



Republic of the Philippines
Office of the President
DANGEROUS DRUGS BOARD

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BOARD REGULATION No. 3
Series of 2009

SUBJECT : GENERAL GUIDELINES FOR THE CONDUCT OF RANDOM DRUG TESTING FOR STUDENTS OF SECONDARY, TERTIARY, VOCATIONAL AND TECHNICAL SCHOOLS, AMENDING BOARD REGULATION NO. 6, SERIES OF 2003

WHEREAS, Section 36 (c) , Article III of Republic Act 9165, mandates that the students of secondary and tertiary schools shall undergo drug testing and that all drug testing expenses whether in public or private schools under this Section will be borne by the government;

WHEREAS, government already implemented a similar random drug testing activity in 2005 for secondary level students, and in 2007, for tertiary level students;

WHEREAS, there is a need to amend provisions of the implementing guidelines in order to adopt new policy directives and remedy perceived ambiguities in the previous issuance;

WHEREFORE, be it **RESOLVED**, as it is hereby **RESOLVED**, to amend Board Regulation No. 6, Series of 2003 specifically the following provisions thereof:

SECTION 1. Subject, is hereby amended by including “students of vocational and technical schools”, as among those covered by the guidelines which should now read as follows:

Subject: “GENERAL GUIDELINES FOR THE CONDUCT OF RANDOM DRUG TESTING FOR STUDENTS OF SECONDARY, TERTIARY, VOCATIONAL AND TECHNICAL SCHOOLS”

SECTION 2. Letter A “Guiding Principles in the Implementation of Random Drug Testing in Schools and Management of Drug Test Results” is hereby amended by adding another paragraph as paragraph number 12.

12. Random drug testing for students is considered by the government as entirely a “health” issue and aims to provide appropriate interventions, to those who will be tested positive for dangerous drug use, which will help the student stop further use and/or abuse of the substance.

SECTION 3. Letter C “DEFINITION OF TERMS” is hereby amended to include the terms “CHAIN OF CUSTODY, INTERVENTIONS and LABORATORY, which shall be defined as follows:

CHAIN OF CUSTODY- refers to procedures to account for each specimen by tracking its handling and storage from point of collection to final disposal. These procedures require that the applicant's identity is confirmed and that a Custody and Control Form is used from time of collection to receipt by the laboratory. Within the laboratory, appropriate chain of custody records must account for the samples until disposal.

INTERVENTIONS- are therapeutic programs appropriate for high-risk individuals/students who are using dangerous drugs and who need special assistance to recognize the signs and symptoms of initial drug use and dependency. It may include corrective or rehabilitative actions that may take the form of crisis intervention, peer counseling, peer leadership programs, parent/peer groups, or psychological counseling at the individual or family level and structured rehabilitation programs. It may also include medical intervention of the afflicted student whenever necessary.

LABORATORY- refers to a DOH-Accredited private or government facility that is capable of testing a specimen to determine the presence of dangerous drugs therein.

SECTION 4. Letter D "PROCEDURES IN THE CONDUCT OF RANDOM DRUG TESTING" is hereby amended such that:

Item 2.a. should read as: "The Supervising Agency shall inform all schools on their inclusion in the random drug testing program."

Item 4. on Treatment of Random Drug Test Results is hereby amended in its entirety such that it shall read as follows:

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. In case the test results are positive at the screening level, the same specimen shall immediately be submitted for confirmation observing all strict chain of custody procedures and confidentiality of records.
- d. If a student is "confirmed" to be using a dangerous drug, the following shall be observed:
 - i. The Laboratory, places results in a sealed envelop for transmission to the Central Office of the Supervising Agency
 - ii. The Supervising Agency shall then transmit the results to the concerned school/institution by informing the particular school/institution's random drug testing (RDT) Coordinator previously assigned by the selection board.

