

STUDENT DRUG TESTING PROGRAM

POLICY AND GUIDELINES

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**MSD OF WABASH COUNTY
STUDENT DRUG TESTING POLICY**

The Board recognizes the importance of providing learning opportunities for students through involvement in athletics and other extra-curricular activities. The Board also recognizes and accepts its responsibility to take a stand against the use of unauthorized and illegal drugs or substances by students at any time.

The Board requires that each student participating in one of the Corporation's interscholastic athletic programs, extra-curricular programs, or driving to school, sign an enrollment application agreeing that the student will participate in a random drug-testing program, conducted and paid for by the Corporation, during the term in which the student will be participating.

The Corporation's drug-testing program may include urinalysis tests, saliva screening and/or breathalyzer to determine if the Student Code of Conduct has been violated. The Corporation will also see that:

- A. the testing is administered randomly;
- B. tests will produce consistently reliable results;
- C. in addition to standard screening testing, gas chromatography testing may be used;
- D. the privacy of students is protected during the collection of the sample; the privacy of the student is protected by limitations on the disclosure of the test

In addition to standard screening testing, if the original test results are challenged, a confirmation test will be administered at the student's or parent's expense.

The principal shall be responsible for administering the drug-testing program and imposing sanctions for all students who violate this policy.

Test results will not become a part of the student's permanent record. Test information will not be disclosed to law enforcement authorities unless subpoenaed in a legal proceeding. In the event that the Corporation is required to release the information, the student and his/her parents will be notified seventy-two (72) hours before the response is made.

Any student who tests positive for any drug other than a prescribed medication shall be removed from the athletic activity, the extra-curricular activity, and/or denied the privilege of driving to school.

I.C. 20-26-3

I.C. 20-26-5-4

I.C. 20-30-15-6

Linke v. Northwestern School Corporation (763 N.E. 2nd 972)

Adopted 2/25/08

MSD OF WABASH COUNTY STUDENT DRUG TESTING GUIDELINES

A STATEMENT OF NEED AND PURPOSE

A program of deterrence will be instituted as a pro-active approach to a drug free school. Through driving or participation in extra-curricular activities, students using illegal drugs pose a threat to their own health and safety, as well as to that 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. Students involved in extra-curricular activities need to be exemplary in the eyes of the community and other students. It is further the purpose of this program to prevent students from driving to and from school or participating in extra-curricular activities while s/he has drug residues 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 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 by his/her school under this program other than stated therein.

INTRODUCTION

This program does not affect the current policies, practices, or rights of the School Corporation with tobacco and/or drug and/or alcohol possession or use, where reasonable suspicion is obtained by means other than drug testing through this policy. The School Corporation reserves the right to test any student who at any time exhibits cause for reasonable suspicion of tobacco and/or drug and/or alcohol usage.

REASONABLE CONCERN

The School Corporation has a strong commitment to the health, safety, and welfare of its students. The commitment to maintaining the extra-curricular activities in the School Corporation as a safe and secure educational environment requires a clear policy and supportive programs relating to detection, treatment, and prevention of substance abuse by students involved in extra-curricular activities.

SCOPE

Participation in extra-curricular activities is a privilege. This policy applies to all School Corporation students in grade 7-12 who wish to participate in extra-curricular activities that are listed below:

- A. athletics (participants include, but are not limited to, athletes, cheerleaders, managers, and other athletic student personnel)
- B. music (participants include, but are not limited to, performing band members, performing choir members, and participants in solo/ensemble contests)
- C. academic teams
- D. drama
- E. FFA
- F. National Honor Society
- G. Student Government
- H. SADD

This policy also applies to any student who wishes to drive to school, from school, or during school.

CONSENT FORM

It is **MANDATORY** that each student who participates in extra-curricular activities or drives to or from school sign and return the “consent form” prior to participation in any extra-curricular activity. Failure to comply will result in nonparticipation and/or no issue 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 Corporation and joins an activity, all students wishing to participate in that season’s sports may be subject to urine testing for illicit or banned substances. Up to ten percent (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 urine drug testing will not be allowed to practice or participate in designated extra-curricular school activities or to drive.

Each student shall be provided with a “consent form” which shall be dated and signed by the student and by the parent/guardian. In so doing, the student is agreeing to participate in the random drug testing program at the School Corporation or is stating s/he does not plan to participate in extra-curricular activities. Any student who fails to sign and return a consent form by the selection date and then decides to participate in an extra-curricular activity program at a later date must submit to urinalysis. The student and/or parent/guardian will be financially responsible for the urinalysis.

NON-PUNITIVE NATURE OF POLICY

No student will be penalized academically for testing positive for illegal drugs or banned substances. 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 disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the School Corporation Board will not solicit. 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 seventy-two (72) hours before response is made by the School Corporation Board, to the extent permitted by such subpoena or legal process.

