

CULVER COMMUNITY SCHOOLS CORPORATION
EXTRACURRICULAR ACTIVITIES AND STUDENT DRIVER
DRUG TESTING POLICY

STATEMENT OF NEED AND PURPOSE

Given the nationwide epidemic of drug use, the evidence of drug use in the Culver Community Schools Corporation as well as schools throughout the United States, and the need to prevent and deter the substantial harm of childhood drug use, a program to prevent and deter drug use by school children and to protect the health and safety of school children will be instituted by the Culver Community Schools Corporation ("School Corporation") as a pro-active approach to a drug free school. Through driving or participation in extracurricular activities, students using illegal drugs pose a threat to their own health and safety, as well as to that of other students. The purpose of this Policy is to (1) prevent and deter drug use by students; (2) provide for the health and safety of students; (3) undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal and banned drugs; and (4) encourage students who use drugs to participate in drug treatment programs. 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 Policy to prevent students from driving to and from school or participating in extracurricular activities while he/she has drug residues in his/her body and to educate, help, and direct students away from drug and alcohol abuse and toward a healthy and drug free lifestyle. This Policy is non-punitive. It is designed to create a safe, drug free, environment for students and assist them in getting help when needed. No student shall be expelled or suspended from school as result of any Positive Test conducted by the School Corporation under this Policy other than stated herein.

INTRODUCTION

The implementation of this Policy shall not affect the policies, practices or rights of the School Corporation in dealing with drug, alcohol, or tobacco possession or use where reasonable suspicion is obtained by means other than this Policy. The School Corporation reserves the right to drug test any student who at any time exhibits behavior that establishes reasonable suspicion of a Banned Substance use.

REASONABLE CONCERN

The School Corporation has a strong commitment to the hearth, safety and welfare of its students, and its commitment to maintaining the

extracurricular activities in the School Corporation as a safe and secure educational environment requires a clear policy and supportive programs relating to detection, treatment, and prevention of substance abuse by students involved in extracurricular activities and driving to school, from school, or during school.

SCOPE

Participation in extracurricular activities is a privilege. This Policy applies to all School Corporation students in grades 7-12 who wish to participate in extracurricular activities that are listed below:

1. Athletics
(Participants include, but are not limited to, athletes, cheerleaders, managers, and other athletic student personnel.)
2. Music
(Participants include, but are not limited to, performing band members, performing choir members, and participants in solo/ensemble contests.)
3. Academic Teams
4. Clubs
(Participants include, but are not limited to, participants in Drama, National Honor Society and SADD.)
5. Student Government

This Policy also applies to any student ("Student Driver") who wishes to drive to school, from school, or during school (collectively referred to as "drives to school" or "driving to school"). In addition to the above students listed in items 1 through 8 hereinabove and Student Drivers, the School Corporation will random test any student who volunteers to participate in this Policy as well as students under the age of eighteen (18) whose parent/guardian wish to have them included in this Policy. Such students and/or student's parent/guardian must provide the School Corporation with the School Corporation's consent form, a copy of which is attached hereto and herein referred to as "Consent Form", to participate in this Policy. Also, faculty members, administrators, staff members, and coaches of the School Corporation may voluntarily elect to be included in this Policy. Once a student (and the student's parent/guardian, if applicable), faculty member, administrator, staff member, or coach executes a Consent Form, voluntarily agreeing to be subject to the terms and provisions of this Policy, he/she shall remain subject to this Policy throughout his/her school career, unless he/she rescinds in writing his/her consent to participate in this Policy; provided, however, in the event of a rescission by a student, a student shall not have the right to participate in extracurricular activities (or in the case of co-curricular extracurricular activities, participation in programs) and/or drive to

school. Also, once a student (and the student's parent/guardian, if applicable), faculty member, administrator, staff member, or coach has voluntarily signed the Consent Form, he/she has given his/her voluntary consent to this Policy, including random drug and urinalysis testing for the Banned Substances on an unannounced basis and to provide a urine sample to be tested for the Banned Substances under this Policy.

PARTICIPATION; CONSENT FORM

As a condition for students to participate in extracurricular activities and/or drive to school, it is MANDATORY that each student who participates in extracurricular activities or drives to school sign and return the Consent Form prior to participation in any extracurricular activity or driving to school. A student shall be prohibited from participating in extracurricular activities (or in the case of co-curricular extracurricular activities, participation in programs) and/or driving to school, unless the student and parent/guardian consents to this Policy and signs and returns the Consent Form, consenting to this Policy and random drug and urinalysis testing for the Banned Substances.

