

STUDENT DRUG TESTING ADMINISTRATIVE GUIDELINES

These procedures implement Policy C450 on student drug testing. The Superintendent will appoint a Testing Coordinator to implement this policy and procedures.

1. SCOPE OF TESTING: STUDENTS TO BE TESTED

A. Voluntary Testing

a) Initiated by School Corporation

An administrator may offer the parent/guardian of a student involved in the following, an opportunity to have the student take a test pursuant to this policy:

1. suspension or expulsion;
2. more than fifteen (15) accumulated, unexcused absences or tardies during the school year;
3. a sharp, unexplained drop in academic performance;
4. possession of tobacco products or devices such as lighters, pursuant to the Student Code of Conduct or Athletic Code of Conduct regarding tobacco.

An administrator is to make a written record of communication with the parents concerning their decision on whether the student will be drug tested.

Test results will be reported to the Testing Coordinator. The Testing Coordinator will notify the parent/guardian of the results. If the test results are positive, the Testing Coordinator will work with the parent/guardian to find appropriate assistance for the student, which may include student disciplinary action as determined by administration..

This testing is in addition to, and distinct from, testing based on individualized, reasonable suspicion.

There shall be no consequences to the student as a result of the parent or guardian declining the opportunity to have the student take a voluntary drug test.

b) Initiated by the Request of Parent/Guardian

The parent/guardian of a student under eighteen years of age may request that the Corporation test the student for the use of illegal drugs, alcohol, and tobacco.

B. Reasonable Suspicion/Required Testing

The Testing Coordinator will work with an administrator at each school to ensure that a student is tested pursuant to this policy where there is individualized, reasonable suspicion to believe the student has used illegal drugs, alcohol, or tobacco in violation of the rules for student conduct and the administration of a drug test would assist in determining whether a violation of student conduct rules has occurred. Administrators will call or otherwise notify the parent/guardian of the test within a reasonable timeframe.

As used in this paragraph, “*individualized, reasonable suspicion*” means circumstances which, when considered together in the context in which each occurred, give rise to a reasonable belief that at the time a test would be administered, the test would show the student had used a drug, alcohol, or tobacco in violation of Indiana or federal law or Corporation student conduct rules.

C. Random Testing for Athletics, Extracurricular Activities, Cocurricular Activities and Driving

A program of deterrence will be instituted as a proactive approach to a drug free school. Students using illegal drugs pose a threat to their own health and safety, as well as to the health and safety of other students.

The purpose of this program is three-fold:

1. to provide for the health and safety of students;
2. to undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal drugs; and
3. to encourage students who use drugs to participate in drug treatment programs.

It is further the purpose of this program to prevent students from driving to and from school or participating in extracurricular activities or cocurricular activities while he/she has drug residue in his/her body, and it is the purpose of this program to educate, help, and direct students away from drug and alcohol abuse and toward a healthy and drug free lifestyle. The program is academically non-punitive. It is designed to create a safe, drug free, environment for students and assist them in getting help when needed. No student shall be expelled or suspended from school as result of any verified “positive” test conducted under this random drug testing program other than as stated herein.

a) Scope

Participation in extracurricular activities, cocurricular activities, and driving to/from school is a privilege. This policy and procedures applies to all School Corporation students in grades 7-12 who:

1. Participate in Athletics. (Participants include, but are not limited to, athletes, cheerleaders, managers, and other athletic student personnel.)
2. Are issued a parking permit.

3. Participate in Extracurricular activities (Participants include, but are not limited to, students, managers, and other student personnel.)
4. Participate in Cocurricular activities.
5. Voluntarily participate in random drug testing per parental consent.

b) Testing Pool

A student becomes a member of the random drug testing pool when they:

1. Are informed they have made an athletic team, extracurricular team or cocurricular team, or sign up to participate in an athletic team, extracurricular activity, or cocurricular activity that does involve cuts or try-outs
2. are issued a parking permit
3. file a parental consent form volunteering to be entered into the random drug testing program.

c) Consent Form

It is mandatory that each student who participates in athletics, extracurricular activities, cocurricular activities, or drives to or from school sign and return the consent form prior to participation in any such activity. Failure to comply will result in non-participation and/or denial of a student driving permit to school.

