

Republic of the Philippines
OFFICE OF THE PRESIDENT
COMMISSION ON HIGHER EDUCATION

CHED Memorandum Order
No. 19 Series of 2003

To: CHED Regional Directors
School Heads/Presidents of Private Schools, Colleges and Universities
Presidents of State Colleges and Universities

SUBJECT: **GENERAL GUIDELINES FOR THE CONDUCT OF RANDOM
DRUG TESTING FOR TERTIARY STUDENTS**

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1. In accordance with the pertinent provisions of Republic Act No. 7722, otherwise known as the "Higher Education Act of 1994" and pursuant to Section 36 (c) of Article III of RA 9165, otherwise known as the "Comprehensive Dangerous [D]rugs Act of 2002", random drug testing of students in public and private tertiary/higher educational institutions will be scheduled this year.
2. The enclosed general guidelines approved by the Dangerous Drugs Board (DDB) through Board Regulation No. 6 dated August 1, 2003, shall serve as the major reference in the implementation of the random drug testing program. For other provisions of the law, reference shall be made to the Implementing Rules and Regulations (IRR) of RA 9165.
3. Immediate dissemination of and compliance with this Order is directed.

Issued this 15th day of September, 2003 at Pasig City, Philippines.

(SGD.) **ROLANDO R. DIZON**
Chairman



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BOARD REGULATION NO. 6
Series of 2003

SUBJECT : General Guidelines For The Conduct Of Random Drug Testing For Secondary And Tertiary Students

Pursuant to Section 36 (c), Article III of Republic Act No. 9165, the following guidelines are hereby promulgated.

The guidelines shall be applicable to the random drug testing of students in public and private secondary, tertiary /higher education institutions and post-secondary technical vocational schools. These guidelines outline the purposes of the random drug-testing program, as well as procedures and necessary consequences of a positive drug test result after confirmation.

All procedures undertaken shall take into account the ideals of fairness and rehabilitation and not isolation of the drug dependent. The school must not violate the constitutional rights to due process, equal protection and self-incrimination.

GUIDING PRINCIPLES IN THE IMPLEMENTATION OF RANDOM DRUG TESTING IN SCHOOLS AND MANAGEMENT OF DRUG TEST RESULTS

1. Government recognizes the primary responsibility of the family, particularly the parents for the education and awareness of its members of the ill effects of dangerous drugs.
2. Parental involvement shall be maximized in the implementation of drug education, random drug testing, treatment and rehabilitation of drug users and dependents.
3. The school, with the assistance of Local Government Units (LGUs) and other agencies where the school is located, has the obligation to employ every reasonable means to provide a healthy and drug-free environment to its populace.
4. Cognizant of the right of the students to continue and complete their studies, the government and the schools shall give emphasis to the

- implementation of measures aimed at guidance and counseling together with the treatment and rehabilitation of any student found to have used or to be dependent on dangerous drugs.
5. Academic freedom of institutions of higher learning shall be respected in the implementation of random drug testing and all other pertinent provisions of RA 9165.
 6. The implementation of drug abuse prevention and education programs in schools shall be intensified as an integral part of the over-all demand reduction efforts of the government.
 7. The random drug testing shall be implemented as a collaborative undertaking of the government, the schools, the students and their parents. The whole process shall not in any manner be utilized to harass the students.
 8. Random drug testing shall be implemented primarily for prevention and rehabilitation.
 9. The drug-testing program shall guarantee and respect the personal privacy and dignity of the student.
 10. The drug test results shall be treated with utmost confidentiality.
 11. The test results shall not be used in any criminal proceedings.

PURPOSES OF RANDOM DRUG TESTING

1. To determine the prevalence of drug users among the students
2. To assess the effectivity of school-based and community-based prevention programs
3. To deter the use of illegal drugs
4. To facilitate the rehabilitation of drug users and dependents
5. To strengthen the collaboration efforts of identified agencies against the use of illegal drugs and in the rehabilitation of drug users and dependents.

DEFINITION OF TERMS

“Drug Counselor” shall mean a person trained in the techniques of guidance counseling particularly dealing with cases of drug dependency. The Drug Testing Coordinator shall designate such person.

“Drug Testing Coordinator ” shall be the point person in the school tasked with handling random drug testing which shall be the principal of a secondary school, the administrator of a technical vocational education and training institution or the administrator appointed by the president/chief executive officer in tertiary institutions.

“Parents” shall, for purposes of these guidelines, include court appointed guardians.

