

RANDOM DRUG TESTING OF STUDENTS

Admin. Reg. SS-57
February, 2016

- I. **Introduction.** The Beaufort County School District (“BCSD”) strongly believes that drug use and substance abuse can be detrimental to the physical and emotional health and the academic performance of its students. It is from this belief and out of concern for students’ well-being that the BCSD initiates a random drug-testing program. The purpose of this drug testing program is to help students and not to be punitive. Therefore:
 - A. A positive test arising from this random drug testing program will not result in suspension from school or notification to legal authorities, and
 - B. A first positive test will not automatically result in ineligibility from any school activities.

- II. **Findings.** The BCSD enacts this administrative regulation governing random student drug testing based on the following findings:
 - A. Drug and substance abuse by students is a serious problem throughout the nation;
 - B. Beaufort County, due to its demographics and status as a tourist destination, is particularly susceptible to substance abuse problems;
 - C. The BCSD has recorded a substantial number of student drug and/or alcohol violations, leading the BCSD to believe there may be a problem of alcohol and drug abuse among Beaufort County students;
 - D. While the primary responsibility for addressing substance abuse by students rests with parents, the BCSD and the community at large also have a responsibility for addressing substance abuse by students;
 - E. The BCSD has implemented various prevention, education and intervention programs to reduce substance abuse among Beaufort County students and is committed to continue addressing the substance abuse problem head-on rather than ignoring it;
 - F. The U.S. Supreme Court has authorized the use of random drug testing of students who elect to participate in voluntary school activities that are privileges rather than rights;
 - G. An increasing number of school districts across the country have enacted random drug testing policies;
 - H. School districts that have enacted random drug testing policies report positive results in reducing drug use and discipline problems and in fostering a school culture resisting drug abuse;

- I. Students who participate in athletics and other voluntary extracurricular activities are representatives of the BCSD and their schools and are often role models for other students;
- J. Students who voluntarily choose to drive to and from school are permitted to park on campus as a privilege. The school district has a particular interest in assuring the safety of these drivers, in campus parking lots, and of others on and near school campuses; and
- K. A random drug testing policy of students engaged in voluntary school activities is likely to be an effective tool in reducing substance abuse.

III. Goals of Random Drug Testing Program. The random drug testing program is not intended to punish students, but to help them. Goals of the random drug testing program are:

- A. To educate students about the dangers and problems associated with drug use/abuse;
- B. To deter drug use/abuse by students;
- C. To identify students participating in extracurricular activities or driving to school who may be abusing drugs and to determine the identity of the drug(s);
- D. To provide information to parents so that parents can take appropriate steps at the family level;
- E. To motivate students to resist negative peer pressure;
- F. To provide opportunities for counseling and treatment for any student who is determined to be using/abusing drugs;
- G. To help ensure the safety of students who participate in athletics, extracurricular activities or driving privileges;
- H. To remove the stigma of drug use/abuse from those students who do not use drugs;
- I. To develop a drug-free program that produces students who can serve as role models and influence their peers to lead healthy and responsible lives; and
- J. To complement the BCSD overall drug education program.

IV. Students Subject to Random Drug Testing Program.

- A. All eligible students in grades 7-12 who desire to participate in any of the following voluntary school activities or privileges must agree to participate in the random drug testing program:

1. Interscholastic athletics – High School Level only beginning August 2015;
 2. Other voluntary extracurricular activities – High School Level only beginning August 2016;
 3. Campus parking privileges – High School Level only beginning August 2016.
- B. Participation in the random drug testing program is mandatory only for students who elect to participate in the above voluntary activities, which are a privilege not a right. Participation in the random drug testing program shall not be required as a condition of attending school or enrolling in any for-credit class.
- C. Any parent of a student in grades 7-12 has the opportunity to consent to the student voluntarily participating in the random drug testing program, whether or not the student is a participant in any of the privileged activities listed above. The same procedures will apply, as outlined in this administrative regulation, for all students participating in random drug testing.
- D. The BCSD administration shall prepare a Drug Testing Consent Form to be signed by the student and the student's parent/guardian. The parent/guardian shall be given a copy of the signed Consent Form and a copy of or link to this random drug testing administrative regulation. The original Consent Form shall be kept in the student's official file.
- E. Students who desire to participate in the voluntary activities or privileges covered by this program shall annually sign the Consent Form prior to participation in the activity listed in Section IV.A., above, each school year. The Consent Form will authorize random drug testing for the then-current school year only. A new consent form must be executed each school year.
- F. A signed Consent Form may be revoked by a signed Withdrawal of Drug Testing Consent Form. A student who withdraws will no longer be subject to random drug testing, and will not be eligible for participation in the voluntary activities or privileges covered by this administrative regulation for a period of 365 days from the date of withdrawal.
- G. A student who begins an extracurricular activity covered by this administrative regulation and then ceases the activity, voluntarily or involuntarily, will remain in the pool of students to be randomly drug and alcohol tested.

