

NORTH ADAMS COMMUNITY SCHOOLS RANDOM DRUG TESTING

BACKGROUND INFORMATION

According to the 2015 Adams County Comprehensive Community Plan for the Governor's Commission for a Drug Free Indiana, "The incidence of underage alcohol consumption and tobacco/drug use among our youth continues to be a problem." (4)

Citing local data and their own community survey results, the committee reports (3-4):

- 75% of people are personally aware of one or more youth who use alcohol occasionally.
- 29% are aware of youth who have five or more alcoholic drinks per day.
- 38% of those surveyed feel alcohol use by youth is harmless.
- 69% are aware of youth who have used marijuana.
- 56% are aware of youth who use marijuana regularly.
- 43% of those surveyed feel marijuana use by youth is harmless.
- 31% are aware of youth who use illegal drugs, i.e., meth, heroin, or cocaine.
- 36% are aware of youth who abuse prescription drugs.
- 92% of those surveyed believe marijuana use leads to use of other drugs.

Additionally, in the 2015 Indiana Prevention Resource Center's Youth Risk Survey, Adams County youth in grades 6-12 were surveyed across nine years, ranging from 2007-2015. Of students surveyed, 0-9.6% of sixth graders and 9.5-42.1% of twelfth graders reported extended use (30 or more days at any point in the year) of alcohol across the nine years. For marijuana, reports ranged from 0-1.2% for sixth graders and 5.9-15.9% for twelfth graders. The spikes in use occurred most often in middle school and lower high school grades for both alcohol and marijuana.

Adams County Juvenile Probation reported almost 14% of referrals in 2014 were alcohol-related, another 14% were marijuana-related, and 8.5% were other drug-related. Therefore, 36% of all juvenile referrals in that year were AOD. (Adams County Community Plan, 10)

Unfortunately, adolescent substance abuse is not just about illegal behavior or poor judgment. It can present serious concerns for several areas of a child's development, including academic performance, brain development, emotional health, and involvement in the judicial system. Research has shown that substance abuse in adolescence is correlated not only to higher than normal dropout rates, but also to abnormalities in brain function, working memory, white matter volume, organization, and attention (King, Meehan, Trim, and Classin 1688-89). Substance abuse also may exacerbate or be a trigger for latent mental health issues (drugabuse.gov). Finally, 89% of youth in juvenile justice systems were under the influence of alcohol or drugs at the time of their crime or test positive for illicit or banned substances (ncadd.org).

STATEMENT OF NEED

Our students deserve to be educated in a safe environment as well as to receive supports in avoiding unhealthy choices and treating addiction issues. Therefore, North Adams Community Schools is instituting this random drug testing policy as a proactive measure to promote a drug-free, safe school and healthy choices. The purpose of this program is three-fold: (1) to promote the health and safety of students; (2) to diminish the effects of peer pressure by providing a legitimate reason for students to refuse to use illicit or banned substances; and (3) to provide students who may have a problem with substance abuse to be identified and to receive drug education and/or treatment.

This random drug testing program is not intended to be punitive or disciplinary in nature. In fact, students found positive for drug residues through this program will not be suspended or recommended for expulsion and the results will not be part of their permanent record. The consequences are tied to their participation in extra- and co-curricular activities as incentive to seek and complete drug education and/or treatment before returning to the voluntary activity.

It is important to emphasize, however, that this program does NOT replace or override the current policies, practices, or responsibilities of North Adams Community Schools with regard to tobacco, drug, and/or alcohol possession or use, where reasonable suspicion is obtained by means other than through the random drug testing program. North Adams Community Schools reserve the right to require any student who at any time exhibits cause for reasonable suspicion of possessing or being under the influence of tobacco, drugs, and/or alcohol to submit to a drug test and to, if found to be under the influence of an illicit or banned substance, be subject to those policies as delineated in the student handbook. For future reference, *drug test* as referred to in this policy encompasses any Division of Mental Health and Addiction (DMHA), Indiana Bureau of Mental Health Promotion and Addiction Prevention recognized testing method, including but not limited to hair, urine, blood, oral fluid, and/or breath analyzer.