1. The Supervising Agency shall remind the RDT Coordinator of the confidential nature of the results and strict handling of the “chain of custody” of the information should be observed.
- iii. The school/institution’s RDT Coordinator shall then inform the parent and the student of the results and how the information is regarded with utmost secrecy and confidentiality
 1. The Coordinator shall remind the student that divulging the results with anybody will be at his own risk; and
 2. That if possible, the information should remain in the confines of their house.
- iv. The parent, the RDT Coordinator and the student shall then prepare for a case conference to discuss issues of drug use and possible dependency.
- v. The Drug Testing Coordinator shall refer the student and his/her parent to a government-owned DOH-accredited facility or DOH-accredited government physician to determine the student’s dependency level.
- vi. A date and venue shall be selected for the case conference
 1. Date should be agreeable to all concerned in the case conference (Parent, Student, RDT Coordinator and the DOH Accredited Physician).
 2. Venue should have a semblance of privacy (preferably in a room, with an office table where group discussions and individual sessions can be done).
 3. Whichever is more convenient for the student and parent, venue could be as follows:
 - a. Regional Office or hospital of the DOH
 - b. Regional Office of the Supervising Agency
 - c. Other designated venue which can assure privacy
- vii. The RDT Coordinator shall inform Supervising Agency Central Office coordinator on the possible dates and venue for further discussions of options.
- viii. Once, finalized, the group shall proceed as planned with the case conference.
 1. Drug dependency level of the student shall be evaluated;
 2. Cross reference of information shall be validated from the parent and RDT Coordinator;
 3. Treatment planning for the student shall be discussed and presented to the student and parent;
 4. Options for treatment should be presented to the parent and student;
 5. If a student (below 18 years of age) is found to be a drug dependent, the school authority shall refer him/her to the Department of Social Welfare and Development (DSWD) or a local social worker for counseling and other intervention;

6. 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.
 - a. If child opts for government service, the DOH treatment and rehabilitation centers nearest to the area can provide services;
 - b. If the parent and student would opt for private services, appropriate referrals will be done, taking note of the progress of treatment on a regular basis;

7. Trained guidance counselors can also be utilized.

- e. If a student is “confirmed” negative from dangerous drug use, the following shall be observed:
 1. Names per school/institution of all who tested negative will be summarized in a result form.
 2. The Summarized result form shall be transmitted to the Supervising Agency concerned.
 3. Supervising Agency Central Office shall forward the same to the concerned school/institution’s RDT Coordinator.
 4. The RDT Coordinator and/or teacher adviser/and/or guidance counselor shall individually inform each student and parent concerned regarding the results.

- f. Positive confirmatory drug test result under this Regulation shall not be a ground for expulsion or any disciplinary action against the student and should not be reflected in any and all academic records. Under no circumstances shall the results be used to incriminate any student for further legal action which may result to administrative/civil/criminal liabilities.

Likewise, consistent with the requirements of confidentiality, the results of drug tests conducted pursuant to this Board Regulation, shall not be used as evidence in any court or tribunal, where the subject student stands to be accused of any crime or felony, and for any other purpose.

- g. The student shall then undergo the prescribed intervention program under the supervision of the DOH-accredited facility or physician, or private practitioners, or social worker, in consultation with the parent. Such process of observation and counseling shall be done in coordination with the Drug Counselor of the school.

- h. 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.

- i. 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.

SECTION 5. Letter F "TRAINING OF GUIDANCE COUNSELORS" is hereby amended such that letter F shall read as follows:

F. TRAINING OF GUIDANCE COUNSELORS

The Department of Education (DepEd), Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), the Philippine Drug Enforcement Agency (PDEA) and Dangerous Drugs Board (DDB) 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. The school guidance counselors and other qualified medical personnel shall be encouraged to undergo DOH accreditation.

