

Section V. West Clark Community Schools
Superintendent Guidelines for School Board Policy - 5330
5330- Random Student Drug Testing Program

VISION STATEMENT

The Drug, Alcohol, and Tobacco Procedures at West Clark Community Schools are focused upon the welfare of students. Policy 5330 and procedures support students and parents as they make healthy choices. In the case of violations, it holds students responsible for their actions and consistently confronts all situations with clear-cut consequences, compassion, and an understanding of the nature of our students and the importance of the educational process. Policy 5330 is written and administered in accordance with all applicable legal requirements, policies, and statutes. Policy 5330 seeks to keep students involved in the programs and school and to provide learning experiences that lead students to responsible, healthy choices.

INTRODUCTION

The effective date of this program is August 1, 2018. This program does not affect the current policies, practices, or rights of West Clark Community Schools with drug and/or alcohol possession or use, where reasonable suspicion is obtained by means other than drug testing through policy 5330. West Clark Community Schools reserves the right to test any student who at times exhibits cause for reasonable suspicion of drug and/or alcohol usage.

RATIONALE FOR THE PROGRAM

West Clark Community Schools has a strong commitment to the health, safety and welfare of its students. Results of studies throughout the United States, and an increased substance abuse problem in Clark County, Indiana, and among our students specifically, indicate that education alone as a preventive measure, is not effective in combating substance abuse. Our commitment to maintain West Clark Community Schools as safe and secure educational environments as it relates to extracurricular, co-curricular, as well as to permit driving to school and parking on school grounds requires a clear policy and supportive programs relating to detection, treatment, and prevention of substance abuse by students involved in these activities

PURPOSE

The purpose of this program is two-fold:

1. To deter the use of illegal substances at West Clark Community Schools, and
2. To enhance the health and safety of all students participating in extracurricular and co-curricular activities as well as those who enjoy the privilege of driving to school and parking on school grounds.

It is also the aim of this program to educate, help, and direct students away from drug and alcohol use and toward a healthy and drug free participation. Students involved in extracurricular and co-curricular activities need to be exemplary in the eyes of the community and other students. No student will be

disciplined by a school official as a result of any verified “positive” test conducted by his/her school under this program other than stated herein.

SCOPE

Participation in extracurricular and co-curricular activities, as well as in driving to school and parking on school grounds is a privilege. Policy 5330 applies to all West Clark Community Schools students in grades 9-12 who wish to participate in extracurricular and co-curricular activities that are listed in the current student handbook and any other school sponsored extracurricular activities not listed. It also includes any student who wishes to drive to and from school or park on school grounds.

LEGAL OBLIGATION

- The extensive Congressional findings in the Safe and Drug-Free Schools and Communities Act of 1994 [20 United States Code §7101 *et seq.* and specifically § 7102.]
- Indiana Code 20-34-2-2 that directs this School District to plan and maintain drug free schools.
- Indiana Code 20-30-5-11 directs that this School District provide instruction concerning the harmful effects of illegal drugs.

CONSENT to Opt Out

Upon annual enrollment, parents and or students over the age of 18, will have the opportunity to “opt out” of the random drug testing program via signed authorization one week prior to the beginning of school. Upon completion of this opting out, the student will not be eligible to participate in any extra-curricular, co-curricular and or drive and park in the school parking lot for that complete school year. Once opting out has occurred at least one week prior to the beginning of the school year, the student number will not be part of the random list pulled upon testing dates.

STUDENTS AGE 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.

TESTING PROCEDURES

1. A table of random numbers will be used to assign numbers to the participants. The selection of numbers chosen to be tested will be done using a random mathematical formula determined by the athletic director or designee, and selections will be made from time to time throughout the school year (quarterly). Numbers will be drawn from one large pool of those agreeing to be tested. An AdHoc report will be pulled from Infinite Campus with student identification numbers being randomly listed. The independent third party testing provider will randomly select numbers to be associated on the spreadsheet with a student identification number. Testing may occur on a different day, Monday through Friday through all high schools in West Clark Community Schools. This variable schedule will keep students conscious of the possibility of being tested at any time during the school year. Each student will be assigned a number that will be placed in the drawing.

2. A custodial parent/guardian may request testing of his/her student at the school's cost one time per year. Any other requests must be paid for by the parent/guardian.
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 policy 5330, either by random draw, 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 independent third party laboratory conducting the urinalysis.
5. 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 24 ounces of fluid. If still unable to produce a specimen within one hour, the student will be taken to the principal's office and told he/she is no longer eligible for any extracurricular or co-curricular activity, or be allowed to drive to or from school. The failure or refusal to provide a sample will be treated as a "positive" test result. In addition, the parents/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 for consideration to be reinstated for eligibility as specified in the ECA guidelines.
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, co-curricular activities, or drive to and from school 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 athletic director or 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). Drugs to be tested will include and may not be limited to: Opioids, Marijuana, Cocaine, Amphetamine, PCP, Benzos, Barbiturates, Methamphetamines, Methadone, Propoxyphene. No Alcohol, No Tobacco
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).

