

# **NORTHEAST SCHOOL CORPORATION DRUG TESTING AND EDUCATION POLICY**

## **5530.01 DRUG TESTING AND EDUCATION PROGRAM**

### **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 extracurricular 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 extracurricular 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 extracurricular 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 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 Northeast 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. Northeast 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**

Northeast School Corporation has a strong commitment to the health, safety and welfare of its students. Our commitment to maintaining the extracurricular activities in Northeast 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 extracurricular activities.

### **SCOPE**

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

- 1) Athletics. (Participants include, but are not limited to, athletes, cheerleaders, managers, and other athletic student personnel.)
- 2) Music. (Participants include, but are not limited to, performing band members, performing choir members, and participants in solo/ensemble contests.)
- 3) Academic Teams
- 4) Drama
- 5) FFA
- 6) National Honor Society
- 7) Student Government
- 8) All other approved Northeast School Corporation clubs and extra-curricular activities.

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

### **CONSENT FORM**

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 urine testing for illicit or banned substances. Up to 10% of eligible students will be randomly tested 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 extracurricular Northeast School activities or drive.

The Northeast School Corporation Drug Testing and Education Policy is part of the Student Handbook and is approved by the Board of School Trustees. Indiana State Law requires that we ask you to acknowledge in writing that you have reviewed a copy of the Student Handbook which contains school policies. By allowing a student to attend a Northeast School Corporation School, the parent consents to all school policies contained in the Student Handbook. Failure to sign or return a form does not affect the student's responsibility to act in accordance with policies outlined in the handbook.

### **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 may **not** be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the Northeast School Corporation Board of Education 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 72 hours before response is made by the Northeast School Corporation Board of Education, 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 Northeast School Corporation students.

Alcohol	Amphetamines	Anabolic Steroids
Barbiturates	Benzodiazepines	Cocaine Metabolites
LSD	Marijuana Metabolites	Methadone
Methaqualone	Nicotine	Opiates
Phencyclidine	Propoxyphene	Other Specified Drugs

## TESTING PROCEDURES

- (1) Midwest Toxicology Services will do the selection of participants to be tested randomly, and selections will be made from time to time throughout the school year. Names will be drawn from two pools of those eligible 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. Midwest Toxicology Services 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 testing.
- (2) If the student shows signs of tobacco and/or alcohol and/or drug use that provides reasonable suspicion to search a student, the principal/designee may call the student's parent/guardian to notify that the student will be tested. Also, a parent/guardian may request that his/her student's name be placed in the pool.
- (3) 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.
- (4) 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.
- (5) All students will be given a maximum of two hours to produce a specimen. If unable to produce a specimen, the student will be given up to 12 ounces of fluid. If still unable to produce a specimen within two hours, an oral swab test will be administered. If the oral swab test indicates a positive test, the student will be required to produce a urine sample for testing. In addition, the parents/guardian will be telephoned and informed the student has had a positive oral swab test.
- (6) 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, the student must give another specimen.
- (7) If it is proven that tampering or cheating has occurred during the collection, the

student will become ineligible for all the “extracurricular activities” for the remainder of the school year. This will be reported to the parent/guardian.

- (8) Immediately after the specimen is taken, the student may return to class with an admit slip or pass with the time he/she left the collection site. The principal/designee must time and sign the pass.
- (9) The specimens will then be turned over to the testing laboratory, and each specimen will be tested for alcohol, 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.
- (10) 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).

### **REASONABLE SUSPICION**

- 1) Students who use or abuse drugs and/or alcohol often exhibit negative behaviors and/or display other indicators of drug or alcohol use. These indicators can include, but are not limited to, the following: mood swings, aggressive or lethargic behavior, fighting, risk-taking behavior, paranoia, bragging or talking to other students about drug and/or alcohol use, psychosis, loss of interest in school and favorite activities, drastic change in dress, declining grades, poor grooming, rapid weight loss, truancy or excessive tardiness and/or absence, isolation from friends and family, depression, or withdrawal. Such students are at higher risk relative to academic performance and social interaction.
- 2) As used in this policy, “reasonable suspicion” relies upon and includes but is not limited to: observation of negative behaviors and actions based upon the aforementioned indicators of a problem; specific observation of inappropriate or unusual behavior; body odors or speech of a student; information received from staff members, parents, students, school employees or detection devices/services; the past record of a student in connection with the above listed factors; and/or an accident involving a motor vehicle before, during, or after school hours, at school, or at a school function.
- 3) The administration reserves the right to test a student, at any time, based upon “reasonable suspicion” of drug and/or alcohol use. A refusal to submit to a drug/alcohol screening test by a student under reasonable suspicion or random drug testing will be considered the same as if one had tested positive for drug/alcohol use.
- 4) The administration will document the indicators and provide a copy to the students and parents.

## **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**

- 1) This program seeks to provide needed help for students who have a verified “positive” test. The student’s and other students’ health, welfare, and safety will be the reason for preventing students from participation in extracurricular activities and restrict him/her from driving to or from school.
- 2) 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 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 that will be considered in determining whether a “positive” test has been satisfactorily explained.
- 3) 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 who tests positive will be subject to the disciplinary consequences outlined in the Administrative Guidelines of this Policy and the Northeast School Corporation Extra-Curricular Activity Substance Abuse Disciplinary Policy in the Student Handbook.

