

# Yorktown Community School Corporation Student Drug Testing Policy

## CONSENT FORM FOR DRUG TESTING

We have viewed a copy of the Yorktown Community School Corporation Drug Testing Policy available through the annual registration process and have read and understand the policy.

We desire that \_\_\_\_\_ (student) be permitted to participate in extra-curricular activities and/or drive to school, and hereby voluntarily agree to be subject to the terms of this program during the entire course of extra-curricular participation and/or permit to participate as a Student Driver, in Yorktown High School.

We accept the method of obtaining urine samples, testing of such specimen, and all other aspects of the program as explained in the policy. We agree that the above named student will cooperate in furnishing urine specimens whenever requested within the specifications of this policy.

We further consent to the disclosure of sampling, testing, and results as explained in this policy.

The consent given pursuant to all State and Federal Privacy Statutes and is a waiver of rights to non-disclosure of such test records and results only to the extent of the disclosure in the program.

\_\_\_\_\_ Student Signature

\_\_\_\_\_ Custodian Parent or Guardian Signature

\_\_\_\_\_ Parent chooses to be notified via an automated call the day of testing.

\_\_\_\_\_ Parent chooses not to be notified.

\_\_\_\_\_ Date \_\_\_\_\_ Signature of School Witness

## YORKTOWN HIGH SCHOOL EXTRACURRICULAR ACTIVITIES AND STUDENT DRIVER POLICY DRUG AND ALCOHOL RANDOM TESTING POLICY

### RATIONALE

1. Any extracurricular student who has consumed alcohol or uses illegal drugs presents a real and substantial danger to his/her own health as well as that of others around them. Drugs or alcohol may reduce one's motor coordination, or alter one's mood to the degree that participation in extracurricular activities is unsafe for the individual as well as those around them. Extracurricular participation at Yorktown High School is considered a privilege and not a right, therefore, policies and guidelines are established regarding student conduct, health and wellness. We must ensure that our young adults exercise both mind and body in a healthy way.

2. Many students at Yorktown High School choose to drive to and from school each day. Many students also choose to drive to many of our extra-curricular activities that take place outside of the school day. Driving for teenagers is a hazardous activity. Students who have consumed alcohol or used an illegal drug jeopardize the health and life of themselves as well as other persons on the road.
3. Yorktown High School has taken a firm stance against students who are involved with either illegal drugs or alcohol. Yorktown High School must continue to strive to create the safest and healthiest educational environment for our students and student drivers. The purpose of this policy is to protect our extracurricular participants and drivers as well as those who interact with them.
4. As used in this policy, the terms “drug or alcohol use or abuse”, “drug or alcohol problem”, or similar phrases include, without limitation, the following:
  - Use of any drug, intoxicant, controlled substance or other substances made unlawful by law or regulation;
  - Use of any alcoholic beverage or similar intoxicant;
  - Use of any prescription medication or legal drug not strictly in accordance with the direction of a licensed physician;
  - Use of any non-prescription or over-the counter medication or any other substance, legal or illegal, in a way that noticeably impairs or alters the mood, behaviors, motor skills or mental functions (except the use of a substance strictly in accordance with the direction of a licensed physician).

The term “use” means consuming, ingesting, drinking, injecting, demonstrating, inhaling, or smoking drugs or alcohol.

The term “alcohol” means ethyl alcohol and includes all beverages, mixtures, medications, inhalants or preparations that contain ethyl alcohol.

The term “drug” means any substance that has known mind or function altering effects upon the human body or that impairs one’s ability to safely perform one’s work, and specifically includes, but is not limited to, all prescription and over-the-counter medications, all psychoactive substances, all controlled substances, all substances illegal under Federal or Indiana law, all synthetic, counterfeit or designer drugs, all “look alike” drugs, all drug paraphernalia and nicotine.

5. It is the purpose of this program to prevent students from participating in extracurricular activities and/or operating a motor vehicle to and from school while he/she has drug/alcohol residues in his/her body. 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.
6. The School has a “Drug Free” zone that extends 1000 feet beyond the school boundaries, as well as to any school activity and transportation to and from a school event. This means that any activity – the sale, possession, consumption, distribution, or use of drugs,

alcohol, consumption of drugs, steroids, inhalants, or look-alike drugs is prohibited. This prohibition also applies to any type of drug-related paraphernalia. If caught, the student will be suspended or expelled and law enforcement officials will be contacted.

The sale, possession, use, or distribution of tobacco, alcoholic beverages, and drugs is prohibited during the following locations and times:

1. On school grounds immediately before, during, and immediately after school hours and at anytime when the school is being used by a group;
2. Off school grounds at a school activity, function, or event, or;
3. Traveling to or from school or a school activity, function, or event.

#### LEGAL OBLIGATION\*

Indiana Code 20-8.1-7 sets out health measures to be governed by school officials. Most specifically, IC 20.81-2-2 establishes the responsibility of schools to assist children to be ill or in need of treatment.

