

## **West Washington School Corporation**

### **Random Drug Testing Program Extracurricular Activities/Student Drivers**

#### **Introduction**

The effective date of this program is August 1, 2017. This program does not affect the current policies, practices, or rights of the West Washington School Corporation as it pertains to drug and/or alcohol possession or use, where reasonable suspicion is obtained by means other than drug testing.

#### **Reasonable Concern**

The West Washington 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 Washington County, Indiana, indicate that education alone, as a preventive measure, is not effective in combating substance abuse. Our commitment to maintaining the extracurricular activities in the West Washington 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.

#### **Purpose**

The drug testing program is not intended to be punitive in nature. However, participation in extracurricular activities and driving to school is a privilege and individuals will be held to the standards of the Extracurricular Handbook. Students involved in extracurricular activities need to be exemplary in the eyes of the community and other students. It is the purpose of this program to prevent students from participating in extracurricular activities after they have a positive test and while he/she 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 participation. No student shall be expelled or suspended as a result of any verified “positive” test conducted by his/her school under this program other than stated herein. Any student found in possession of or under the influence of drugs or alcohol while in attendance at any school event will be subject to the school’s handbook.

#### **Scope**

Participation in extracurricular activities and driving to school is a privilege. This policy applies to all West Washington School Corporation students in grades 7-12 who wish to participate in extracurricular activities that are listed in the current student handbook *and any other school sponsored extracurricular activities not listed* and to any student who wishes to drive to school, from school or during school.

#### **Legal Precedent**

The legal basis for this policy is *Linke v. Northwestern School Corp.* 763 NE 2<sup>nd</sup> 972 (Ind. Sup. Ct. – 2002).

## Drug Education

The sponsor or coach of each extracurricular activity will require the attendance of all prospective participants at one or more drug education sessions. Each prospective participant shall receive a copy of this policy. The policy will be explained to them at that time. An educational presentation will also be made to educate the student about the harmful effects and consequences of alcohol and other drug abuse. Students will receive information as to where they can seek professional help, if needed, for a use or abuse problem.

## Consent Form

It is **Mandatory** that each student who participates in extracurricular activities or is a student driver sign and return the “consent form” prior to participation in any extracurricular activity or driving to school. Failure to comply will result in non-participation and inability to drive to school.

Each extracurricular participant and student driver 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 is agreeing to participate in the random drug testing program of the West Washington School Corporation.

## Testing Procedure

1. *The selection of participants to be tested will be done randomly by the principal/administrative designee*, and selections will be made from time to time throughout the school year. Names 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 year. Each student will be assigned to a number that will be placed in the drawing. A parent or guardian of a student may request testing of his or her student.
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 urinalysis test under this policy, 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 laboratory conducting the urinalysis.
4. 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 two hours, the student will be taken to the principal’s office and told he/she is no longer eligible for any of the extracurricular 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 he/she may be tested at a later date to be reinstated for eligibility.
5. All specimens registering below 90.5 degrees or above 98.8 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.

6. 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.
7. Refusal to provide a specimen will be treated the same as a positive test result.
8. The specimens will then be turned over to the testing laboratory, and each specimen will be tested for controlled substances and alcohol. Controlled substances include all drugs listed as controlled substances under the laws of the state of Indiana.
9. 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/administrative 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 should not bring all the students drawn from the pool to the collection simultaneously.)
3. Before the student’s urine sample 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 and provide proof of the medication being subscribed to them.
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 sign that the specimen has been sealed. *The seal may be broken only by the lab testing the specimen.*
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. The supervisor obtaining the urine specimen will be of the same gender as the student. Students will be instructed to remove all coats 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 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, the specimen will be transported to the testing laboratory by lab personnel. The testing laboratory will report the results back to the principal/administrative 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 random identification number will appear on the container. Also the results sheet for the urinalysis will be mailed back to the principal/administrative designee with no name attached; only the student's random identification number will appear on the results sheet.

### **Test Results**

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 participation in extracurricular activities.
2. The principal/administrative 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 analysis). The principal/administrative 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.

3. If the test is verified "positive", the principal/administrative designee will meet with the student and his/her parent/guardian at a school corporation facility. The student and parent/guardian will be offered counseling and assistance at school with a certified therapist. With the approval of the administrative team a family can select another therapist or counseling service with the understanding that it will be at the expense of the family and not the school. In addition, the West Washington 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.
4. Information on a verified "positive" test result will be shared with the student's coach or sponsor. The results of the "negative" tests will be kept confidential to protect the identity of all students being tested.
5. Drug testing result sheets will be returned to the principal/administrative 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 that only the principal/administrative designee has access to.

### **Financial Responsibility**

1. Under this policy, the West Washington 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 and must be done through an approved testing agency.

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 the West Washington 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 West Washington School Corporation's commitment to confidentiality with regards to the program.

### **Penalties of a Positive Test Result**

#### **ECA Penalties**

**1. First Violation** – The student shall lose eligibility for the next 2 weeks of the season in which the student is a participant, have an intervention meeting (parent/student/coach/administrator present), and complete a drug and alcohol intervention program. Failure to complete any of the prescribed consequences will result in a 4 week loss of eligibility..

**2. Second Violation** – The student shall lose eligibility for the next 4 weeks of the season in which the student is a participant, have an intervention meeting (parent/student/coach/administrator present), and complete a drug and alcohol intervention program. Failure to complete any of the prescribed consequences will result in an 8 week loss of eligibility.

**3. Third Violation** – The student shall lose eligibility for the next 365 days, have an intervention meeting (parent/student/coach/administrator present), and complete a drug and alcohol intervention program. Failure to complete any of the prescribed consequences will result in permanent loss of eligibility and exclusion from all athletics for the remainder of the student's career.

**4. Fourth Violation-** Permanent loss of eligibility and exclusion from athletics for the remainder of the student's school career.

5. Penalties shall accumulate beginning with a student's participation his freshman year and continuing throughout their school career. Any penalty will be carried over from one sport to another and from one year to the next.

6. A student's loss of eligibility shall go into effect on the day administration becomes aware of any violations that have occurred.

7. A student must complete the season in which their loss of eligibility is being served. Failure to do so will result in the student repeating the consequence in the next sport they choose to participate.

**\*Week:** A week is defined as a 7 day period in which an interschool contest is played.

**\*Season:** A season is defined as beginning with the first interschool contest of the year for a specific sport; and ending with the last contest of the year for a specific sport.

**\*Intervention Program:** An intervention program will be assigned by the school Principal/Athletic Director. No timeline will be set for the length of the program. Completion will be determined by the program director and school Principal/Athletic Director.

**\*Loss of Eligibility:** A student may still practice with the team and attend all games. No athlete will be allowed to participate in a game while ineligible and will not be allowed to dress out for games in full uniform.

**\*Exclusion:** A student will not be allowed to practice or have any involvement with athletics once they have been excluded.

### **Driving Privilege Penalties**

**First Violation:** The student driver shall lose driving privileges to school for 30 days from the day of the positive test.

**Second Violation:** The student driver shall lose driving privileges to school for 90 days from the day of the positive test.

**Third Violation:** The student driver shall lose driving privileges for 365 days from the day of the positive test.

**Fourth Violation:** The student driver will lose driving privileges for the remainder of their school career.