V. Implementation.

- A. Key Implementation Roles.

1. Contracted Test Administrator. The drug testing program will be implemented on behalf of the BCSD by a Test Administrator, which shall be an independent agency or entity operating under contract with the BCSD. The contracted Test Administrator shall have experience in implementing a drug testing program.
 2. Medical Review Officer (MRO). The contracted Test Administrator shall employ or provide by subcontract a licensed physician as a Medical Review Officer. The MRO will be certified by a national MRO certification organization.
 3. Superintendent's Designee. The Superintendent shall designate a BCSD employee to coordinate the BCSD drug testing program.
 4. Licensed Substance Abuse Professional (LSAP). Licensed substance abuse professionals whose professional credentials are acceptable to the Superintendent's designee shall conduct all substance abuse assessment and counseling services.
- B. Role of school system employees. **BCSD personnel shall not assist with the actual testing or physical collection of the samples, shall have no access to the test samples, and shall not select the students who will be randomly tested.** These functions will be carried out by the contracted Test Administrator. BCSD employees will be expected to call students from class and assist with coordinating testing as needed.
- C. Random Selection. Eligible students will be randomly selected for testing by the contracted Test Administrator using the following process:
1. The Superintendent's designee shall maintain a list of all eligible students who have signed Consent Forms. The list shall be updated prior to each testing date.
 2. Each eligible student on the list shall be assigned a number by the Superintendent's designee.
 3. The Superintendent's designee shall provide the contracted Test Administrator with a list of the students' numbers, categorized by school.
 4. Prior to each testing date for each school, the Superintendent's designee will notify the contracted Test Administrator as to what number or percentage of students will be tested.
 5. Prior to each testing date for each school, the contracted Test Administrator shall randomly generate a list of student numbers representing students to be tested at each school. Students who were absent on a testing date, after their previous selection under this random selection process, shall be added to the next randomly generated list. The list shall be maintained by the Test Administrator and shall be provided only to the school Principal upon arrival at a school to begin testing students pursuant to this Administrative Regulation.

6. On the date of each test administration at each school, the school Principal will match the randomly generated student numbers with students' names and notify the students selected.
 7. Selected students shall be pulled from class for testing on testing day. There shall be no advance notification of which students will be tested.
 8. Documentation of the selection process shall be maintained.
- D. Absences. A student who is absent on the day of a test shall be excused from testing, but shall be added to the sample to be tested on the next testing date. However, a student who is present at school on the day of testing and avoids testing by leaving campus (or cutting class) without a valid excuse for that day shall be considered as having refused to be tested.
- E. Refusal to Test or Tampering with a Test. A refusal to be tested, or an attempt to alter, substitute, adulterate or otherwise tamper with a test sample, shall result in the same consequences as a positive test.
- F. Frequency of Tests. Random drug testing will be conducted at least monthly during the academic year. The dates of testing will not be publicized in advance.
- G. Location of Tests. Testing will occur at each high school once per month from September through May of each school year. Testing may or may not occur on the same dates at multiple high schools each month. Testing dates will be assigned randomly by the Superintendent's designee and may be conducted on consecutive school days in different months.
- H. Number of students tested. It is the intent of the BCSD to test at least fifty percent (50%) of eligible students at each secondary school each year. The Superintendent shall determine what number or percentage of eligible students are tested each month and during a school year.
- I. Urine tests. Testing will be by urine specimen.
- J. Confidentiality. All test results will be strictly confidential, including the maintenance of the sample throughout the collection and testing process. All reported results will be maintained by the Superintendent's designee in a locked file cabinet. Disclosure of test results will be limited to those who have a need to know in order to implement this administrative regulation.
- K. Notification to Coach or Sponsor. When under this administrative regulation a student becomes ineligible to participate in any voluntary activity, the principal shall inform the school's athletic director and the student's coach or sponsor (or administrator for parking permits) that the student is ineligible. Upon notification to the Principal from