At the beginning of each selection date, school year, or sport season, as determined by the Indiana High School Athletic Association, or when a student moves into the district and joins an activity, all students wishing to participate in that season's sports may be subject to testing for illicit or banned substances. Up to 10% of eligible students will be randomly tested on up to a weekly basis anytime during the school year. Any student who refuses to submit to drug testing will receive consequences consistent with the Student Handbook and Athletic Code of Conduct.

Each student shall be provided with a consent form which shall be dated and signed by the participant and by the parent/guardian. In so doing, the student agrees to participate in the random drug testing program and acknowledges that their consent is perpetual until the student graduates or withdraws from the District unless the student and parent/guardian provide advanced written notice of their revoked consent.

d) Non-Punitive Nature

No student will be penalized academically for testing positive for illegal drugs or banned substances under this policy. The results of drug tests pursuant to this

policy will not be documented in any student's academic records. Information regarding the results of drug tests will not be proactively disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process. In the event of service of any such subpoena or legal process, the student and the student's custodial parent, legal guardian, or custodian will be notified at least 72 hours before response is made by the Corporation, to the extent permitted by such subpoena or legal process. Any student under an alternative to expulsion contract will be held accountable to the stipulations set forth in that contract.

e) Random Testing Procedures

1. Names will be drawn from one large pool per school building of those students agreeing to be tested. Testing may occur on a different day, Monday through Saturday. This variable schedule will keep students conscious of the possibility of being tested at any time during the year. The principal/designee will use an independent laboratory/agency to assure that students are selected in a random fashion. This system will utilize a computer-based system designed specifically for the purpose of randomly selecting individuals for drug testing.
2. No student will be given advance notice or early warning of the testing. In addition, a strict chain of custody will be enforced to eliminate invalid tests or outside influences.
3. Upon being selected for a drug screen under this policy, a student will be required to provide an oral swab sample according to the quality control standards and policy of the laboratory conducting the urinalysis.
4. All students will remain under school supervision until they have produced an adequate specimen. If unable to produce a specimen, the student may be taken to the principal/designee's office and may be suspended from extracurricular activities, cocurricular activities, and driving privileges until they are able to produce a specimen. In addition, the parent/guardian will be telephoned and informed the student is unable to produce a sample for the testing procedure and that he/she may be tested at a later date to be reinstated for eligibility.

2. SUBSTANCES TO BE TESTED FOR

Oral samples submitted by a student will be tested for metabolic indicators of use of substances. These substances may include illegal drugs, legal drugs, alcohol, tobacco, and blocking agents (as defined below). These substances and/or their metabolites are considered illicit or banned for Corporation students: Alcohol, Amphetamines, Anabolic Steroids, Barbiturates, Benzodiazepines, Cocaine Metabolites, LSD, Marijuana Metabolites, Methadone, Methaqualone, Nicotine, Opiates, Performance Enhancing Drugs such as Steroids, Phencyclidine, Propoxyphene, and Other Specific Drugs.

3. TESTING LABORATORY & METHODOLOGY

Testing pursuant to this policy will be performed by a laboratory designated by the Superintendent. The laboratory selected must follow the standards set by the Department of Health and Human Services. It must be certified under the auspices of the Clinical Laboratory Improvement Act (CLIA) and the Joint Commission of Accreditation of Healthcare Organizations (JCAHO).

Testing will be conducted by the laboratory in accordance with the terms of the Corporation's agreement with the laboratory. A second test will be performed whenever the initial test is positive. A testable portion of a sample testing positive will be maintained for thirty (30) days after the initial test report is delivered to the Testing Coordinator before it is destroyed. Samples testing negative will be destroyed after testing.

4. STATISTICAL REPORT AND CONFIDENTIALITY

The Testing Coordinator shall report the results of all tests in summary statistical form at least once a semester to the Superintendent. No data shall be included in these reports that would permit the test result of an individual student to be determined.

The testing laboratory may not release any statistics on the rate of positive drug tests to any person, organization, news publication or media without express written consent of the Corporation. However, based on the information provided by the lab, the building principal will generate a quarterly report showing the number of tests performed, the rate of positive and negative tests, and what substances were found in the positive specimens.