BANNED SUBSTANCES

For the purpose of this policy, the following substances or their metabolites that can be tested for are considered illicit or banned for School Corporation students.

TESTING PROCEDURES

The selection of participants to be tested will be done randomly by the principal/designee, and selections will be made from time to time throughout the school year. Names will be drawn from two (2) pools of those agreeing to be tested. The first pool will include students in grades 7 and 8. The second pool will include students in grades 9 through 12. 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. Each student will be assigned a number that will be placed in the drawing. The principal/designee will use a system 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 testings.

If the student shows signs of tobacco and/or alcohol and/or drug use that provides reasonable suspicion to search a student, the principal/administrative designee may call the student’s parent/guardian and ask that the student be tested. Also, a parent/guardian may request that his/her student’s name be placed in the pool.

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.

Upon being selected for a urinalysis test under this policy, either by random draw, reasonable suspicion, request of a parent/guardian, or a “follow-up” test, a student will be required to provide a sample of “fresh” urine according to the quality control standards and policy of the laboratory conducting the urinalysis.

All students will remain under school supervision until they have produced an adequate urine specimen. If unable to produce a specimen, the student will be given up to twelve (12) ounces of fluid. If still unable to produce a specimen within two (2) hours, the student will be taken to the principal’s office and told s/he is no longer eligible for any of the extra-curricular activities. In addition, the parents/guardian will be telephoned and informed the student is unable to produce a sample for the testing procedure and that s/he may be tested at a later date to be reinstated for eligibility.

All specimens registering below 90.5 degrees or above 99.8 degrees Fahrenheit will be invalid. There is a heat strip on each of the specimen bottles indicating the validity of the urine specimen by temperature. If this occurs, another specimen must be given by the student.

If it is proven that tampering or cheating has occurred during the collection, the student will become ineligible for all the extra-curricular activities for the remainder of the school year. This will be reported to the parent/guardian.

Immediately after the specimen is taken, the student may return to class with an admission slip or pass with the time s/he left the collection site. The principal/designee must sign the time and sign the pass.

The specimens will then be turned over to the testing laboratory, and each specimen will be tested for alcohol, nicotine, and “street drugs” (which may include all drugs listed as controlled substances under the laws of the State of Indiana). Also nicotine and “performance enhancing” drugs such as steroids may be tested.

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).

COLLECTION OF SPECIMENS, CHAIN OF CUSTODY

The Superintendent will establish guidelines to set up the collection environment, guarantee the validity of specimens, and supervise the chain of custody.

TEST RESULTS

This program seeks to provide needed help for students who have verified a “positive” test. The student’s and other students’ health, welfare, and safety will be the reason for preventing students from participation in extra-curricular activities and restrict him/her from driving to or from school.

The principal/designee will be notified of a student testing “positive” (that is, if the test shows that drug residues are in the student’s system after using at least two (2) different types of analyses). The principal/designee will notify the student and his/her parent/guardian following guidelines for notification established by the Superintendent. 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 School Corporation facility. The student and parent/guardian will be given the names of counseling and assistance agencies that the family may want to contact for help.

A student involved in athletics who tests positive will be subject to the disciplinary consequences outlined in the Athletic Code of Conduct. A student involved in nonathletic extra-curricular activities will be subject to the disciplinary consequences outlined in the Student Activities Code of Conduct. A student driver who tests positive for tobacco will have his/her driving privileges suspended for fifteen (15) school days. A student driver who tests positive for alcohol will have his/her driving privileges suspended for forty-five (45) school days. A student driver who tests positive for banned substances other than alcohol will have his/her driving privileges suspended sixty (60) school days. Suspensions of driving privileges may carry over to the following school year. A student driver suspended for alcohol use may have his/her suspension reduced to twenty-five (25) school days if the student successfully completes an alcohol program at a licensed drug and/or alcohol rehabilitation center. A student driver suspended for banned substances other than alcohol may have his/her suspension reduced to thirty (30) days if the student successfully completes a drug program at a licensed drug and/or alcohol rehabilitation center.

A "follow-up" test will be requested by the principal/designee after the suspension period and after such an interval of time that the substance previously found would normally have been eliminated from the body. If this "follow-up" test is negative, the student will be allowed to resume extra-curricular activities and/or driving. If a second "positive" result is obtained from the "follow-up" tests, or any later test of that participant, the same previous procedure shall be followed. In addition, the School 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 identifying students by number and not by name. 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 to which only the principal/designee has access.

STATISTICAL REPORTING AND CONFIDENTIALITY OF DRUG TEST RESULTS

The testing laboratory may not release any statistics on the rate of positive drug tests to any person, organization, news publication, or media without expressed written consent of the Board. However, the lab will provide the building principal with a quarterly report showing the number of tests performed, rate of positive and negative tests, and what substances were found in the positive urine specimens.