the Superintendent's designee and from the Principal to the coach or sponsor, the Principal, school athletic director, coach and/or sponsor are responsible for ensuring the ineligible student is not allowed to participate until allowed by this Administrative Regulation. Failure of the Principal, school athletic director, coach and/or sponsor to adhere to the ineligibility notice may result in disciplinary action.

VI. Substances Tested. Substances for which students will be tested shall include:

Marijuana (THC)	Cocaine
Phencyclidine (PCP)	Amphetamines/methamphetamine
Opiates (OxyContin, Vicodin)	Alcohol
Barbiturates	Benzodiazepines (Valium)
Test Adulterants	Methadone
Propoxyphene (Darvon)	

At the recommendation of the contracted Test Administrator and determination by the Superintendent, students may be tested for other or additional substances for which use by a minor is illegal.

VII. Consequences of Positive Tests.

A. First Positive Test:

1. The MRO shall notify the Superintendent's designee, who shall notify the Principal of the student's school.
2. The Principal or his designee (who shall be an assistant principal) shall schedule a meeting with the student and the student's parent/guardian.
3. In the event a student tests positive for drugs or alcohol, the student shall be ineligible for participation in extra-curricular activities (of, effective August, 2017, use of a parking permit on campus) for 365 calendar days. However, if the student is assessed and begins treatment/counseling as contemplated in Section VIII, below, the student's ineligibility will be waived and he/she will remain eligible.
4. In order to maintain eligibility, within ten (10) calendar days of notification of positive test, the student or his/her parent/guardian must provide the Principal or his/her designee with written evidence from a licensed substance abuse professional the student has been assessed and has attended at least one (1) treatment or counseling session as contemplated in Section VIII, below. The written evidence shall include the projected length of treatment/counseling prescribed for the student.
5. At the end of the projected length of treatment/counseling prescribed for the student by a licensed substance abuse professional, the student or his/her parent/guardian shall be required to provide the Principal or his/her designee written evidence the

student has successfully completed the treatment/counseling or the length of treatment/counseling has been extended. Failure to provide written evidence of successful completion or extension shall render the student ineligible for 365 calendar days or until written evidence is provided, whichever first occurs.

6. If the student elects not to provide proof of or fails to successfully complete assessment and treatment/counseling, he/she shall be ineligible for 365 calendar days.
7. The MRO shall provide the parent/guardian a list of resources for substance abuse assessment and intervention in the Beaufort County area.
8. The student shall be subject to a mandatory retest after thirty (30) calendar days but within ninety (90) calendar days of the first positive test. The student will be identified by the contracted Test Administrator for retesting on a regularly scheduled test date. School officials will not know whether the student is being retested as a mandatory retest or whether the student's number was randomly drawn.

B. Second Positive Test:

1. The MRO shall notify the Superintendent's designee, who shall notify the Principal of the student's school.
2. The Principal or his designee (who shall be an assistant principal) shall schedule a meeting with the student and the student's parent/guardian.
3. The student will be ineligible to participate in the voluntary activities covered by this administrative regulation (interscholastic athletics, other extracurricular activities and parking privileges) for 365 calendar days unless the student regains eligibility earlier, as provided below.
4. The student may regain eligibility prior to 365 calendar days upon compliance with all of the following requirements:
 - a. The student shall satisfy the substance abuse assessment/counseling requirement of Section VIII below. The student shall be considered in compliance once he/she has completed the substance abuse assessment and any recommended counseling/treatment program.
 - b. The parent/guardian shall provide written certification to the Principal or his/her designee that the student has completed the required assessment and counseling/treatment program.
 - c. A student shall also be required to test "negative" on a retest prior to regaining eligibility. This retest may be the mandatory retest provided in Section VII.B.5.,

below, or may be a privately arranged test by a licensed drug testing agency acceptable to the Superintendent's designee. A privately arranged drug test shall be at the expense of the parent/guardian.