#### SUPPORTING RESEARCH\*

Random urine drug testing of a public school interscholastic athlete is legal as determined by the United States Supreme Court in the case of *Vernonia School District 47J (Oregon) v. Acton*.

#### RANDOM DRUG TESTING POLICY

1. Participation in extracurricular activities as well as driving to and from school is a privilege. This program applies to all Yorktown High School students in grades 9-12 who wish to participate in extracurricular activities during the current school year. It also includes any student who wishes to drive to and from school during the current school year. Any YHS student who refuses will not be permitted to participate in extracurricular activities and/or drive to and from school. Extracurricular participants and drivers will be subjected to a random chemical test to determine if the student has drug residues in his/her body or is under the influence of alcohol and/or other illegal drugs and substances as defined by Indiana law.
2. 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 and the policy will be explained to them at this time. An educational presentation will also be made to educate the students 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.
3. TEST PROCEDURES The testing facility shall implement a procedure for the method of random selection of students involved in the program as well as procedure to be used in the collection and testing of samples. The laboratory testing will indicate a positive test result for the following substances: alcohol, nicotine, "street drugs" (which may include

all drugs listed as controlled substances under the laws of the state of Indiana) and “performance enhancing” drugs such as steroids. \*

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 clear fluids upon request. 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/driving privileges. In addition, the parents/guardian will be telephoned and informed that the student is unable to produce a sample for the testing procedure and that he/she maybe tested at a later date and reinstated for eligibility. \*

If it is proven that tampering or cheating has occurred during the collection, the test is treated as positive result and consequences as stated later in this policy will be instituted. This will be reported to the parent/guardian. \*

4. CHAIN OF CUSTODY The certified laboratory will provide training and direction 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 number, not name will be used.

The principal/administrative designee will be responsible for escorting students to the collection site. The student should report directly to the collection site and should not be allowed to go to his/her locker.

Before the laboratory tests the student’s urine sample, 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 prescription medication.

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. In addition, 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.

#### 5. CONSEQUENCES OF A POSITIVE TEST RESULT

A student who tests positive for drug and/or alcohol use will be subject to the following consequences as outlined below. In addition, student athletes will be responsible for any drug/alcohol violation consequences in the Yorktown High School Athletic Constitution for athletic participation.

##### (a) FIRST OFFENSE

The student will be allowed to select one of the following two (2) options:

(Option 1) Immediate suspension of extracurricular and/or driving privileges (whichever applies) for a period of: 42 calendar days for alcohol/drugs; \*21 calendar days for tobacco/nicotine (this includes, meetings, practices and games) beginning from the date of the positive test result.

In addition to losing the above stated privileges, students will provide documentation of participation in an approved drug education program or approved drug-counseling sessions prior to extracurricular and/or driving privileges being reinstated; and complete 2 hours of community service for every week excluded from ECA/driving participation. Programs must be approved in advance and paid for by the student or his/her parent/guardian. The school administrator will provide a list of possible agencies and/or programs.

The student shall also be subject to additional unscheduled drug/alcohol tests. If a student selects this option and fails to complete the approved education program/counseling sessions and community service requirement within the specified time frame or fails a drug test during the specified period then Option 2 shall be imposed.

(Option 2) The student will be immediately suspended from all extracurricular and/or driving privileges for a period of one (1) calendar year beginning from the date of the positive test result.

#### (b) SECOND OFFENSE

The student will be immediately suspended from all extracurricular and/or driving privileges (whichever applies) for a period of: one (1) calendar year for alcohol/drugs; \*42 calendar days for tobacco/nicotine (this includes, meetings, practices and games) beginning from the date of the positive test result.

In addition to losing the above stated privileges, students will provide documentation of participation in an approved drug education program or approved drug-counseling sessions prior to extracurricular and/or driving privileges being reinstated. Programs must be approved in advance and paid for by the student or his/her parent/guardian. The school administrator will provide a list of possible agencies and/or programs.

The student shall also be subject to additional unscheduled drug/alcohol tests. If a student fails any additional random drug tests during his/her high school career, consequences for a THIRD OFFENSE shall be imposed.

#### (c) THIRD OFFENSE

If a student fails a third random test during his/her high school career that student forfeits all extracurricular and driving privileges for the remainder of his/her high school career.

### 6. REFUSAL

when required to do so shall be subject to suspension from extracurricular participation for a period of one (1) calendar year. The student will also lose all driving privileges for a period of (1) one calendar year.

If a student is unable to produce a specimen, the student will be given clear fluids upon request. 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/driving privileges. In addition, the parents/guardian will be telephoned and informed that the student is unable to produce a sample for the testing procedure and that he/she maybe tested at a later date and reinstated for eligibility.

