# **Merkel Independent School District**

## **Deterrent to the use of Illegal Drugs and Alcohol 2023-2024 school year**

### **Objectives**

1. To prevent illegal drug and alcohol use.
2. To educate students and adults as to the serious physical, mental and emotional harm caused by the use of illegal drugs and alcohol abuse.
3. To provide a deterrent to the use of illegal drugs or alcohol by students of Merkel I.S.D
4. To give students a valid reason to resist peer pressure to use illegal drugs and abuse alcohol.
5. To maintain a school environment free of illegal drug and alcohol use and their effects.
6. To prevent injury, illness, and harm as a result of illegal drug or alcohol use.
7. To alert students with possible substance abuse problems to the potential harms of illegal drug and alcohol use.

### **Introduction**

It is the intent and desire of the Merkel Independent School District to promote a drug and alcohol free student body. The Merkel Independent School District would like to ensure that all students involved in any extracurricular activities are drug and alcohol free and will participate in those activities with high moral character, dependable ethical value, and responsible pride, and will represent the Merkel School District in a positive way.

### **Prohibited Behavior**

#### **Illegal Drugs**

The use, sale, or offer to sell, purchase, transfer, manufacture, or possession in any detectable manner of an illegal drug or alcohol or any “look-alike” substance by any student is strictly prohibited.

#### **Drug Paraphernalia**

The sale, offer to sell, purchase, transfer, manufacture, or possession of drug paraphernalia by any student is strictly prohibited.

#### **Education**

Education of students, staff, parents, and the community is an ongoing process. In an effort to increase the effectiveness of the education of the above-mentioned groups, we to use means of education such as the following:

1. Teacher/Staff training.
2. Mentoring.
3. Counseling-Both Individual and Group.
4. Parent Education.
5. Community Coordination Activities.
6. Community Service Projects.
7. Special one-time events, such as assemblies and red ribbon week.

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8. Surveys.
9. Conflict resolution training for students and staff.
10. Crisis plan education.

### Use of Trained Dogs

The district has the authority to use specially trained non-aggressive dogs to sniff out and alert officials to the current presence of concealed prohibited items, illicit substances, and alcohol. The objective of this program is to maintain a safe school environment conducive to education and extracurricular activities. Such visits to school shall be unannounced and will be carried out according to board policy FNF (LEGAL) and FNF (LOCAL).

Students are hereby notified that:

1. Lockers may be sniffed by trained dogs at any time.
2. Vehicles at school may be sniffed by trained dogs at any time.
3. Classrooms and other common areas may be sniffed by trained dogs at any time when students are not present.
4. If a dog alerts to a locker, a vehicle, or an item in a classroom, it may be searched by school officials, and parents will be notified if possible.
5. If contraband of any kind is found, the student possessing the contraband or having control over the locker, automobile, or bag in which the contraband was found shall be subject to appropriate disciplinary action in accordance with the student code of conduct and student handbook.

### Drug Testing

#### Participants

The board encourages students to participate in school-sponsored extracurricular activities but the opportunity to participate in such activities is a privilege offered to eligible students on an equal opportunity basis. The use of Alcohol or other drugs by students participating in extracurricular activities presents a hazard to the health, safety, and welfare of the student participant and reflects poorly on the District and the community. The student who participates in extracurricular activities is a role model for the District and fellow students and shall set and uphold the highest standards of conduct. Any action that reflects detrimentally on the District shall not be tolerated. The board believes testing student participants in school-sponsored extracurricular activities serves the important purpose of detecting and preventing illegal drug and alcohol use among students and fosters an environment of health and safety within such programs. Similarly, student deaths and injuries from their use and operation of motor vehicles while under the influence of illegal drugs and alcohol is a tragic national epidemic—One from which Merkel ISD is not immune.

For purposes of the District's drug-testing program, "school-sponsored extracurricular activity" means, without limitation, all interscholastic athletics, cheerleading, drill team, academic clubs, special interest clubs, musical performances, dramatic productions, student government, fine arts organizations, industrial technology and agricultural organizations, and any other activity or group that participates in contests, competitions, demonstrations, or community service projects on

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behalf of or as a representative of the district. The term shall also include activities relating to participation in District driver education training and receipt of a District-issued parking permit for the privilege of parking on school grounds.

All students, grades 7-12, who attend Merkel I.S.D and wish to participate in extracurricular activities or are either enrolled in driver training or desire to receive a district-issued parking permit shall be tested for illegal drug and/or alcohol use. Other students may, with their parent's/guardian's consent, volunteer to be tested under the program.