Each student shall be provided with a Consent Form which shall be dated and signed by the student and by the student's parent/guardian. In so doing, the student is agreeing to participate in this Policy and random drug and urinalysis testing for Banned Substances or is stating he/she does not plan to participate in extracurricular activities (or in the case of co-curricular extracurricular activities, participation in programs) of the School Corporation and/or driving to school. Notwithstanding any other provisions of this Policy, students that wish to participate in an extracurricular activity and/or driving to school at any time other than the beginning of the school year, including but not limited to a student who moves into the School Corporation after the beginning of the school year (the beginning of the school year will be considered the first 2 weeks of the school year) and/or students who fail to sign and return a Consent Form by its due date and then decide to participate in an extracurricular activity and/or driving to school at a later date must and shall submit to a drug and urinalysis test for Banned Substances before participation in any extracurricular activity (or in the case of co-curricular extracurricular activities, participation in programs) and/or driving to school. Additionally, such student and/or parent/guardian will be financially responsible for the costs of such drug test and urinalysis.

NON-PUNITIVE NATURE OF POLICY

Notwithstanding anything to the contrary contained in this Policy, no student will be penalized academically for testing positive for a Banned Substance(s). The results of drug and urinalysis tests pursuant to this Policy will not be documented in any student's academic records. Information regarding the results of drug and urinalysis tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the School

Corporation will not solicit. In the event of service of any such subpoena or legal process, the School Corporation will make a reasonable attempt to notify the student and the student's custodial parent, legal guardian, or custodian at least 48 hours before response is made by the School Corporation, to the extent reasonably possible and/or permitted by such subpoena or legal process.

BANNED SUBSTANCES

For the purpose of this Policy, the following substances or their metabolites that can be tested for are considered illicit or banned (collectively referred to as "Banned Substances") for students of the School Corporation and shall be tested (drug and urinalysis test) for, under and pursuant to this Policy:

Alcohol	Amphetamines	Anabolic Steroids
Barbiturates	Benzodiazepines	Cocaine Metabolites
LSD	Marijuana Metabolites	Methadone
Methaqualone	Nicotine	Opiates
Phencyclidine	Propoxyphene	

TESTING PROCEDURES

- (1) Up to ten (10) individuals participating in this Policy may be selected randomly on an unannounced basis each week during the school year (including summer school and the extracurricular season) to be tested for Banned Substances in accordance with this Policy.
- (2) The selection of individual participants to be tested will be done randomly by the principal/designee, and selections will be made from time to time throughout the school year. Names will be drawn from three pools of those agreeing to be tested. The first pool will include students in grades 7 and 8. The second pool will include students in grades 9 through 12. The third pool will include faculty members, administrators, staff members, and coaches who voluntarily elect to be included in this Policy, if any. 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. Each student will be assigned a number that will be placed in the drawing. The principal/designee will use a system 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 and urinalysis testing.
- (3) If the student shows signs of a Banned Substance use that provides reasonable suspicion to search a student, the principal/administrative designee may call the student's parent/guardian and ask that the student be tested. Also, a parent/guardian may request that his/her student's name be placed in the pool.
- (4) 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.
- (5) Upon being selected for a drug and urinalysis test under this Policy, either by random draw, reasonable suspicion, request of a

parent/guardian, or a "follow-up" test, 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 drug and urinalysis test. Athletes may be tested after school, including during practice time.

- (6) 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 12 ounces of fluid. 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 (or in the case of co-curricular extracurricular activities, participation in programs) and/or a driving permit. 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 such eligibility.
- (7) Notwithstanding anything to the contrary contained in this Policy, if a student refuses to give a urine sample at the time of testing or if it is proven that tampering or cheating has occurred during the collection process, the student will become ineligible for all extracurricular activities (or in the case of co-curricular extracurricular activities, participation in programs) and/or driving permit for the remainder of the school year. This will be reported to the parent/guardian.
- (8) All specimens registering below 90.5 degrees or above 99.8 degrees Fahrenheit will be invalid. There is a heat strip on each of the specimen bottles indicating the validity of the urine specimen by temperature. If this occurs, another specimen must be given by the student.
- (9) Immediately after the specimen is taken, the student may return to class with an admit slip or pass with the time he/she left the collection site. The principal/designee must time and sign the pass.
- (10) The specimens will then be turned over to the testing laboratory, and each specimen will be tested for Banned Substances.
- (11) An independent testing laboratory selected by the School Corporation will perform all drug and urinalysis tests relating to this Policy, which will be properly certified to perform such tests.
- (12) A Student Driver who does not participate in extra-curricular activities shall not be tested for nicotine.

COLLECTION OF SPECIMENS; CHAIN OF CUSTODY

The Superintendent of the School Corporation will establish guidelines to set up the collection environment of the drug and urinalysis testing, guarantee the validity of specimens, and supervise the chain of custody.