A “follow up” test will be performed 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 extracurricular 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 Northeast School Corporation reserves the right to, at any time during the remaining school year, test any participating student who previously tested “positive”.

- 4) Information on a verified “positive” test result may be shared with a student’s coach, sponsor, principal, or other designated school official. The results of “negative” tests will be kept confidential to protect the identity of all students being tested.
- 5) Drug testing results sheets will be returned to the principal/designee that identifies 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 secured in a location that only the principal/designee has access to.

## **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 Northeast School Corporation Board of Education. 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 Northeast 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. This will underscore the Northeast School Corporation's commitment to confidentiality with regards to the program.

## **FINANCIAL RESPONSIBILITY**

- 1) Under this policy, Northeast School Corporation will pay for all random drug tests, all reasonable suspicion drug tests, and all "follow up" drug tests.
- 2) A request on appeal for another test of a "positive" urine specimen is the financial responsibility of the student or his/her parent/guardian.
- 3) Counseling and subsequent treatment by non-school agencies is the financial responsibility of the student or his/her parent/guardian.

## **CERTIFYING SCIENTIST RESPONSIBILITIES**

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:

- 1) The Certifying Scientist determines if any discrepancies have occurred in the Chain of Custody.
- 2) Depending on the substances found in the urine, if necessary the principal /designee will contact the parent/guardian to determine if the student is on any prescribed medication from a physician.
- 3) If the student is on medication, the parent/guardian will be asked to obtain a letter from the prescribing physician, within five working days, to document what medications the student is currently taking. Failure to provide such requested information within five days will be considered a positive result.
- 4) The Certifying Scientist will then determine if any of the prescribed medications resulted in the positive drug screen.

- 5) Finally, the Certifying Scientist, based on the information given, will certify the drug test results as positive or negative and reports this to the principal/designee, initially reporting positive results by phone.
  - a) For example, a drug screen positive for codeine may be ruled
    - a) negative by the Certifying Scientist when he receives a letter from
    - b) the treating physician that the student has been prescribed Tylenol
    - c) with codeine as a pain medication following tooth extraction.
  - b) Or, if the student has a positive drug screen for codeine and has
    - a) no documented physician order for the medication (maybe a parent
    - b) gave the student one of their pills), this would likely be ruled a
    - c) positive drug test by the Certifying Scientist.
  - c) Drug screens positive for illicit drugs (marijuana, heroin, cocaine
  - a) or alcohol, etc.) would automatically be considered positive by the
  - b) Certifying Scientist.
- 6) 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 cutoffs do not reflect current use but natural decay, then a negative result may be reported.
- 7) The Certifying Scientist will complete the final review on the drug testing custody and control form and return the appropriate copy to the principal/designee in a confidential manner.

## **OTHER RULES**

Apart from this drug testing program, Northeast School Corporation 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.

## **NORTHEAST SCHOOL CORPORATION DRUG TESTING AND EDUCATION PROGRAM RANDOM DRUG TESTING ADMINISTRATIVE GUIDELINES CHAIN OF CUSTODY**

- 1) The certified laboratory will provide training and direction to those who supervise the testing program, set up the collection environment, and guarantee specimens and supervise the chain-of-custody. To maintain anonymity, the student's number, not name, will be used.
- 2) The principal/designee will be responsible for escorting students to the collection site. The student should bring all materials with him/her to the collection site and

should not be allowed to go to his/her locker. (The administrator may call three or four students drawn from the pool to the collection site simultaneously. Calling three or four students at a time allows the collections to be carried out quickly and will not cause students to wait a long time, thereby creating a loss of important time from class. Athletes may be called after school, perhaps during practice time.)

- 3) Before the student's urine is tested by the laboratory, students will agree to fill out, sign and date any form, which may be required by the testing laboratory. If a student chooses, he/she may notify the administrator that he/she is taking a prescription medication.
- 4) A kit containing a specimen bottle will be given to each student. The bottle will remain in the student's possession until a seal is placed upon the bottle. The student will sign that the specimen has been sealed. Only the lab testing the specimen may break the seal.
- 5) If the seal is tampered with or broken, after leaving the student's possession and prior to arriving at the lab, the specimen is invalid. The student will be called again as soon as possible. The student will remain eligible for extracurricular activities subsequent to a retest.
- 6) Students will be instructed to remove all coats, empty pockets, and wash their hands in the presence of the supervisor prior to entering the restroom. The door will be closed so that the student is by himself/herself in the restroom to provide a urine specimen. The supervisor will wait outside the restroom. The student will have five minutes to produce a urine specimen. The commode will contain a blue dye so the water cannot be used to dilute the sample. The faucets in the restroom will be shut off.
- 7) After it has been sealed, lab personnel will transport the specimen to the testing laboratory. The testing laboratory will report the results back to the principal/designee.
- 8) In order to maintain confidentiality, the container, which contains the urine specimen to be tested, will not have the name of the student on the container. Instead the student's identification number will appear on the container. Also, the result sheet for the urinalysis will be mailed back to the principal/designee with no name attached; only the student's identification number will appear on the result sheet.

