

The Random Drug Testing Program-RDT

VISION STATEMENT

The Drug, Alcohol, and Tobacco Procedures at Brownstown Central High School and Brownstown Central Middle School are focused upon the welfare of students. The policy 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. The policy is written and administered in accordance with all applicable legal requirements, policies, and statutes. The policy 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, 2015. This program does not affect the current policies, practices, or rights of Brownstown Central Community School Corporation with drug and/or alcohol possession or use, where reasonable suspicion is obtained by means other than drug testing through this policy. Brownstown Central Community School Corporation 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

Brownstown Central Community School Corporation 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 Jackson County, Indiana, and among our students specifically, indicate that education alone as a preventive measure, is not effective in combating substance abuse. Statistics show that the mission of Brownstown Central Community School Corporation has not been realized. Our commitment to maintain Brownstown Central High School and Brownstown Central Middle School 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 three-fold:

1. To deter the use of illegal substances at Brownstown Central High School and Brownstown Central Middle School, 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.
3. 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 result 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. This policy applies to all Brownstown Central Community School Corporation students in grades 6-12 who wish to participate in any school sponsored extracurricular and co-curricular activities. It also includes any student who wishes to drive to and from school or park on school grounds. Any student not driving or participating in an extracurricular or co-curricular activity who would like to enroll in the program, or any custodial parent/guardian wishing to enroll their student for the random testing program is welcome to do so by completing the consent form.

## 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

## CONSENT FORM

It is **MANDATORY** that each student who participates in extracurricular or co-curricular activities, as well as those who drive to or from school activities or park on school grounds, sign and return the "Consent Form" prior to participation in any extracurricular or co-curricular activity, or driving to or parking at school. Failure to comply will result in non-participation. Each extracurricular and co-curricular participant as well as drivers shall be provided with a

“Consent Form,” a copy of which is attached hereto, [A2] 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 at Brownstown Central High School and Brownstown Central Middle School. This form will be kept on file for the length of the student’s enrollment. To withdraw from the program, the parent/guardian must sign a withdrawal form and have a personal interview with an administrator or designee.

### 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 principal or designee, and selections will be made from time to time throughout the school year. Numbers will be drawn from one large pool of those agreeing to be tested. Testing may occur on a different day, Monday through Friday. 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. [A3]
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 (as described herein), a student will be required to provide a sample of urine according to the quality control standards and policy of the 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 subject to a hair follicle test in which the collector will obtain a 100-milligram sample of hair. 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 the student may be tested at a later date 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 principal 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 illicit drugs (which may include all drugs listed as controlled substances under the laws of the state of Indiana). Also, “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).

#### 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 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.
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 will 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 principal 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 principal or designee with no name attached; only the student's random identification number will appear on the result sheet.

### TEST RESULTS & CONSEQUENCES

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 principal 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 principal 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 the expense of 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 considered a violation under the terms of this program.
3. If the test is verified "positive", the principal 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. The student must enroll in an approved counseling program and actively participate until successfully completing the program. A student involved in athletics who tests "positive", will be subject to the disciplinary consequences outlined in the "Code of the Braves." Students in other extracurricular clubs will be suspended for thirty (30) days from activities and subject to the by-laws of each respective club or organization. Student drivers will have their school driving and parking privileges suspended for thirty (30) calendar days. Any of the above suspensions not completed in the current school year will carry into the next school year.
4. Subsequent to a positive test, a "follow up" test will be requested by the principal 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, the Brownstown Central Community School Corporation reserves the right to test for the next 365 days while enrolled in BCHS or BCMS 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 principal 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 principal or designee will have access.

#### FINANCIAL RESPONSIBILITY

1. Under this policy, Brownstown Central Community School Corporation will pay for all initial random drug tests, all initial reasonable suspicion drug tests, and all initial “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.

#### CONFIDENTIALITY

Under this drug testing program, any staff, coach, or sponsor of Brownstown Central Community School Corporation 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 the Brownstown Central Community School Corporation’s commitment to confidentiality with regards to the program.

#### REASONABLE SUSPICION DRUG TEST

Students may be required to submit to drug testing or a Breathalyzer test when reasonable suspicion exists. Brownstown Central Community School Corporation reserves the right to test any student who, at the time, exhibits cause for reasonable suspicion of drug or alcohol usage. Reasonable suspicion may arise from the following supportive indicators:

1. A student's behavior in conjunction with physical appearance and/or odor.
2. The student possesses drug paraphernalia, alcohol, marijuana, or any controlled substance.
3. Information communicated to an administrator by a teacher, staff member, parent, other adult, or a student indicating a student is using, possessing, or under the influence of alcohol, marijuana, or any other controlled substance.

Any such reports will be investigated by the administration and will be substantiated by other indicators, if deemed necessary.

If a student tested positive as a result of being tested for reasonable suspicion, the student will be subjected to school rules as outlined in the student handbook. This could result in suspension or expulsion from school and possible arrest. The refusal of a drug test or Breathalyzer under reasonable suspicion circumstances qualifies as a failed test.