“Random selection” refers to the unbiased process of selecting students who are to undergo drug testing.

“Rehabilitation” is the dynamic process, including after-care and follow-up treatment, directed towards the physical, emotional/psychological, vocational, social and spiritual change/enhancement of a drug dependent to enable him/her to live without dangerous drugs, enjoy the fullest life compatible with his/her capabilities and potentials and render him/her to become a law-abiding and productive member of the community.

“Schools” shall mean an institution that has as its primary purpose the education of students including secondary, tertiary and technical vocational education and training institutions.

“Selection Board” shall be the board constituted at the level of the school composed of the Drug Testing Coordinator as chairperson, one representative each from the students, faculty and parents as members. The authorized governing body duly recognized by their respective constituents shall choose the representatives from these stakeholders based on a set of selection criteria formulated for this purpose. In the absence of a parents’ association, the School Head may appoint any parent who shall be a member of the Selection Board.

“Supervising Agency” shall refer to the government agency that exercises supervision over the school such as the Department of Education (DepEd), Commission on Higher Education (CHED), or the Technical Education and Skills Development Authority (TESDA).

PROCEDURES IN THE CONDUCT OF RANDOM DRUG TESTING

1. Notification

The Supervising Agency through an appropriate order that includes these guidelines on random drug testing, shall inform all schools under its supervision about the government’s actions against illegal drugs.

The schools’ administration shall be required to explain these provisions and their procedures to the school community and when applicable, include these in the schools’ handbook or listing of procedures.

(The Supervising Agencies’ Memorandum Circulars should include a list of DOH-accredited Testing Centers/Laboratories.)

All students and their parents shall be notified in writing on the process and manner by which the random drug testing shall be conducted. Such

notification may be sent at any time during the school term. Failure to return the acknowledgment receipt shall not be a bar to the conduct of the drug testing.

2. Samples

- a. The Supervising Agency shall inform randomly selected schools on their inclusion in the random drug testing program.
- b. The whole student population of the school selected shall be included in the random sampling.
- c. The number of samples should yield a statistical 95% confidence level for the whole student population

3. Selection of Samples

- a. The Drug Testing Coordinator shall convene the Selection Board within five days from the receipt of notice from the Supervising Agency stating that the school is included in the program.
- b. On the day of the testing, the Selection Board shall conduct the random selection of those to be tested.
- c. The Selection Board shall ensure the confidentiality and integrity of the random selection process.
- d. The selection process shall be random through a lottery, which may be computerized, or in any other manner that shall be agreed upon by the Board
- e. The random selection of students and the drug testing shall be done on the same day.
- f. Prior to testing, the selected students shall be asked to reveal the prescription medicines, vitamins, food supplements that they had ingested within the past five (5) days. The Drug Testing Coordinator shall keep the listing and utilize this in the evaluation of the confirmatory drug test.
- g. The laboratory shall follow the DOH prescribed guidelines in the collection of urine specimens. Universal precautions shall be observed at all times. DOH Prescribed Guidelines shall be posted in strategic places/visible areas of the school.

- h. The monitor assigned to ensure the integrity of the collection process should be of the same sex as the student.
- i. The drug testing shall be done in the school and conducted by a duly accredited drug-testing laboratory. The school, through its respective health personnel, shall assist the Drug Testing Laboratory in the conduct of the drug testing.
- j. The Drug Testing Coordinator shall ensure the confidentiality and integrity of the random drug testing for the students, teachers, administration and personnel of the school. It is strongly recommended that the drug testing for students, the teachers, administration and personnel be done simultaneously.

4. Treatment of Random Drug Test Results

- a. The results of the test shall be strictly confidential. No school shall publish or post results whether positive or negative.
- b. Any person who violates the rules of confidentiality of the results and selection shall be liable under Section 72 of RA 9165 and such other appropriate laws.
- c. The laboratory shall place the drug test result in a sealed envelope and deliver the same via personal service to the Drug Testing Coordinator. The Drug Testing Coordinator shall then inform all the students tested individually of the test results.
- d. In case the test results are positive, the Drug Testing Coordinator shall inform both the student and parent concerned that a confirmatory test shall be conducted. The student shall be told to inform his/her parents of the scheduled conference with the Drug Testing Coordinator. The student shall be advised to refrain from revealing the test results to other persons.
- e. During the scheduled conference, the Drug Testing Coordinator shall relay to the parents full information on the process that shall be undertaken for the confirmatory test. In the event that the parents do not appear on the scheduled conference, the student shall be informed of the schedule of the confirmatory test.
- f. The confirmatory drug test shall be conducted in the same manner as the initial drug test.
- g. The results of the confirmatory test shall be transmitted by the laboratory in a sealed envelope and handed directly to the Drug Testing Coordinator.