No participant shall be penalized academically for testing positive for using an illegal drug or alcohol. The results of drug tests pursuant to this policy shall not be documented in any student's academic records. Information regarding the results of drug tests shall not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the District shall not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent or guardian shall be notified before the District shall respond.

### Consent

All students who will participate in extracurricular activities or driver education, or who volunteer to participate in the program, and their parents/guardian will be required to sign a consent form agreeing to be part of the drug testing program for Merkel I.S.D, prior to participating in these voluntary programs. The form will only have to be signed once and will be valid for the entire time the student is enrolled at Merkel I.S.D. The consent form may be rescinded at any time at the parent or student's written request. Students whose consent has been rescinded shall forfeit the privilege of participating in extracurricular activity following the date of rescission. For each school year, all participants in the drug-testing program will take a mandatory drug test early in the year. Following the initial drug screening, all students will be involved in random testing equivalent to a minimum of 10 percent of the participants in the program per month, during the school year. Students that enroll in an activity after the first week of school **will not** be eligible for competition until they have taken a drug test from the school. Students that move in to the district **will be** eligible immediately; however, they will be tested as soon as the next test is given.

Parental consent for a student to submit to biological testing is required as a condition, grades 7 through 12, for eligibility to participate in extracurricular activities, enroll in driver's education, or participate in the district's career and technology work-based program. Refusal by a student or his/her parent/guardian, to execute consent forms for biological testing, will result in a forfeiture of the privilege to participate in the above named extracurricular or co-curricular activities. Voluntary participation by students not included in the above named activities is permitted and encouraged.

### Confidentiality

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All information relating to testing or the identification of persons as illegal drug or alcohol users shall be protected by the District as confidential, unless otherwise required by law or authorized in writing by the student or the student's parent/guardian. Information regarding the results of drug tests shall not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the District shall not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent or guardian shall be notified before the District responds. Results of tests shall only be reported to the student, parents/guardians of the student, coaches or sponsors, and to the administrator(s) involved. Action shall be taken and activity sponsor or coach shall notify student of a suspension from activities only after the appeal process is complete or no longer applicable.

### **Drug Testing Procedures**

1. A certified/licensed drug testing agency that has been approved by the District administration shall conduct drug testing of student biological samples. District personnel will not be involved in the actual testing process but may be asked to help bring students to the testing area and maintain the security of the testing area.
2. Random tests will be conducted during the school year beginning in August and going through May of the following year.
3. Testing will occur at a time and date scheduled by the testing agency in cooperation with the Superintendent or designee. Students will not receive prior notice of the testing date or time.
4. The testing agency will randomly select a minimum of 10% on the students in the testing pool for each test session.
5. Students will be assigned a number and the testing agency will develop and implement a system to randomly select students for each testing session by that number. Knowledge of those students who are randomly selected will be provided to the District just prior to the testing date.
6. A student who is attending school on an assigned test date but refuses to be tested shall be given one hour to change his/her mind but will not be allowed to leave the testing area during that hour time period. At the end of one hour, if the student still refuses to be tested then they shall be subject to the same consequences as if they had a positive test result.
7. If a student agrees to be tested, but is unable to produce a biological sample, they will not be allowed to leave the secure testing area until a sample is produced. When selected, students will remain under the supervision of District employees until a sample is provided. It could be possible that District Administrator may have to issue a Delay Test Kit to the Student to get the biological sample.
8. Students will be asked to empty all pockets before entering the secure testing area. Their

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personal belongings will be held for them in a secure area. Purses, backpacks, jackets, sweaters, or other bags/items will not be allowed in the secure testing area.

9. All attempts will be made to collect samples under conditions that are no more intrusive than those that might be experienced in a public restroom. Any student who tampers with or assists others in tampering with any sample shall be subject to the same consequences that they might receive if they had a positive test results.
10. All positive tests and the consequences associated with the policy will be cumulative in grades 9-12.

### Drugs to be tested for:

1. Drugs which an individual may not buy, possess, use, sell or distribute under either Federal or Texas law. Such drugs include, but are not limited to: marijuana, opiates, cocaine, phencyclidine, amphetamines, barbiturates, benzodiazepines, methadone, methaqualone, propoxyphene, hallucinogens, steroids, alcohol and/or their metabolites.
2. Performance-enhancing drugs.
3. All prescription drugs upon reasonable suspicion that they were obtained without authorization.
4. All prescription and over-the-counter drugs upon reasonable suspicion that they are being used in an abusive manner.

### Confirmation of Positive Test Result

Testing of a biological specimen is a two-step process. If the initial screening tests positive, it will be confirmed by a second test, using the gas chromatography/mass spectrometry technique, on the same specimen. A sample shall not be reported as positive unless both tests are positive.