TEST RESULTS

- (1) This Policy seeks to provide needed help for students who have a Positive Test (that is, if the drug and urinalysis test shows that a Banned Substance(s) residue is in the student's system after using at least two different types of analysis). The student's and other students' health, welfare, and safety will be the reason for preventing students, who have a Positive Test from participating in extracurricular activities (or in the case of co-curricular extracurricular activities, participation in programs) and/or driving to school.
- (2) The principal/designee will be notified of a student's Positive Test. The principal/designee will notify the student and his/her parent/guardian following guidelines for notification established by the Superintendent. The student or his/her parent/guardian may submit any documented prescription, explanation, or information which will be considered in determining whether a Positive Test has been satisfactorily explained.
- (3) In the event of a student's Positive Test, the principal/designee will meet with the student and his/her parent/guardian at a School Corporation facility. The student and parent/guardian will be given the names of counseling and assistance agencies that the family may want to contact for help.

A "follow up" drug and urinalysis test will be requested by the principal/designee after the disciplinary period and after such an interval of time that the Banned Substance(s) previously found would normally have been eliminated from the body. If this "follow up" test is negative, the student will be allowed to resume extracurricular activities and/or driving, subject to the disciplinary consequences of the Athletic Code of Conduct and /or applicable Student Activities Code of Conduct. If a second Positive Test result is obtained from the "follow up" tests, or any later drug and urinalysis test of that student, the same previous procedure shall be followed. In addition, the School Corporation reserves the right to continue testing at any time during the remaining school year of any student who has a Positive Test and did not make satisfactory explanation.

- (4) Information of a Positive Test will be shared with school personnel on a "need to know" basis, including with the student's coach or sponsor, as the case may be, and/or school nurse. The results of "negative" tests will kept confidential to protect the identity of all individuals being tested.
- (5) Drug and urinalysis testing result sheets will be returned to the principal/designee identifying students by number and not by name. Names of students tested will not be kept in open files or on any computer. Result sheets will be locked and secured in a location that only the principal/designee has access to.

These records shall be destroyed at the beginning of the school year immediately following a student's graduation from high school. These records shall not become a part of the student's permanent record, nor shall they be transferred if a student leaves the School Corporation to attend another school.

STATISTICAL REPORTING AND CONFIDENTIALITY OF DRUG AND URINALYSIS TEST RESULTS

The testing laboratory may not release any statistics on the rate of Positive Tests to any person, organization, news publication or media without the expressed written consent of the School Corporation. However, the lab will provide the Building Principal with a quarterly report showing the number of drug and urinalysis tests performed, number of negative tests, number of Positive Tests, and what substances were found in the Positive Tests.

Under this Policy, any employee of the School Corporation who may have knowledge of the results of a drug and urinalysis test will not divulge to anyone the results of such 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 School Corporation's commitment to confidentiality with regards to the program.

FINANCIAL RESPONSIBILITY

- (1) Under this Policy, the School Corporation will pay for all initial random drug and urinalysis tests, all initial reasonable suspicion drug and urinalysis tests, and all initial "follow up" drug and urinalysis tests. Once a student has a Positive Test and has subsequently tested negative from a follow up test, any future follow up drug and urinalysis test that must be conducted will be paid for by the student or his/her parent/guardian.
- (2) A request on appeal for another test of a Positive Test is the financial responsibility and cost of the student or his/her parent/guardian.
- (3) A mandatory drug and urinalysis test for a student who initially indicated that he/she would not participate in any extracurricular activity and/or driving to school for the remainder of the school year is the financial responsibility and cost of the student and/or parent/guardian.
- (4) Counseling and subsequent treatment by non-school agencies is the financial responsibility and cost of the student or his/her parent/guardian.
- (5) The parent/guardian/student will be responsible for the cost of any drug and urinalysis test given as the result of a parent/guardian/student request that a student be tested or included in the random drug and urinalysis test of this Policy.
- (6) Faculty members, administrators, staff, and coaches may voluntarily elect to be tested and included in the random drug test and urinalysis of this policy.

