

DRUG TESTING OF STUDENTS

Introduction

The School Board recognizes that in the course of exploring new ideas and broadening their base of experiences, students may make poor choices and take unacceptable risks with a high probability of long-term negative consequences. When this happens, it is the responsibility of the Board and the staff it employs, to intervene. The use of illegal drugs, alcohol, and tobacco are examples of poor choices that require interventions such as those implemented through this Policy.

A STATEMENT OF NEED AND PURPOSE

In adopting a policy providing for the detection of the use of illegal drugs, alcohol, or tobacco, the Board's objectives are to:(1) provide for the health and safety of students; (2) undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal drugs; and (3) encourage students who use drugs to participate in drug treatment programs; and (4) educate all students about the harm caused by the use of drugs, alcohol, and tobacco. (See Policy A250 No Tobacco) 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 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 effective date of this program is August 20, 2003. The program does not affect the current policies, practices, or rights of the Corporation with drug and/or alcohol possession or use, where reasonable suspicion is obtained by means other than drug testing through this policy. The Corporation reserves the right to test any student who exhibits cause or reasonable suspicion of drug and/or alcohol usage.

Board Findings in Support of This Policy

The Board finds a need in its school community to address illegal drug, alcohol, and tobacco use by its students based upon:

- a. The extensive congressional findings in the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 *et seq.*);
- b. I.C. 20-30-5-11 directing that the District provide instruction concerning the harmful effects of illegal drugs;

- c. I.C. 35-46-1-10.5 which makes it unlawful for children under the age of 21 to possess tobacco or tobacco products

Banned Substances

All illegal and controlled substances (with the exclusion of appropriately prescribed medications) are subject to this policy.

For purposes of all policies and procedures of this Corporation, the term “blocking agent” means a substance that blocks or prevents the detection of the metabolic indicators of the use of a substance tested for or is advertised to do so.

Scope of Testing Students may be tested through voluntary testing which requires parental permission or required testing based on individualized, reasonable suspicion, or random testing for high school athletics, extracurricular activities, and driving.

Individualized Suspicion

All students, regardless of age, who exhibit behavior which leads Corporation authorities to have reasonable suspicion to suspect the student is under the influence of a controlled substance, may be immediately required to submit to a drug/alcohol screen administered at the Corporation’s expense. Furthermore, the Corporation may subject items in said student’s possession to test to determine if those items contain drugs or alcohol. The Corporation may pay for such testing of items in student’s possession.

Factors which the administration will consider may include, but are not limited to:

1. Odor of alcohol/marijuana/smoke;
2. Glassy, dilated, bloodshot eyes, or dark circles under eyes;
3. Appears dazed, giddy;
4. Staggering walk;
5. Slurred or rapid speech;
6. Incoherent thought processes;
7. Disruptive, aggressive, physically threatening, out of control, or unusual behavior;
8. Bragging or talking to other students about alcohol or drug use;
9. Noticeable withdrawal from favorite activities and friends, or
10. Physical indicators from an objective assessment by the school nurse or health care representative.

If the test is positive, all future drug tests will be done at the parent's/guardian's or student's expense. The administration will make a reasonable attempt to apprise the parent(s)/guardian(s) of the situation.

Consent Form

It is MANDATORY that each student who participates in extracurricular activities or drives to or from school sign and return the "consent form" prior to participation in any extracurricular activity. Failure to comply will result in non-participation and/or non-issuance of a student driving permit to school.

At the beginning of each selection date, school year, and/or sports 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 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 extracurricular Western Wayne activities or driving privileges.

Each student shall be provided with a "consent form", a copy of which is attached hereto, 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 Western Wayne Schools or is stating s/he does not plan to participate in extracurricular activities. Any student who fails to sign and return a consent form by the selection date and then decides to participate in an extracurricular activity program at a later date must submit to urinalysis. The student and/or parent/guardian will be financially responsible for the urinalysis.

Random Drug Testing

Objectives:

The purpose of the random ("suspicionless") testing program is not punitive, but to assist students and their parents in deterring drug/substance use and aiding any users to cease this harmful practice by providing a minimally intrusive diagnostic tool to identify and disclose it to parents, while rendering other assistance to guide students toward healthy, safe, and drug-free participation in school activities. This is not intended to deprive students of school attendance or to affect academic progress. Students involved in athletics and/or extracurricular activities and who park vehicles on school grounds need to be free of drugs, alcohol, and other harmful substances in order to safely and successfully participate in these activities. The need to ensure student health and safety is the primary reason for restricting students from participating in school extracurricular activities, athletics, and parking on school grounds if they test positive for drug/alcohol abuse.

Composition of the Group to Be Tested

All High School students who participate in extracurricular activities, athletics, or are issued a parking permit, or voluntarily enters the program with parental/guardian consent (collectively, "Activities") are subject to random drug and alcohol testing, and are deemed to have consented to the student drug and alcohol testing program. A consent form will be provided and is required to be executed by the student and parent/guardian.

Random Testing Procedures

1. Names will be drawn from one large pool of those agreeing to be tested. 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. The principal/designee will use an independent laboratory/agency 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. 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 drug screen under this policy, 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 by the end of the school day, the student may be taken to the principal/designee's office and may be suspended from extracurricular activities and driving privileges until they are able to produce a specimen. In addition, the parent/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.

Use of Test Results

The program is not intended to be punitive or disciplinary in nature. Its purpose is to identify a student with drug/alcohol residues in his/her system, to provide notification to the parent/guardian, and to educate, help and direct students away from drug and alcohol use and toward a healthy, safe, and drug-free participation in school activities.

The result of a positive test will be shared with the appropriate individuals involved with the student's Activities and a determination will be made regarding the student's participation in

those Activities moving forward. Test results will be secured in a location accessible only by an Administrator in the office of Student Services.**Refusal to Submit to a Drug Test**

Refusal to submit to a drug test will be considered an admission of being under the influence of alcohol or drugs. This is a violation of school rules and will be dealt with according to the student discipline procedures outlined in the Western Wayne student handbook.

Periodic Summary of Test Results

The Testing Coordinator shall periodically, at least once a semester, report to the Superintendent on the results of testing pursuant to this Policy. Along with these reports, the Testing Coordinator shall summarize any disputes that have arisen in the implementation and any proposed changes in this Policy. At least once a school year, the Superintendent shall make a written report to the Board on the results of the implementation of this Policy.

Superintendent may develop administrative guidelines to implement this policy.

Financial Responsibility

Under this policy Western Wayne Schools will pay for all initial random drug tests, all initial reasonable suspicion drug tests, and all initial "reinstatement" drug tests. (Once a student has a verified "positive" test result and has subsequently tested positive on a "follow-up" test, any future "reinstatement" drug test that must be conducted will be paid for by the student or his/her parent/guardian.)

A request on appeal for another test of a "positive" urine specimen is the financial responsibility of the student or his/her parent/guardian.

A mandatory drug test for a student who initially indicated that they would not participate in any extra-curricular activity for the remainder of the school year is the financial responsibility of the student or his/her parent/guardian.

Counseling and subsequent treatment by non-school agencies is the financial responsibility of the student or his/her parent/guardian.

The parent/guardian/student will be responsible for the cost of any drug test given as a result of a parent/guardian/student request that a student be tested or included in the testing

pool.I.C. 20-26-3-5

I.C. 20-26-5-4

I.C. 20-30-15-6

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

Western Wayne Schools, Wayne County, Indiana

Adopted 3/14/05

Revised 8/14/19

Revised: 9/9/20