5. The student will be subject to a mandatory retest after thirty (30) calendar days but within ninety (90) calendar days of the second positive test.

C. Third Positive Test:

1. The MRO shall notify the Superintendent's designee, who shall notify the Principal of the student's school.
2. The Principal or his designee (who shall be an assistant principal) shall schedule a meeting with the student and the student's parent/guardian.
3. The student will be ineligible to participate in the voluntary activities covered by this administrative regulation for at least 365 calendar days.
4. The student may regain eligibility after 365 calendar days, upon compliance with all of the following requirements:
 - a. The student shall satisfy the substance abuse assessment/counseling requirement of Section VIII below and provide written proof of such completion to his/her Principal or his/her designee.
 - b. The student will be subject to a mandatory retest before regaining eligibility and must test negative at the mandatory retest.

VIII. Substance Abuse Assessment/Counseling Requirement. Whenever a student is required to satisfy the substance abuse assessment/counseling requirement of this administrative regulation, the student shall:

- A. Undergo a substance abuse assessment by a licensed substance abuse professional acceptable to the Superintendent's designee.
- B. Provide the school principal or his/her designee with written certification by the licensed substance abuse professional that the substance abuse assessment has been completed.
- C. Undergo counseling/treatment or other intervention, if any, as recommended by the licensed substance abuse professional. The Board of Education will not specify requirements of any such counseling/treatment or intervention, as this will be based on the student's individual needs. The Board of Education's interest is that the student receive whatever assistance is appropriate for the particular individual.

- D. After a first positive test, eligibility may be regained prior to completion of the counseling/treatment program, as long as the student has undergone a substance abuse assessment and has begun a recommended counseling/treatment program. If, at any time during the recommended counseling/treatment program, it comes to the attention of the BCSD that the student has failed to complete or comply with the program, the student will again be ineligible for 365 calendar days.
- E. After a second positive test eligibility may be regained upon successful completion of the assessment and counseling/treatment program. If the student fails to complete an assessment and counseling/treatment program, the student remains ineligible for 365 calendar days.
- F. After a third positive test, the student will be ineligible for 365 calendar days. Eligibility will not be regained until the licensed substance abuse professional certifies that the student has successfully completed any recommended counseling/treatment program.
- G. Failure to fully cooperate or comply with substance abuse assessment or any counseling/treatment program recommended by the licensed substance abuse professional shall make the student ineligible for participation in the voluntary activities covered by this administrative regulation.

IX. Test Procedures and Safeguards.

- A. Urine test. Testing will be by urine specimen.
- B. Screening test. The urine specimen shall be screened using an enzyme immunoassay (EIA) test or other screening test approved by the National Institute for Drug Abuse (NIDA).
- C. Confirming test. If the screening test indicates the presence of a controlled substance, the specimen shall be subject to a confirming test by gas chromatography/mass spectrometer (GC/MS).
- D. Split sample. Each student's urine sample shall be split into two samples. In the event of a confirmed positive test, a student may request that a portion of his/her urine sample be tested by another NIDA approved laboratory at the student's/parent's expense. If this test result is negative, the student/parent will be reimbursed by the BCSD.
- E. Standards for positive test. The contracted Test Administrator will use the standard cutoff scores generally used by NIDA and/or SAMHSA (Substance Abuse and Mental Health Services Administration) for determining a positive test result.
- F. Use of licensed laboratory only. The contracted Test Administrator must use a laboratory that is appropriately licensed by the NIDA or SAMHSA.

- G. Expense. The expense, if any, of the assessment or counseling/treatment program shall be the responsibility of the parent/guardian, not the BCSD. Grants may sometimes be available to defray costs.