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 athletic director or 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.

3. Before the student's urine is tested by the laboratory, the student 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. If a student refuses to test for any reason, it will be determined to be a false positive in violation of the random drug testing program and appropriate consequences will be applied.
4. A sanitized 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 initial 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 all activities subsequent to a retest.
6. The supervisor obtaining the urine specimen may be of the same gender as the student. Students will be instructed to remove all coats 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 two 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 restrooms 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 athletic director or designee.
8. In order to maintain confidentiality, the container that contains the urine specimen to be tested will not have the name of the student on the container. Instead, the student's random identification number will appear on the container. Also, the result sheet for the urinalysis will be mailed back to the athletic director or designee with no name attached; only the student's random identification number will appear on the result sheet.

TEST RESULTS AND CONSEQUENCES OF "POSITIVE TEST"

1. This program seeks to provide needed help for students who have a verified "positive" test. The student's health, welfare, and safety will be the reason for preventing students from participating in extracurricular and co-curricular activities.
2. The athletic director or 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 analyses). The athletic director or 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. In addition, the student or parent/guardian may appeal by requesting that the urine specimen be tested again by the certified laboratory at a cost to the student or his/her parent/guardian. Refusal by any student enrolled in this program to submit to a drug screen when directed will be determined to be a false positive in violation of the random drug testing program and appropriate consequences will be applied.
3. If the test is verified "positive", the athletic director or 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. Consequences for a positive test will be the following:

1st offense- 1/3 of season for all scheduled games such as athletics (will roll over to next season if applicable), **or 45 calendar day suspension** (from the positive test date) from any school sponsored co-curricular/extracurricular event (such as Marching Band, Clubs, Choir, Senior Trip, Prom, Etc) that does not contain a “season” and also a **45 calendar day suspension from driving to school** (parking pass inactive)

2nd offense- 365 calendar day suspension from positive test date for all scheduled events/games such as athletics (will roll over to next season if applicable), and also 365 calendar day suspension (from the positive test date) from any school sponsored co-curricular/extracurricular event (such as Marching Band, Clubs, Choir, Senior Trip, Prom, Etc) that does not contain a “season” (will roll over to next season if applicable), and also a 365 calendar day suspension from driving to school (parking pass inactive) (will roll over to next season if applicable),

Student must also **complete drug awareness/substance abuse program** at the cost of the student/parent/guardian, student/parent/guardian must present signed documentation of completion for reinstatement of eligibility to participate in any school sponsored extra/co-curricular event and or have driving to school privileges reinstated.

3rd offense- Suspended from participating in any school sponsored extra/co-curricular event (Athletics, Marching Band, Clubs, Choir, Senior Trip, Prom, Etc) and also not allowed to drive to school for the **remainder of High School career**.

4. A “follow up” test will be requested by the athletic director or designee after such an interval of time that the substance previously found would normally have been eliminated from the body as determined by the Medical Review Officer of the laboratory. If this “follow up” test is negative, and the student is in compliance with the counseling requirement, and has served any penalty assessed by his/her extracurricular or co-curricular activity, the student will be allowed to resume extracurricular or co-curricular activities or driving to or from school. If a second “positive” result is obtained from the “follow up” test, or any later test of that participant, the same previous procedure shall be followed. In addition, West Clark Community Schools reserves the right to test for the next 365 days while enrolled in any high school any participating student who tested “positive” and did not make satisfactory explanation.
5. Information on a verified “positive” test 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.
6. Drug testing result sheets will be returned to the athletic director or 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 athletic director or designee will have access.

FINANCIAL RESPONSIBILITY

1. Under Policy 5330, West Clark Community Schools will pay for all initial random drug tests, all initial reasonable suspicion drug tests, and all initial “follow up” drug tests. West Clark Community Schools will charge all students \$10 in order to obtain a parking pass to reserve rights to park on school grounds during the school day. These funds will be collected to help support and sustain the West Clark Community Schools random drug testing program.
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.

CONFIDENTIALITY

Under this drug testing program, any staff, coach, or sponsor of West Clark Community Schools who may have knowledge of the results of a drug test will not divulge to anyone the results of the test or 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 West Clark Community Schools’ commitment to confidentiality with regards to the program.

ADDITIONAL DETAILS

Start Date: Aug 1st, 2018

Grade Levels eligible to be tested: Grades 9-12, Borden Junior-Senior High School (5 random tests per quarter), Henryville Junior-Senior High School (10 random test per quarter), Silver Creek High School (15 random test per quarter).

Frequency: Quarterly, dates to be determined randomly

Cost of parking tags to student drivers to help support and sustain the program: \$10

All extra-curricular and co-curricular participating students are eligible to be tested. This includes but is not limited to: athletics, band, choir, prom, senior trip, etc. Any club or school sponsored participation event outside the regular school day will be included. Students driving to school are included as well.

Student grades will NOT be impacted by any results of the random drug testing program.