

STUDENT DRUG TESTING ADMINISTRATIVE GUIDELINES

1. SCOPE OF TESTING

a. Students to be tested

(1) Voluntary Testing

(a) Initiated by the School District

An administrator may offer the parent/guardian of a student involved in the following, an opportunity to have the student take a test pursuant to this policy.

- (i) suspension or expulsion;
- (ii) more than fifteen (15) accumulated, unexcused absences or tardies during the school year;
- (iii) a sharp, unexplained drop in academic performance;
- (iv) possession of tobacco products or devices such as lighters, pursuant to the Student Code of Conduct regarding tobacco.

An administrator is to make a written record of communication with the parents concerning their decision on whether the student will be drug tested.

Test results will be reported to the Testing Coordinator. The Testing Coordinator will notify the parent/guardian of the results. If the test results are positive, the Testing Coordinator will work with the parent/guardian to find appropriate assistance for the student. Within a reasonable period of time, the Coordinator will schedule a conference with the student and parent/guardian to determine the progress made with any program of assistance recommended.

This testing is in addition to, and distinct from, testing based on individualized, reasonable suspicion.

There shall be no consequences to the student as a result of the parent or guardian declining the opportunity to have the student take a voluntary drug test.

(b) Initiated by the Request of Parent/Guardian

The parent/guardian of a student under eighteen years of age may request that the District test the student's urine for the use of illegal drugs, alcohol, and tobacco. The requested testing will be performed if the parent/guardian pre-pays the cost of the test and the student agrees to cooperate in the administration of the test.

(2) Required Testing

The Testing Coordinator will work with an administrator at each school to ensure that a student is tested pursuant to this policy where there is individualized, reasonable suspicion to believe the student has used illegal drugs, alcohol, or tobacco in violation of the rules for student conduct and the administration of a urine test would assist in determining whether a violation of student conduct rules has occurred. Administrators will call or otherwise notify the parent/guardian of the test within a reasonable timeframe; generally, the parent/guardian will be informed before the test is performed, but determinations shall be made on a case-by-case basis.

As used in this paragraph, “*individualized, reasonable suspicion*” means circumstances which, when considered together in the context in which each occurred, give rise to a reasonable belief that at the time a test would be administered, the test would show the student had used a drug, alcohol, or tobacco in violation of Indiana or federal law or District student conduct rules.

b. Substances To Be Tested For

Urine samples submitted by a student will be tested for metabolic indicators of use of substances. These substances may include illegal drugs, legal drugs, alcohol, tobacco, and blocking agents (as defined below).

c. Testing Laboratory & Methodology

Testing pursuant to this policy will be performed by a laboratory designated by the Superintendent. At a minimum, the laboratory selected will be certified by the Clinical Lab Improvement Act (CLIA).

Initial tests of a split sample will be tested by immunoassay. A second test by gas chromatograph/mass spectrometry (GC/MS) will be performed whenever the initial test is positive. A testable portion of a sample testing positive will be maintained for thirty (30) days after the initial test report is delivered to the Testing Coordinator before it is destroyed. Samples testing negative will be destroyed after testing.

d. Statistical Report and Changes in this Policy

The Testing Coordinator shall report the results of all tests in summary statistical form at least once a semester to the Superintendent. No data shall be included in these reports that would permit the test result of an individual student to be determined.

2. SAMPLE COLLECTION AND TESTING PROCEDURE

a. Testing Coordinator

Administrative responsibility for the implementation of this policy shall be delegated to a Testing Coordinator appointed by the Superintendent.

b. Collection Process

The process of collecting a sample will be set forth by the Superintendent in Administrative Guidelines implementing this policy.

c. Inability to Provide a Specimen in Required Testing

If a student is unable to provide a sample, he or she will be permitted to consume up to 24 ounces of tap or bottled water provided by the Collector. The student will remain under direct supervision until he/she can provide a sufficient sample.

d. Refusal to Provide a Specimen in Required Testing

A refusal to provide a specimen is a violation of this policy and will have the same consequences as a positive test. A decision of the Collector as to whether the student is unable or refusing to provide a specimen may be appealed in turn to the Testing Coordinator and that to the principal of the school. The decision of the principal shall be final.

e. Definition of Blocking Agents

For purposes of all policies and procedures of this school district, 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.

3. CONSEQUENCES OF A CONFIRMED, POSITIVE, REQUIRED TEST

A positive, initial, and confirmatory test result from a required test showing the presence of metabolic indicators of the use of a substance shall be considered as relevant, credible evidence of the possession and use by the student of the substance. Any penalty or sanction imposed shall be consistent with the Student Code of Conduct for the possession of that substance.

4. 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.

5. RECORD KEEPING AND ACCESS TO RECORDS OF TESTING

a. Records Maintained

All records and results of tests under this policy shall be maintained by the

Testing Coordinator in a file separate from the student's permanent records folder. These records shall be maintained until the student is twenty-one (21) years old and shall then be destroyed in accord with the guidelines of the Marion County Public Records Commission.

b. Access to Records

No person shall have access to the records of testing pursuant to this policy for a reason other than the implementation of this policy without approval of the reason for access by the Superintendent. A parent/guardian and a student age (18) or older shall have access to the records of testing of that student pursuant to Board Policy E225 which implements the Family Educational Rights and Privacy Act.

MSD of Wayne Township, Marion County, Indiana

Adopted: April 19, 1999

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