SCOPE

The extra- and co-curricular programs of North Adams Community Schools, hereafter referred to as extra-curricular activities, are an integral part of the school system and the community. The recognized value of extra-curricular activity to a student's personal development has given these activities a high priority in the total school program. The Board of School Trustees encourages all students to participate in extra-curricular programs, but believes the opportunity for such participation is a privilege afforded to those students who meet both the scholastic and the physical conditions of eligibility. One such condition shall be the agreement by the student and his/her parent to the terms and conditions of the NACS Random Drug Testing Program. This drug-testing program will be applied to all high school, seventh, and eighth grade students who participate in any one or combination of the following:

- A. Extra-curricular activities (i.e., sports, clubs, student government, NHS, etc.)
- B. Co-curricular activities (i.e., band, choir, theatre, FFA, I.C.E., E.C.E., W.B.L., H.O.E., B.E.C., etc.)
- C. Driving a vehicle to, from, or during school

D. Elective enrollment by the parent in the random drug testing program.

CONSENT FORM

Each student shall be provided with a NACS Random Drug Testing Program Consent Form. It is MANDATORY that each student who wishes to participate in extra-curricular activities or drive to/from school sign and return the consent form by the selection date set forth by the building principal. By signing this form, the parent and student are agreeing for the student to participate in the random drug testing program at North Adams Community Schools. A new consent form is required each school year.

Any student who refuses to sign the appropriate form will be ineligible to participate in any extra-curricular activities and prohibited from driving to/from school. Any student who fails to sign and return a consent form by the selection date and then decides to participate in an extra-curricular activity program later must complete a consent form and submit to a drug test at the expense of the student. The test must be negative before he/she may participate in any activity covered by this policy.

NON-CONSENT FORM

By signing the non-consent form, a student is stating he/she does not plan to participate in extra-curricular activities or drive to/from school for that current school year. If a student wishes to participate in extra-curricular activities or drive to/from school at a later date that same school year, he/she must submit to a drug test, test negatively, and complete the consent form before being permitted to participate in the activity. The student will be financially responsible for this drug test.

WITHDRAWAL OF CONSENT FORM

If a student wishes to withdraw from the random drug testing pool, he/she must sign a Withdrawal of Consent Form. The Withdrawal of Consent Form must be signed by the student and parent before the student is removed from the pool. Once the form is signed and returned, all corresponding privileges will no longer be available to the student for **365 days**. After the 365 days have elapsed, he/she may be eligible to participate in extra-curricular activities or to drive to/from school by signing a NACS Random Drug Testing Program Consent Form and by having a negative test. The student will be financially responsible for the drug test.

TESTING PROCEDURES

The selection date is defined as the date set forth by the building principal.

- A. Each student consenting to be part of the testing pool will be assigned a number, which will be sent to a private company responsible for performing the drug tests. Numbers will be placed into two pools: One for students in grades 7-8 and the second for students in grades 9-12. For each testing session, students will be selected randomly. The selection of numbers to be tested will be done digitally through a randomization program at the testing facility periodically throughout the school year. Testing may occur on any day in which school is in session. This

variable schedule will keep students conscious of the possibility of being tested at any time during the year.

- B. No student will be given advance notice of the testing. In addition, a strict chain of custody will be enforced to eliminate invalid tests or outside influences.
- C. Upon being selected for a drug test under this policy, either by random draw, reasonable suspicion, request of a parent, or a follow-up test, a student will be required to provide a sample according to the quality control standards and policy of the laboratory overseeing the testing. All students will remain under supervision of school personnel until they have produced an adequate specimen.
- D. If it is proven that tampering or cheating has occurred during the collection, the drug test will be considered positive. This will be reported to the parent.
- E. If a student refuses to submit to a drug test, it will be considered a positive test. This will be reported to the parent.
- F. The specimens will then be turned over to the testing laboratory, where they may be tested for alcohol, nicotine, and other controlled or banned substances.
- G. The laboratory used for any drug testing administered as per this policy 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).

PICK-UP PROCESS

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

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 express written consent of the North Adams Community Schools Board of Trustees. 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 specimens.