CERTIFYING SCIENTIST RESPONSIBILITIES

The certifying scientist ("Certifying Scientist") of the independent laboratory selected by the School Corporation to perform all drug and urinalysis tests under this Policy will review all results of the drug and urinalysis testing under this Policy. Any Positive Test for a Banned Substance(s) will be handled in the following manner:

- a. The Certifying Scientist determines if any discrepancies have occurred in the chain of custody.
- b. Depending on the Banned Substance(s) found in the urine, if necessary the principal/designee will contact the parent/guardian/custodian to determine if the student is on any prescribed medication from a physician.
- c. If the student is on medication, the parent/guardian/custodian will be asked to obtain a letter from the prescribing physician, within five working days, to document what medications the student is currently taking. Failure to provide such requested information will be considered a Positive Test.
- d. The Certifying Scientist will then determine if any of the prescribed medications resulted in the Positive Test.
- e. Finally, the Certifying Scientist, based on the information given, will certify the drug and urinalysis test results as Positive or negative and report this to the Building Principal, initially reporting Positive Tests.
 - (1) For example, a Positive Test for codeine may be ruled negative by the Certifying Scientist when he/she receives a letter from the treating physician that the student has been prescribed Tylenol with codeine as a pain medication following tooth extraction.
 - (2) Or, if the student has a Positive Test for codeine and has no documented physician order for the medication (maybe a parent gave the student one of their pills), this would likely be ruled a Positive Test by the Certifying Scientist.
 - (3) Positive Tests for illicit drugs (marijuana, heroin, cocaine, alcohol, etc.) would automatically be considered a Positive Test by the Certifying Scientist.
- f. The Certifying Scientist may use quantitative results to determine if Positive Tests on repeat tests indicated recent use of a Banned Substance or the natural decline of levels of the 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.

- g. The Certifying Scientist will complete the final review on the drug and urinalysis testing custody and control form and return the appropriate copy to the Building Principal in a confidential manner.

OTHER RULES

Apart from this Policy and drug and urinalysis test program, the School Corporation and/or the coaching staff and/or sponsor of each extracurricular activity have their own rules and requirements regarding extracurricular activities and driving to school, in which case the School Corporation and/or coaches and/or sponsors have the necessary authority to enforce those rules and requirements. Any student who violates a rule or requirement of a Student Driver or as a member of an extracurricular activity will be subject to the consequences as defined in those rules and requirements.

CONSEQUENCES FOR VIOLATIONS

A Student who has a Positive Test shall be subject to the following disciplinary consequences:

First Offense

Suspension from all athletic participation for twenty-five percent (25%) of the scheduled contests of the Student's sport (or if the Student is not participating in a sport at the time of the violation then the next sport normally participated in by the Student); suspension from all non-athletic extracurricular participation for twenty-five percent (25%) of the non-athletic extracurricular season (or in the case of co-curricular extracurricular activities, for twenty-five percent (25%) of the performances for the non-athletic extracurricular season), or if the Student is not participating in a non-athletic extracurricular activity at the time of the Positive Test, then the next non-athletic extracurricular activity normally participated in by the Student; and suspension of driving privileges for twenty-five percent (25%) of the school year.

"Normally" means by reference to the athlete's previous school year of participation and/or the Student's previous school year of non-athletic extracurricular participation. This definition is used in order to prevent a Student's circumventing the disciplinary consequences hereunder by playing a sport or participating in a non-athletic extracurricular activity that he/she did not participate in during the previous school year; provided, however, if the Student is a junior high student, the provision on a prior school year's participation will not apply if the sport and/or non-athletic extracurricular activity was not available to the Student at the junior high level. Also, if the Student has a Positive Test at a time late in the school year, athletic season, and/or non-athletic

extracurricular season, when the twenty-five percent (25%) total disciplinary consequences cannot be fully implemented and satisfied by the Student, such disciplinary consequences shall be carried over prorata into the next school year or succeeding school years, including the disciplinary consequences relating to a Student Driver.

Second Offense

Suspension from all athletic participation and contests for one (1) calendar year; suspension from all non-athletic extracurricular participation for one (1) calendar year (or in the case of co-curricular extracurricular activities, suspension from any participation in any programs for one (1) calendar year); and suspension of all driving privileges for one (1) calendar year.

A suspended student may be required to continue with random drug testing and attend drug education programs.

Third Offense

Suspension from participation in any extracurricular activities, including but not limited to all athletic participation and contests, for the remainder of the Student's school career (or in the case of co-curricular extracurricular activities, suspension from all programs for the remainder of the Student's school career).

"Athletic season" shall be defined as commencing with the first practice and ending with the athletic awards recognition or the final event, whichever occurs last.

"Non-athletic extracurricular season" shall be defined as any day following between the first and last days of the school year, and any summer activities sponsored by the School Corporation or any school organization.

"School career" shall be defined as junior high and high school.

Notwithstanding anything to the contrary contained herein, a Student who is unable to meet performance requirements of a co-curricular extracurricular activity may be required by the Director of the co-curricular extracurricular activity to provide alternate course work, including, but not limited to, a research project, a book report, compose a song, write music, or arrange a work for band, choir, or an ensemble.