### **COLLECTION PROCESS**

Selected student athletes report from class to the collection site. A specimen of urine is collected following this process:

- 1) Student first is asked to wash their hands with soap and water and dry them.



- 2) No purses, bags or containers may be taken into the collection area with the student. All extra coats, vests, jackets, sweaters, etc., are to be removed before entering the collection area. Pockets must be empty.
- 3) The drug testing custody and control form is completed by the Student and collector.
- 4) The collector prepares the urine bottles.
- 5) The collector adds a bluing agent to the water in the urinal or toilet.
- 6) The student is told to urinate directly into the provided container and should provide a sufficient amount of urine (45 ml) in one attempt. The student is also told they are to hand the container of urine to the collector.
- 7) The student steps up to the urinal or enters the stall to collect the specimen, then hands the container to the collector. The student may then rewash their hands.
- 8) With the student watching, the collector will recap the specimen bottles tightly.
- 9) The collector checks the volume, reads and records the temperature within four minutes of collection, and looks for evidence of tampering. If tampering is suspected, a second specimen will be requested.

A second suspected tampered specimen would be considered refusal to test and the Principal/Designee notified.

- 10) The collector takes the properly signed and initialed bottle seals and places them over the caps and sides of the bottles.
- 11) The student is asked to initial the transport bag.
- 12) The sealed bottles are placed inside the transport bag and the top sealed as directed.
- 13) The top lab copies of the drug testing custody and control form are folded with the top portion visible to the outside and placed in the Requisition Pouch. This pouch is then sealed as indicated. The student is given the donor copy of the form.
- 14) While the student watches, the sealed specimen bag is carried to a secured storage area.
- 15) The Student is then sent back to class.

- 16) The collector distributes the remaining copies of the form as required, being responsible for getting the appropriate copy of the form to the Certifying Scientist in a timely manner.
- 17) The Principal/Designee will be notified immediately of any student who refuses to give a urine sample.

### **Notification Procedure for a Positive Drug Test**

When a principal/designee is notified that a student has tested positive the principal will:

- 1) Notify the student of the positive test result and give the student the following information:
  - a) the substance(s) they tested positive for in the drug test
  - b) parent/guardian will be contacted to set up a conference
  - c) the student and/or parent/guardian may submit any documented prescription, explanation, or information which will be considered in determining whether a "positive" test has been satisfactorily explained
  - d) the consequences of the positive drug test will be determined by the administration based on school policy and explained to the student and/or parent/guardian in conference
- 2) Notify the parent of the positive test result and give the parent the following information:
  - a) the substance(s) the student tested positive for in the drug test
  - b) the student and/or parent/guardian may submit any documented prescription, explanation, or information which will be considered in determining whether a "positive" test has been satisfactorily explained
  - c) the consequences of the positive drug test will be determined by the administration based on school policy and explained to the student and/or parent/guardian in conference

The principal/designee will work with the parent in an attempt to arrive at a mutually agreeable time for a conference.

The principal/designee will attempt to follow the guidelines for parent notification in a timely manner for every positive drug test result. In extenuating circumstances the administrator/designee may notify the parent first if he/she believes reversing the order of notification is in the student's best interest.

Notification will be made in person or by telephone. Notification will not be made by leaving messages with other individuals, on answering machines, or through e-mail.

### **PICK-UP PROCESS**

The Vendor is responsible for seeing that specimens are delivered to or picked up by the testing laboratory and the Chain of Custody form properly annotated.

## **CONSEQUENCES FOR RANDOM DRUG TESTING VIOLATIONS**

### First Violation

- a) Building administrator will meet with the student and parent/guardian(s) to discuss the test results and consequences.
- b) The student with a positive test will not be allowed to participate in any school related activity, athletics, extra-curricular activities, after school activities, or drive to school until a retest shows negative results.
- c) In addition to having a negative retest, students must comply with the Corporation's discipline policies governing extra-curricular activities.
- d) The student with a positive test will be periodically retested for the remainder of the school year with the first retest being administered after there has been sufficient time for the illegal substance to leave the student's system, but no sooner than ten (10) school days.
- e) The parent/guardian(s) will be provided with information about substance abuse counseling and education programs

### Second Violation

- a) The student will not be allowed to participate in athletics, school clubs, attend any after school activity, extra-curricular activity, or drive to school for one (1) calendar year from the date of the second positive test. At the end of this period, the student must have a negative retest before s/he may participate in any of the aforementioned activities.
- b) The student must attend an approved substance abuse counseling, educational, or rehabilitation program. The cost for the program will be the student's responsibility.
- c) Refusal to participate in a recognized drug awareness/treatment program will be considered as a third violation of this policy.

### Third Violation

- a) The student will not be allowed to participate in athletics, school clubs, attend any after school activity, extra-curricular activity, or drive to school for the remainder of his/her time at the junior high school (7<sup>th</sup> and 8<sup>th</sup> grade) level or if the student is in high school, the remainder of his/her time at high school.