Under this drug testing program, any staff, coach, or sponsor of North Adams Community Schools who may have knowledge of the results of a drug test will abide by all North Adams policies as well as State and Federal guidelines concerning confidentiality of student information. Failure to observe these policies and guidelines may result in discipline and/or civil liability.

CERTIFYING SCIENTIST RESPONSIBILITIES

The certifying scientist will review all results of drug testing. Any 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 sample, the principal/designee will contact the parent to determine if the student is taking any prescribed medication.

3. If the student is taking prescribed medication, the parent will be asked to present a letter from the prescribing physician within seven (7) calendar days to document what medications the student is currently taking. Failure to provide such requested information 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 report this to the building principal.
6. The certifying scientist may use quantitative results to determine if positive results on repeat tests indicate 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 building principal in a confidential manner.

RANDOM DRUG TESTING GUIDELINES CHAIN OF CUSTODY

1. The certified laboratory will provide training and directions to those who supervise the testing program, set up the collection environment, guarantee specimens, and supervise the chain of custody. To maintain anonymity, the student's testing pool number, not name, will be used.
2. Before the student's specimen is tested by the laboratory, students will agree to complete any forms 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.
3. A sanitized kit containing a specimen container will be given to each student/participant. The container will remain in the student's possession until a seal is placed upon it. The student will sign that the specimen has been sealed. Only the lab testing the specimen may break the seal.
4. 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 extra-curricular activities subsequent to this retest and then will be subject to appropriate action once results are determined.
5. After it has been sealed, designated personnel will send the specimen to the testing laboratory. The testing laboratory will report the results of the first drug test back to the school designee only.
6. In order to maintain confidentiality, the container will not have the name of the student on the container. Instead, the student's random pool number will appear on the container. The student/participant will initial the specimen container and/or date and sign the chain of custody form. Also, the result sheet for the drug test will be mailed back to the principal/administrative designee with no name attached; only the student's/participant's random pool number will appear on the results sheets.

NOTIFICATION PROCEDURE FOR A POSITIVE TEST

When a principal/designee is notified that a student has tested positive, the principal will notify the student and parent of the positive test result and give the student and the parent the following information:

1. The substance(s) tested positive for in the drug test.
2. The student and/or parent may submit any CURRENT documented prescription, explanation, information, or doctor's letter within seven (7) calendar days, which will be considered in determining whether a "positive" test has been satisfactorily explained.
3. The consequences of the positive drug test will be determined by the administration as defined herein and explained to the student and/or parent.

CONSEQUENCES

See the NACS Athletic and Extra-Curricular Code of Conduct Disposition Table.

APPEALS

Upon report of a positive test, the student or his/her parent may deliver a written request of the principal, in person or by mail, within five (5) school days after notification, to have the original specimen tested again by the certified laboratory at cost to the student or the parent/guardian (See Financial Responsibility section on pg. 6). If the dispute is with the disposition for a positive test, then the same action may be taken within five (5) days of the disposition given to initiate a hearing on the determination of a violation. During the appeal, the consequences for the offense will be enforced.

If a hearing is requested, the principal and/or the athletic director shall set a time, date, and place for a hearing on the determination of whether or not a violation has been committed. A Review Committee, selected by the principal and consisting of two administrators and a coach/teacher, shall conduct the meeting. After acceptance of all evidence at the hearing, the Review Committee shall make a determination as to whether or not a violation occurred. The Review Committee shall prescribe the disposition as outlined in the NACS Athletic and Extra-Curricular Code of Conduct Disposition Table if they should determine that the violation has, in fact, occurred.

If a request to retest the specimen or to hold an appeal hearing is not made within the time specified, all rights administratively and judicially to contest and appeal the determination will be waived.

If a student has had three positive tests, his/her parent and the student may, not less than 365 days from the date of notification of the disposition, submit written results of their voluntary action to seek and complete treatment for their child with a recognized chemical dependency agency for consideration of an appeal to reinstate eligibility.

SELF-REPORT CLAUSE

It is the intent of North Adams Community School to assist students with developing responsibility for their actions and to encourage honesty. Therefore, any student who voluntarily reports a violation of the Code of Conduct may be permitted leniency. This report must be student initiated and without school officials being able to learn about the incident by any other means. This means that once the student is caught by legal authorities, reported by other sources, or requested to provide a sample for a drug screen, it is too late to use the self-report clause to lessen the penalty. The Self-Report Clause can be used only once during the student's four year high school or two year middle school career and may be used only for the first offense.