Under this drug testing program, any staff, coach, or sponsor of the School 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. Once again, this will underscore the School Corporation's commitment to confidentiality with regards to the program.

FINANCIAL RESPONSIBILITY

- A. Under this policy, the School Corporation will pay for all initial random drug tests, all initial reasonable suspicion drug tests, and all initial “follow-up” drug tests. (Once a student has a verified “positive” test result and has subsequently tested negative from a “follow-up” test, any future “follow-up” drug test that must be conducted will be paid for by the student or his/her parent/guardian.)
- B. A request on appeal for another test of a “positive” urine specimen is the financial responsibility of the student or his/her parent/guardian.
- C. A mandatory drug test for a student who initially indicated that s/he would not participate in any extra-curricular activity for the remainder of the school year is the financial responsibility of the student and/or parent/guardian.
- D. Counseling and subsequent treatment by nonschool agencies is the financial responsibility of the student or his/her parent/guardian.
- E. The parent/guardian/student will be responsible for the cost of any drug test given as the result of a parent/guardian/student request that a student be tested or included in the testing pool.

CERTIFYING SCIENTIST RESPONSIBILITY

The Certifying Scientist will review all results of urine drug testing. Any urine specimen testing positive for illicit or banned substances will be handled in the following manner:

- A. The Certifying Scientist determines if any discrepancies have occurred in the Chain of Custody.
- B. Depending on the substances found in the urine, if necessary the principal/designee will contact the parent/guardian/custodian to determine if the student is on any prescribed medication from a physician.
- C. If the student is on medication, the parent/guardian/custodian will be asked to obtain a letter from the prescribing physician, within five (5) working days, to document the medications the student is currently taking. Failure to provide such requested information will be considered a positive result.
- D. The Certifying Scientist will then determine if any of the prescribed medications resulted in the positive drug screen.
- E. Finally, the Certifying Scientist, based on the information given, will certify the drug test results as positive or negative and reports this to the building principal, initially reporting positive results by phone.
- A. For example, a drug screen positive for codeine may be ruled negative by the Certifying Scientist when s/he receives a letter from the treating physician that the student has been prescribed Tylenol with codeine as a pain medication following tooth extraction.
- B. Or, if the student has a positive drug screen for codeine and has no documented physician order for the medication (maybe a parent gave the student one (1) of their pills), this would likely be ruled a positive drug test by the Certifying Scientist.
- C. Drug screens positive for illicit drugs (marijuana, heroin, cocaine, or alcohol, etc.) would automatically be considered positive by the Certifying Scientist.

The Certifying Scientist may use quantitative results to determine if positive results on repeat tests indicated recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substance from the body. If the Certifying Scientist feels the quantitative levels determined to be above the established cut-offs do not reflect current use but natural decay, then a negative result may be reported.

The Certifying Scientist will complete the final review on the drug testing custody and control form and return the appropriate copy to the building principal in a confidential manner.

OTHER RULES

Apart from this drug testing program, High School Departments and the coaching staff/sponsor of each sport/activity have their own rules and requirements. Coaches/sponsors have the necessary authority to enforce those rules. Any student who violates a rule or requirement as a member of a team or activity will be subject to the consequences as defined in those rules and requirements.

I.C. 20-26-3

I.C. 20-26-5-4

I.C. 20-30-15-6

Linke v. School Corporation (763 N.E. 2nd 972)

Approved 2/25/08

Last Name _____ First Name _____

Current Grade _____ Testing # _____

MSD of Wabash County Drug Testing Program CONSENT FORM 2011-2012

I have received and have read and understand the MSD of Wabash County Extra-curricular Activities Drug Testing Policy. We (I) desire that _____ participate in this program, and in the covered programs of the School Corporation, and hereby voluntarily agree to be subject to its terms while being a student, athlete, driver, or involved in co-curricular activities at Northfield/Southwood Junior/Senior High School. This includes: (grades 7-12).

I accept the method of obtaining urine samples, collection and analysis of such specimen, and all other aspects of the program. I agree to cooperate in furnishing urine specimens that may be required from time to time.

I further agree and consent to the disclosure of the sampling, testing, and results provided for this program. The results of the drug testing will be released only to appropriate school officials as designated in the administrative guidelines unless further permission is obtained.

This Drug Testing Program Consent Form must be on file for all students participating in extra-curricular activities, including but not limited to Athletics, Cheerleading, Drama Club, Speech Club, Band, Choir, Student Government, Academic Challenge, National Honor Society, as well as driving a car to school.

Date Student Signature Custodial Parent/Guardian Signature

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If you have filled out the above, DO NOT fill out this section

I, _____, have decided not to participate in any covered activities sponsored by the MSD of Wabash County for the remainder of this school year. In order for me to participate in one or more of the covered programs at a later date, I understand that I must submit to a drug test.

Date Student Signature Custodial Parent/Guardian Signature