SECTION 6. Letter H "ENFORCEMENT AND COMPLIANCE" is hereby amended to delete the phrase "impose sanction" and change it with the phrase "implement interventions" and adding as additional sentence "Interventions should be consistent with the provisions of this Board Regulation and it's guiding principles of the first paragraph and adding as third paragraph thereof the phrase; "Supervising Agencies should encourage institutionalization of Drug Testing Activities in schools/institutions concerned over-and-above the random drug testing program conducted by the government. The Supervising Agencies and the DOH should help build up capacities of schools/institutions to achieve competencies and self-reliance on random drug testing. Schools who initiated the conduct of similar drug testing activities shall submit reports to the Supervising Agencies for proper accreditation of the Department of Health." So that letter H of the Guidelines should now read as follows;

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 refusal to undergo testing shall not give rise to a presumption of drug use or dependency; provided further that the school may **implement interventions** on such refusal other than the offense of drug use or dependency. **Interventions should be consistent with the provisions of this Board Regulation and it's guiding principles.**

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).

Supervising Agencies should encourage institutionalization of Drug Testing Activities in schools/institutions concerned over-and-above the random drug testing program conducted by the government. The Supervising Agencies and the DOH should help build up capacities of schools/institutions to achieve competencies and self-reliance on random drug testing. Schools who initiated the conduct of similar drug testing activities shall submit reports to the Supervising Agencies for proper accreditation of the Department of Health.

Attached is the flow chart of activities which shall be an integral part of this Regulation.

All issuances, including Board Regulation No. 6, s. 2003 or part thereof inconsistent herewith, are deemed repealed or modified accordingly.

SECTION 7. Effectivity – This Regulation shall take effect after fifteen (15) days after its publication in two (2) newspapers of general circulation and after its registration with the Office of the National Administrative Register (ONAR), UP Law Center, Quezon City.

APPROVED and **ADOPTED**, this 3rd day of June, in the year of Our Lord, 2009 in Quezon City.

(Sgd) **Secretary VICENTE C. SOTTO III**
Chairman, Dangerous Drugs Board

Attested by:

(Sgd) **Undersecretary EDGAR C. GALVANTE**
Secretary of the Board

RANDOM DRUG TESTING FLOW CHART

Pre- Specimen Collection Phase

Supervising Agency requires the creation of "Selection Board" at the school/institution level and orients them on roles and responsibilities including preparation of documents (eg.masterlist)

Supervising Agency through the Selection Board, informs the parent/families of students on the Conduct of Random Drug Testing (RDT) in writing

Supervising Agency and the Department of Health prepares and plans the conduct of RDT and convenes the Team

Specimen Collection Phase

RDT Team meets with the Selection Board of the School concerned, pays courtesy call and does orientation, while simultaneously preparing the collection site

RDT Team and Selection Board, following set procedures, randomly select the students to be tested from the masterlist provided by the school

RDT Team orients the student on the process of drug testing and other frequently asked topics

The students shall then be requested to accomplish a drug testing form

Students who are prepared to give urine specimens shall approach the analyst table and select a specimen bottle

To safeguard the integrity of the urine sample, the student will be accompanied by a specimen collector of the same gender to the collection site

The student will be asked to thoroughly wash and dry hands, empty pockets and remove outer garments (jackets, gowns etc) if any. A body search may also be done when necessary.

Observed collection of urine will then be done

Student submits urine to specimen collector who then examines, in his/her presence, if urine collected can be accepted for testing.

Student and specimen collector goes back to the analyst table. The student affixes his signature, date and time of collection to the "sealing tape"

The specimen collector "seals" the specimen bottle in the presence of the student.

The specimen collector and student affix final signatures in the drug testing form attesting to the validity of the procedures done.

Post Collection Phase

The analyst prepares the specimen for analysis in an accredited facility

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graph TD; A[The analyst prepares the specimen for analysis in an accredited facility] --> B[Results will be forwarded to the Supervising Agency who will coordinate with the School Drug Testing Coordinator * If confirmed positive, the laboratory shall forward a sealed copy to the Supervising Agency to ensure confidentiality]; B --> C[The School Drug Testing Coordinator shall personally inform the parent and the student about the result and appropriate intervention];
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The School Drug Testing Coordinator shall personally inform the parent and the student about the result and appropriate intervention