Under this drug testing program, any staff coach or sponsor of the Corporation who may have knowledge of the results of a drug test will not divulge to anyone the results of the test or the disposition of the student involved, other than in the case of a legal subpoena being made upon that person in the course of a legal investigation.

5. SAMPLE COLLECTION AND TESTING PROCEDURE

The process of collecting a sample shall be conducted in accordance with industry standards and in accordance with applicable federal and state laws. The collection procedures shall be designed to ensure the security and integrity of the sample and the procedures shall follow federal chain-of-custody guidelines.

A refusal to provide a specimen is a violation of this policy and will have the same consequences as a positive test. A decision of the Collector as to whether the student is unable or refusing to provide a specimen may be appealed in turn to the Testing Coordinator and that to the principal of the school. The decision of the principal shall be final.

If any student tampers or cheats with a drug test, or attempts to tamper or cheat with a drug test, including using a "blocking agent" to block or prevent the detection of metabolic

indicators, the student(s) involved will be subject to discipline consistent with the Student Handbook and Athletic Code of Conduct.

6. CONSEQUENCES OF A CONFIRMED, POSITIVE, REQUIRED TEST

A positive, initial, and confirmatory test result from a required test showing the presence of metabolic indicators of the use of a substance shall be considered as relevant, credible evidence of the possession and use by the student of the substance. Any penalty or sanction imposed shall be consistent with the Student Code of Conduct and Athletic Code of Conduct for the possession of that substance.

The principal/designee will be notified of a student testing positive. The principal/designee will notify the student and his/her parent/guardian. The student or his/her parent/guardian may submit any documented prescription, explanation, or information which will be considered in determining whether a positive test has been satisfactorily explained.

If the test is verified positive, the principal/designee will meet with the student and his/her parent/guardian at a Corporation facility. The student and parent/guardian may be given the names of counseling and assistance agencies that the family may want to contact for help.

A student who tests positive will be subject to the disciplinary consequences outlined in the Student Handbook and, if applicable, Athletic Code of Conduct.

The Corporation reserves the right to continue testing at any time during the remaining school year any participating student who tested positive and did not make satisfactory explanation.

Information on a verified positive test result will be shared on a need to know basis with the student's coach or sponsor. The results of negative tests will be kept confidential to protect the identity of all students being tested.

Drug testing results sheets will be returned to the principal/designee. Names of students tested will not be kept in open files or on any computer. Result sheets will be locked and secured in a location that only the principal/designee has access to.

7. STUDENTS AGED EIGHTEEN AND OVER

Rights and notices to parent/guardian described in this policy will be provided only to the student after age eighteen (18) if the student does not live with and is not supported by a parent/guardian.

8. RECORD KEEPING AND ACCESS TO RECORDS OF TESTING

a) Records Maintained

All records and results of tests under this policy shall be maintained by the Testing Coordinator in a file separate from the student's permanent records folder. These records shall be maintained and scheduled for destruction in accordance with the applicable retention schedule established by the of the Indiana Archives and Records Administration.

b) Access to Records

No person shall have access to the records of testing pursuant to this policy for a reason other than the implementation of this policy without approval of the reason for access by the Superintendent. A parent/guardian and a student age (18) or older shall have access to the records of testing of that student pursuant to Board Policy E175 which implements the Family Educational Rights and Privacy Act.

9. FINANCIAL RESPONSIBILITY

The Corporation will pay for all initial random drug tests and all initial reasonable suspicion drug tests. A request on appeal for another test of a positive specimen is the financial responsibility of the student or his/her parent/guardian. The school must approve the agency where the test is performed. The parent/guardian may be responsible for the cost of any drug test given as the result of a parent/guardian request that a student be tested or included in the testing pool.

A mandatory drug test for a student who initially refused to be randomly tested, or who tested positive, prior to resuming athletic/extracurricular/cocurricular/driving privileges may be the financial responsibility of the student or his/her parent/guardian.

Counseling and subsequent treatment by non-school agencies is the financial responsibility of the student or his/her parent/guardian.

Bluffton-Harrison Metropolitan School District

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