- h. The Drug Testing Coordinator shall inform both the parents and the student of the results of the test.
- i. The Drug Testing Coordinator shall not delegate such task of informing the student and parent to any other person, nor shall the Drug Testing Coordinator reveal the results of the test to any person other than the student and parent.
- j. First time positive confirmatory drug test result shall not be a ground for expulsion or any disciplinary action against the student.
- k. The Drug Testing Coordinator shall refer the student and his/her parent to government-owned DOH-accredited facility or DOH-accredited government physician to determine the student's dependency level.
- l. The student may opt for a private DOH-accredited facility or physician for this initial determination provided it is at his/her own expense.
- m. In the event that it is determined that the student is a drug dependent, the school may impose the appropriate sanctions against the student as provided for in the school's Student Handbook and the Manual of Regulations for Private Schools, provided that in the case of public secondary schools, if the student is later on found to have been rehabilitated, the student shall then be allowed to re-enroll.
- n. The student shall then undergo a three (3) month observation and counseling period under the supervision of the DOH-accredited facility or physician in consultation with the parent. Such process of observation and counseling shall be done in coordination with the Drug Counselor of the school.
- o. At the end of the three months, it is hoped that with the counseling done, the student will be properly rehabilitated.

If student shows no signs of improvement, recovery or fails the drug test the second time, the DOH- accredited facility or physician, may make a recommendation to the student, parent, and Drug Testing Coordinator to have the student referred to a DOH- accredited facility suited to the student's level of dependency. If another drug testing is conducted for another period on the same student population, and the student is found positive the second time, the school shall proceed in accordance with Section 61, R.A. 9165.

The parent and the student may choose to enroll the student in a private rehabilitation center or program or opt to avail of the rehabilitation services of the government through a DOH-accredited facility.

If the parents refuse to act, the school shall proceed in accordance to Sec. 61 of RA 9165 without prejudice to the provision of Section 73, RA 9165.

E. Reportorial Requirements of Results of the Random Drug Testing

1. The Drug Testing Coordinator, Drug Counselor and employees of DOH-accredited facilities, testing laboratories, shall not reveal the names of the students or test results to any other persons except to the student concerned or his/her parents.
2. The aggregate test results from each school which shall not include the identities of the students tested, shall be submitted by the School Head to the Division Superintendent of DepEd for secondary schools, the Regional Director of CHED for tertiary schools and Training Institution Administrator for TESDA for consolidation for the purpose of evaluating the efficacy and effectiveness of drug abuse prevention programs.

F. Training of Guidance Counselors

The Department of Education, Commission on Higher Education, Technical Education and Skills Development Authority, the Philippine Drug Enforcement Agency and Dangerous Drugs Board in coordination with each other, shall formulate and conduct the training program for guidance counselors for the purpose of enhancing their skills in handling drug abuse prevention programs and handling drug dependency cases.

G. Expenses of the Program

The Department of Health, in coordination with the Supervising Agencies shall designate the drug testing laboratories that shall be utilized for purposes of the program.

Payment of testing fees shall be done by the government thru Department of Health to the Drug Testing Laboratories.

H. Enforcement of Compliance

Students who refuse to undergo random drug testing shall be dealt with in accordance with the rules and regulations of the schools; provided that at no time shall refusal to undergo testing give rise to a presumption of drug use or dependency; provided further that the school may impose sanctions on such refusal other than the offense of drug use or dependency.

Schools that refuse to implement the random drug testing program shall be liable under Section 32 of RA 9165 without prejudice to other administrative sanctions imposed by the Supervising Agencies. The Supervising Agency shall report the same to the Philippine Drug Enforcement Agency (PDEA) and the Dangerous Drugs Board (DDB).

Miscellaneous Provisions

Separability clause. If any provision of these Guidelines or the application thereof to any person or circumstance is held to be invalid, the other provisions of these Guidelines and the application of such provision to other persons or circumstances shall not be affected thereby.

Effectivity. These Guidelines shall take effect immediately after its approval by the Dangerous Drugs Board.

ADOPTED and APPROVED this 1st day of August, 2003 at Camp Crame, Quezon City.

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