X. Medical Review Officer.

- A. Any confirming test reported as “positive” for the presence of a tested substance shall be reported directly to the MRO.
- B. The MRO shall notify the student and the student’s parent/guardian of the test results and provide an opportunity to present information, such as the documented use of a prescription medication or an over-the-counter drug, which would render an apparent “positive” result invalid or “negative.”
- C. Failure or refusal of the student or the student’s parent/guardian to cooperate with the MRO shall constitute a refusal to test, which is considered a positive test.
- D. The MRO shall inform the student and the student’s parent/guardian of the opportunity for an additional confirming test at the student’s/parent’s expense on the remaining sample of the student’s urine. If the additional confirming test is negative, the student/parent will be reimbursed by the BCSD.
- E. If the MRO determines that an apparent “positive” test result is the result of a lawful use of a prescription or non-prescription drug, the test result shall be considered as “negative.”
- F. If the MRO determines that the test results are verified and positive, the MRO shall inform the Superintendent’s designee of this determination.

XI. Method of Sample Collection. The following procedures shall be used for the collection of urine specimens at the individual schools.

- A. Notice of Collection. All students selected for testing at a school **shall not** be notified simultaneously. A school administrator, counselor or nurse will notify each student personally that he/she has been selected for testing immediately prior to testing. The student shall be required to proceed directly to the collection location upon being notified of selection. The student shall not be allowed to go to his/her locker, the restroom or any other location for any reason prior to arriving at the testing site. The student may not leave the testing area until he/she has provided a urine specimen. Failure to follow these guidelines will result in consequences for a “positive” test result for offending student.
- B. Cooperation. If the student refuses to cooperate with school employees or the contracted Test Administrator’s staff, the student’s refusal to cooperate shall be treated as a “positive” test result.

- C. Time of Collection. In general, urine specimens will be collected as determined by the contracted Test Administrator in conjunction with a school administrator.
- D. Collection Location, Supplies and Equipment. Each school and the contracted Test Administrator shall select by mutual agreement one (1) or two (2) restrooms to use for collecting urine samples.
- E. Protection of Student's Privacy. The contracted Test Administrator's staff shall not view a student in the act of providing a specimen, but shall monitor each student in a non-intrusive but controlled manner to detect any attempt to provide a false urine specimen. Immediately upon receipt of a urine specimen it shall be tested to determine its temperature. All specimens outside of normal temperature limits will be considered invalid and the student shall be required to provide another urine sample.
- F. Chain of Custody. The contracted Test Administrator shall implement procedures to ensure that each student's urine sample is appropriately labeled and secured to prevent each sample from being lost, misplaced, or contaminated. At a minimum, the contracted Test Administrator shall:
 - 1. Provide each student with a sanitized kit containing a specimen bottle. The bottle will remain in the student's possession until a seal is placed on the bottle by the collection staff. The student will sign a form certifying that the bottle contains his/her urine sample and that the specimen has been sealed. The seal may be broken only by the lab testing the specimen.
 - 2. After the specimen has been sealed, the specimen shall be transmitted to the testing laboratory by the contracted Test Administrator.
 - 3. In order to maintain confidentiality, the specimen bottle shall be labeled with the student's number and not the student's name. In addition, the results sheet mailed by the laboratory to the contracted Test Administrator or MRO shall report the results by student number and not by student name.
- G. Refusal or Inability to Provide Sample. The contracted Test Administrator shall implement appropriate procedures for use in the event a student refuses to provide a urine sample or states that he/she is physically unable to provide a urine sample. A refusal to provide a urine sample will be treated as a "positive" test result. If a student says that he/she is unable to provide a urine specimen, the student will be given water and up to three hours to provide a urine sample. If the student states that he/she has a medical problem which prevents the student from providing a urine sample, the student will be given the opportunity to communicate with the MRO, who shall determine whether or not the student has a legitimate medical reason for being excused from the testing.

XII. EVALUATION AND REVIEW OF ADMINISTRATIVE REGULATION. The contracted Test Administrator shall provide periodic statistical reports (without identifying

students' names) to the Superintendent's designee, indicating the numbers of students tested and the numbers of first, second and third positive test results, by substance and by school. The Superintendent will make an annual report to the Board regarding the impact of this administrative regulation.

Adopted: June, 2015
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Legal References:

U.S. Const., Amend. IV
Bd. Of Education of Independent School Dist. No. 92 of Pottawatomie County v. Earls,
122 S. Ct. 2559 (2002)