### Appeal Process

Within 72 hours of being notified of a test result, parents/guardians of any student testing positive will have an opportunity to request a conference with the principal, at which time the student or parents/guardians may offer an explanation of the positive result. Parents/guardians may provide any doctor's prescriptions of any drugs that the student was taking that might have affected the outcome of the test. Within the 72-hour time period, the parents/guardians of the student or the student him- or herself, if the student is 18 years old or older, may request a retest of the sample collected. Upon such a request, the urine sample shall be retested by a different lab, but the same method as the previous test. A fee of \$135 will be expected to get the appeal process started. If the retest is negative, the participant will remain in good standing and the fee will be returned. If the retest is positive, the parents/guardians are responsible for the cost of the retest, and the participant shall be subject to consequences under this policy. If a parent fails to make a request for a retest within 72 hours of receiving notice of a positive test result, the appeals process will be waived and the second sample will not be tested. The student shall remain eligible to participate in extracurricular activities during the 72-hour appeal period.

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An appeal/complaint may be pursued in accordance with FNG (LOCAL) for a complaint other than for a positive result under this policy. The consequences for testing positive under the drug testing policy shall continue while any FNG(LOCAL) appeal is pursued.

### Consequences

Consequences are cumulative in grades 9-12. All students promoted from 8<sup>th</sup> grade and students new to the District will begin with a clean record.

Refer to the student handbooks and the Merkel ISD Student Code of Conduct for consequences concerning confirmed use and/or admittance of drug or alcohol use, by students while on campus or at school-related functions on or off campus.

Consequences for any violation of this policy are as follows:

### 1<sup>st</sup> Offense

- \* Suspension from participation in all extracurricular activities for 30 calendar days, other consequences as set forth by coach or sponsor, and until he/she tests negative. The suspension will begin after the appeals process has been finalized. The student will be administered another test at the end of the 30 day period. The student will be reinstated to the status of “good standing” and may begin competing in activities after the 30-day suspension period if the student has submitted a negative test and, if applicable, completed any counseling required by the District..
- \* The student may participate in practices during the suspension period.
- \* Suspension of parking privileges for 30 calendar days.
- \* Testing in each subsequent random testing for the next calendar year.

### 2<sup>nd</sup> Offense

- \* Suspension from participation in all extracurricular activities for 60 calendar days, other consequences as set forth by coach or sponsor, and until the student tests negative. The suspension will begin after the appeals process has been finalized. Once the student submits a negative test result, the student will be reinstated to the status of “good standing” and may begin competing in activities after the 60-day suspension period if the student’s subsequent tests are negative and, if applicable, the student has completed any counseling required by the District.
- \* The student may participate in practices during the suspension period.
- \* Suspension of parking privileges for 60 calendar days.
- \* Testing in each subsequent random testing for the next calendar year.

### 3<sup>rd</sup> Offense

- \* Mandatory Substance Abuse Counseling, as approved by Merkel ISD. All financial responsibility will fall on student and or parents.
- \* Suspension from participation in all extracurricular activities for 90 days. The suspension will begin after the appeals process has been finalized. Once the student submits a negative test

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result, the student will be reinstated to the status of “good standing” and may begin competing in activities after the 90 calendar day suspension period if the subsequent tests are negative and the student has completed the required counseling.

- \* The student may not participate in practices during the suspension period.
- \* Suspension of parking privileges for 90 calendar days.
- \* Testing in each subsequent random testing for the next calendar year.

### Subsequent Offense

- \* Suspension from participation in all activities and removal of parking privileges for the remainder of the student’s school career.

### Required Submission to Further Testing Upon Testing Positive

Any student testing positive will be removed from the random testing pool and will be required to be tested at the time of each random testing for a minimum period of one calendar year from the date of the first offense.

### Reasonable Suspicion Testing

Upon reasonable suspicion by a staff member that a student is under the influence of a drug or alcohol while at school or school-related activity, the principal or designee shall contact parents and authorities. A student found to have possessed, distributed, used, or been under the influence of an illegal drug or alcohol while on school grounds or while participating in or attending a District activity on or off District property shall be punished as provided in the Merkel ISD Student Code of Conduct, student handbook, and possibly the law.

### Definitions

**Biological Testing**--for this plan, the scientific analysis of an industry-accepted biological specimen for the purpose of detecting an illegal drug or alcohol.

**Drug Paraphernalia**--any equipment, product, or material that is used, or is intended to be used, to conceal, inject, inhale, or otherwise introduce into the human body, an illegal drug.