7. **PARENT NOTIFICATION & TEST RESULTS** If a student tests negative for drug and/or alcohol use the student and his/her parent will be notified as soon as practical by Yorktown High School. If a student tests positive for drug and/or alcohol use, the Yorktown High School administration (Principal, Asst. Principal and Athletic Director) will notify parents of the results. The results of all testing shall remain confidential and no record of the student's test will be made a part of his/her permanent record. The administration shall discuss with the student and his/her parent(s) or legal guardian(s) the consequences of the positive test result and provide information on the appropriate counseling or treatment options available to parent (at their own expense). In the event a student has a positive test he/she shall be subject to future testing at the discretion of the administration for the next calendar year beginning from the date of the positive test result. At the end of the calendar year, the student's name would go back in the random pool.
8. **\*FINANCIAL RESPONSIBILITY** Under this policy, Yorktown Community Schools will pay for all initial random drug tests. Once a student has a verified positive test result, the student or his/her parent/guardian will pay for any subsequent tests. In addition, a request on appeal for another test of a positive urine specimen 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.
9. **LEGITIMATE EXPLANATION** Within twenty-four (24) hours of being informed of a positive test result, the student may present evidence to the test administrator that the positive test result was caused by the legitimate use of a prescription or non-prescription drug or activity other than illegal drug or alcohol use. If the test

A student who refuses to submit to a drug test as stipulated in this policy administrator determines the result to have been caused by legitimate activity, then the test result will be disregarded and any record of the positive result shall be removed.

10. **INDEPENDENT ANALYSIS** A student who receives a positive test result will be permitted to retain an appropriately licensed laboratory to conduct an independent chemical analysis. This will be at the student's expense. If such a request is made, the laboratory used by the school will forward the specimen directly to the laboratory of the student's choice. If it is found that the student had access to the sample prior to it being tested by the independent laboratory then any result from the lab will be disregarded. The laboratory of the student's choice shall employ the current and most accurate methods for detection of the drugs previously found to be in the specimen.

If the laboratory records a negative result, the student's record shall reflect that result and the suspension shall be revoked. Any results obtained by the laboratory of the student's choice must be in the possession of the school within seven (7) days of the initial test results or they shall be disregarded.

No employee, officer, or agent of the laboratory selected by the student shall in any way be associated with the student or any member of the student's family. If such an association exists then any negative results from the laboratory shall be disregarded.

11. **CONSENT FORM** In order to ensure that all interested persons are fully informed of the requirements of the Yorktown High School Extracurricular Activities and Student Driver Drug and Alcohol Random Testing Program, all extracurricular participants and drivers will be required to complete and sign a consent form through Online registration. This consent form must be signed by the student and his/her parent(s) or legal guardian(s) to acknowledge they have read the Policy, agree to all terms of the Policy and consent to the student providing a urine sample should he/she be required to do so. No student shall be allowed to participate in any extracurricular activity or operate a motor vehicle to and from school or to after-school activities until a signed consent form is on file with Yorktown High School.

12. **CONFIDENTIALITY** Under this drug testing program, any staff, coach, or sponsor of Yorktown Community Schools 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 Yorktown Community Schools commitment to confidentiality with regards to this program.

13. **EXPULSION FOR DRUG/ALCOHOL OFFENSES** If a student is expelled from Yorktown High School because of possession, distribution, or under the influence of drugs and/or alcohol, the student will be subject to random testing upon their return to Yorktown High School. Students will be placed in the random pool for a period of one calendar year from the date of the disciplinary infraction.

14. **IN POSSESSION OR UNDER THE INFLUENCE** Students who are called to provide a urine specimen and upon arrival at the testing site it is discovered that the student is in possession of an illegal drug/alcohol or under the influence, is subject to the disciplinary action provided for such incidents in the Yorktown High School Student Handbook without regard to participation in the testing program.

15. **VOLUNTEER PARTICIPATION** Students who do not meet the mandatory guidelines for testing may also participate in the random testing program. If a parent/guardian decides that they would want their son/daughter to voluntarily participate in the drug-testing program (students under the age of 18), the student will be made part of the random pool for one calendar year beginning from the time of consent given via Online registration. If the student is called for testing, the parent/guardian will be required to compensate YCSC for the cost of the test.

16. **VOLUNTARY REPORTING OF DRUG OR ALCOHOL DEPENDENCE**  
Students who voluntarily report to the Counselor, Teacher, Nurse, Coach, or Building Administrator, their dependence on drugs/and or alcohol, will be required to complete a drug education program approved by the school administration and paid for by the student or student's parent(s). The student shall also be subject to additional unscheduled drug/alcohol tests. If a student utilizes this option, and fails to complete the approved education program within the specified time frame (or fails a drug test during the suspension period) then he/she will immediately fall into the **FIRST OFFENSE** category of the **CONSEQUENCES OF A POSITIVE TEST RESULT**.