Upon institution of the Self-Report Clause, the student may be assigned dispositions with a length reduced by half. All other requirements of the disposition as described in the NACS Athletic and Extra-Curricular Disposition Table will be observed.

FOLLOW-UP TESTS

A follow-up test will be requested by the principal/designee after the exclusion 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/participant will be allowed to resume extra-curricular/co-curricular activities and/or driving. If a positive result is obtained from the follow up tests or any other later test of that student, the consequence of the next offense will be applied.

North Adams Community Schools 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.

FINANCIAL RESPONSIBILITY

1. Under this policy, North Adams Community Schools will pay for all random drug tests and all reasonable suspicion drug tests.
2. All costs for follow-up tests are the responsibility of the student and/or parent and must be paid for prior to the specimen being taken.
3. The student or parent may appeal by requesting that the original specimen be tested again by a certified laboratory. This test must be paid for prior to the specimen being taken by the student or his/her parent.
4. A mandatory drug test will be given to a student who chooses to participate after the selection date of a school year. The student or his/her parent must pay for this test prior to the specimen being taken.
5. Counseling and subsequent treatment by non-school agencies, which are not funded by the school or grants received by the school, are the financial responsibility of the student or his/her parent.
6. If a parent requests a drug test, the parent is responsible for paying for the testing prior to the specimen being taken.

References:

"Alcohol, Drugs, and Crime." *NCADD.org*, 27 June 2015. Web. 7 May 2016.

"Comorbidity: Addiction and Other Mental Disorders." *Drugabuse.gov*, March 2011. Web. 7 May 2016.

King, Kevin; Meehan, Barbara; Trim, Ryan; and Classin, Laurie. "Substance Use and Academic Outcomes: Synthesizing Findings and Future Directions." *Addiction* 101.12 (Dec., 2006): 1688-89. Web. 7 May 2016.

NORTH ADAMS COMMUNITY SCHOOLS
RANDOM DRUG TESTING PROGRAM
CONSENT FORM

I have received a copy of the North Adams Community Schools Random Drug Testing Program Guidelines. I, _____, agree to participate in this program of North Adams Community Schools, and, hereby, voluntarily agree to be subject to its terms for the entire school year. I understand the methods of specimen collection, testing, and analysis as well as all other terms and conditions of the program. I agree to cooperate in furnishing specimens that may be required.

I further agree and consent to the disclosure of the sampling, testing, and results provided for this program. This consent is given pursuant to all State and Federal privacy statutes and is a waiver of rights to nondisclosure of such test records and results only to the extent of the disclosures in the program.

Student Signature

Date

Parent/Guardian Signature

Date

NORTH ADAMS COMMUNITY SCHOOLS
RANDOM DRUG TESTING PROGRAM
NON-CONSENT FORM

I, _____, have decided not to participate in the North Adams Community Schools Random Drug Testing Program. I understand that I will not be allowed to participate in any extra-curricular/co-curricular activities and/or drive to or from school for this current school year. In order for me to participate in the extra-curricular/co-curricular activity program at a later date or to begin driving to and from school for this current school year, I understand that I must submit to and pay for a drug test, which must be negative, for me to be eligible to participate fully in any extra- or co-curricular activities including driving to/from school.

Student Signature

Date

Parent/guardian Signature

Date

NORTH ADAMS COMMUNITY SCHOOLS
RANDOM DRUG TESTING PROGRAM
WITHDRAWAL FORM

I, _____, have decided to withdraw my name from the random drug testing pool. By doing so I understand that once signed, I will not be allowed to participate in any extra-curricular/co-curricular activities or drive to or from school for **365 days**. After the 365 days have elapsed, I may then re-enter into the testing pool with a completed Random Drug Testing Consent Form and by testing negative. I understand that this re-entry drug test will be paid for by **the student or his/her parent/guardian.**

Student Signature

Date

Parent/Guardian Signature

Date