**Good Standing**--Having met the requirements in order to be able to pursue all educational and extracurricular activities as are available, with no restrictions or consequences.

**Illegal Drug**--any drug which is not legally obtainable; any drug which is legally obtainable, but has not been legally obtained; any prescribed drug not being used for the prescribed purpose; any over the counter drug being used at a dosage level different than recommended by the manufacturer, being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs include, but are not limited to: performance enhancing substances, including anabolic steroids; marijuana; cocaine; methaqualone; benzodiazepines; phencyclidine (PCP); methadone; barbiturates; propoxyphene; amphetamines; opiates; and metabolites of any of these substances. Examples may also include so-called designer drugs and look-alike drugs.



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**Possession**--the presence of any detectable amount of an illegal substance, whether on the person, their personal or assigned property, or in the body system.

**Premises of Merkel ISD**--all property of the school district, including, but not limited to, the facilities and surrounding areas on district-owned or leased property, parking lots, and storage areas. The term also includes school district owned, leased, or used vehicles and equipment, wherever located. According to state law, the premises of Merkel ISD may extend to 300 feet of school property.

**Random Drug Testing**--a testing process in which selection for testing is made by a method employing objective, neutral criteria, which ensures that every person subject to testing has a substantially equal statistical chance of being selected. This method does not permit subjective factors to play a role in selection.

**Reasonable Suspicion**--based on specific personal observation concerning the appearance, speech, or behavior of the student that indicates the effects of drug or alcohol use. Information provided by a reliable source, if based on personal knowledge, may also constitute reasonable suspicion.

**Under the Influence**--a condition in which a person is affected by a drug or alcohol.

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**MERKEL INDEPENDENT SCHOOL DISTRICT  
STUDENT ACKNOWLEDGEMENT FORM**

I have received and read a copy of the Merkel I.S.D. Drug & Alcohol Deterrent Policy. I understand that this policy is part of the school district's rules, and that it applies to all Merkel I.S.D. students, grades seven through twelve who participate in extracurricular activities, driver's education, or the voluntary drug-testing program or receive a district-issued parking permit for the duration of their enrollment in such grades.

\_\_\_\_\_  
Print Name

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

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**MERKEL INDEPENDENT SCHOOL DISTRICT  
PARENTAL CONSENT FOR VOLUNTARY RANDOM DRUG TESTING PROGRAM  
FOR EXTRACURRICULAR ACTIVITIES, DRIVERS EDUCATION, RECEIPT OF A DISTRICT-ISSUED  
PARKING PERMIT,  
AND THE VOLUNTARY DRUG TESTING PROGRAM**

(For all students, grades 7-12 who are involved in extracurricular activities, enrolled in driver’s education, receive a district-issued parking permit, or participate in the Voluntary Student Drug Testing Program)

I, \_\_\_\_\_, as a parent or guardian of \_\_\_\_\_, a student enrolled in Merkel Middle School or High School, hereby voluntarily agree to the following for the duration of his/her enrollment at Merkel ISD grades 7 through 12:

I understand the school district’s policy regarding substance abuse. I understand that it is the practice of the District to conduct drug and alcohol testing, including an initial drug test at the beginning of each school year and random and reasonable suspicion drug and alcohol tests thereafter, for the purpose of carrying out this policy.

I understand that my child cannot be compelled to give a biological specimen, including a urine, breath or saliva sample (hereafter “sample”). I understand that if he/she gives a sample, it will be tested for illegal drugs and/or alcohol. I understand that as a condition of my child’s participation in Merkel Middle School and High School extracurricular activities and to be in good standing, my child must give a sample when requested by the District. I understand that as a condition of receiving a District-issued parking permit for parking a motor vehicle on District property, my child must give a sample when requested by the District. I understand that as a condition of my child’s participation in the District’s driver’s education program, my child must give a sample when requested by the District. If my child is not involved in the aforementioned activities, I hereby request that my child be allowed to participate in Merkel ISD’s Voluntary Random Drug Testing Program and waive his/her rights to the extent needed for Merkel ISD to conduct drug testing under its Voluntary Drug Testing Program. I understand that if my child fails to provide a sample or his or her sample reveals an unexplained presence of an illegal drug and/or alcohol, the District will implement the steps associated with the random drug testing policy, student handbook, and student code of conduct, as applicable.

Prescription drugs currently taken as prescribed:

Comments:

At this time, I hereby agree to my child giving a biological specimen, including urine, breath, and/or saliva, for purposes of drug and alcohol testing.

\_\_\_\_\_  
Printed Name/guardian or parent

\_\_\_\_\_  
Parent/guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student Printed Name

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

\_\_\_\_\_  
Date