

Book **DRAFT 07/12/2017**

Policy Manual

Section 200 Pupils

Title Drug/Alcohol Testing for Activities Participation

Number 227.1

Status Active

Adopted

Last Revised

### **Purpose**

The purpose of this policy is:

1. To deter/prevent student participants in athletics, extra-curricular, and co-curricular programs from using drugs or alcohol.
2. To protect the health and safety of students.
3. To deter/prevent accidents and injuries, resulting from the use of alcohol or controlled substances.
4. To provide drug and alcohol users with assistance programs.

The Selinsgrove Area School District considers participation in athletics and extra-curricular programs to be a privilege and voluntary activity. As representatives of the school district and leaders in their schools, students involved in extra-curricular programs are expected to exemplify high standards by the public and are held in high esteem by other students. Participants in athletic and extra-curricular programs are expected to accept the responsibilities accompanying these opportunities.

Deterring drug use by school students is important. School years are the time when physical, psychological, and addictive effects of drugs are most severe. The effects of a drug-infested school are visited not just upon the users, but upon the entire student body and faculty because the educational process is disrupted.

With regard to school athletes, the risk of immediate physical harm to the drug and/or alcohol user or those with whom s/he is playing a sport or interacting within another extra-curricular program is particularly high. Apart from psychological effects, which include impairment of judgment, slowing of reaction time, and a lessening of the perception of pain, alcohol and the particular drugs screened by this policy pose substantial physical risks to athletes and participants. Extra-curricular participants, whether athletes or not, are student leaders and, as such, serve as role models for their peers and for young children as well. The use of drugs and alcohol by these role models exacerbates the problem of illegal substances in our schools.

The Selinsgrove Area School District has experienced an increase in the reported incidents of students using, possessing or being under the influence of drugs or alcohol. Data collected from the 2015 PAYS survey indicate

narcotic prescription drugs were most frequently used by students followed by over-the-counter drugs. Use of over-the-counter drugs and synthetic drugs were higher than the state level. The discipline data on infractions involving drugs/alcohol have increased. The number of referrals to the student assistance team for substance use have increased. Parent and community input also indicates increased usage. The multiple sources of data support the need to increase efforts to deter and prevent substance use by students especially those who serve as role models.

### **Authority**

The need for this policy is magnified by the fact that the evil of drugs and alcohol is visited not just upon individuals at large, but upon children for whom the school district has undertaken a special responsibility of care and direction. In addition to its parental, *in loco parentis*, responsibilities for students, the school district has custodial and tutelary duties with regard to the students who have been placed in its care. It is reasonable for the school district, as a guardian and tutor, to undertake the testing of participants for drug and alcohol usage.

This policy is adopted in accordance with the authority granted to School Boards, permitting School Boards to adopt reasonable rules and regulations regarding the management of school district affairs and the conduct and deportment of all students during the time that they are under the supervision of the Board of School Directors and teachers, including the time necessarily spent coming to and returning from school.[\[1\]](#)

**Participant** – Any student in grades six (6) through twelve (12) participating in any non-graded, extra-curricular, co-curricular, athletic, club, identified school sponsored activity, and/or any student with a valid license recognized by the state of Pennsylvania who is in grades nine (9) through twelve (12) and who has formally requested a parking permit via the District approved process.

**Drug/Mood-Altering Substance** – As used in this policy shall be defined as any controlled substance, noncontrolled substances, or designer drug, look-alike substance or health endangering substances.

**Controlled Substance** – A controlled substance is any drug or substance listed in Schedules 1-5 of the Pennsylvania Drug Device and Cosmetic Act of 1972. Examples include but are not limited to alcohol, marijuana, stimulants, depressants, hallucinogens, look-alike or designer drugs, etc.

**Noncontrolled Substance** – A noncontrolled substance is any substance containing phenylpropanolamine, pseudoephedrine, ephedrine, or any other noncontrolled substance that has or is represented to have a stimulant or depressant effect on humans. In addition to the items stated above, any product that includes chemical solvents or aerosol carcinogens is also considered a noncontrolled substance.

**Designer Drug** – A controlled substance analog is a noncontrolled substance which either produces the pharmacological effect or is represented to produce pharmacological effects similar to a controlled substance in Schedule 1 or 2 of the Pennsylvania Drug Device and Cosmetic Act of 1972.

**Look-alike Substance** – A noncontrolled substance, whose physical appearance of the finished dosage form containing the noncontrolled substance, is substantially identical to any controlled substance, taking into account size, shape, color, markings or lack thereof.

**Health Endangering Substance** – Any substance that may be harmful to the individual and that is not covered in the Pennsylvania Drug Device and Cosmetic Act of 1972.

**Medical Review Officer (MRO)** – A licensed physician trained and certified in the process and interpretation of drug testing results.

**Pennsylvania Bureau of Laboratories and College of American Pathologists Toxicology Laboratories** – A governmental agency that certifies toxicology laboratories that perform drug testing following strict guidelines and constant quality assurance programs.

**GC/MS (Gas Chromatography/Mass Spectroscopy)** – A scientific process to identify specific chemical compounds. A molecular fingerprint is obtained that identifies a chemical compound with one hundred percent (100%) accuracy.

**Quantitative Levels** – The measurement levels of a specific chemical in the urine reported usually in nanograms per milliliter (ng/ml).

**Chain-of-Custody Form** – A preprinted form provided by the testing laboratory that records all contact with the provided specimen. The form is initiated by the collector, and the donor then follows with the specimen until the results are certified by the testing scientist and forwarded to the MRO for final certification.

**Drug Paraphernalia** – All equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing to the human body a controlled substance.

**Loss of Privileges** – Based upon a positive result from a drug test or a violation of the current Controlled Substance/Paraphernalia Policy, the student may not participate in any way in the sport/activity. This would include practices, rehearsals, training, and all events pertaining to the sport/activity. The suspension of activities or driving privileges, upon verification of a positive result, is immediate. Students attending SUN Area Technical Institute are also subject to SUN's policies.

**Adulterant/Adulteration** – Any attempt to alter the outcome of a urine drug test by adding a substance to the sample, attempting to switch a sample, or otherwise interfere with the detection of illicit or banned substances in the urine.

**Vendor** – The medical office or company selected by the School Board to carry out the policy and procedure.

**Anabolic Steroids** – A noncontrolled substance which mimics the effects of male sex hormones.

**Sponsor**- Any individual approved by the school board or designated by the administration to oversee an activity.

## **Guidelines**

### **Requirements**

No participant shall have a breath alcohol concentration of 0.02 or higher verified by a breathalyzer, nor shall use any controlled substance as verified by the testing of a urine or blood sample. Student participants shall notify the sponsor of their program if they are taking any

therapeutic drugs and shall supply a written certification from the physician prescribing the drug that the substance will not adversely affect the student's ability to safely and effectively participate in the program.

No student participant shall refuse to submit to an alcohol or controlled substances test required under this policy. Such refusal includes, by way of example and **not** limitation:

1. A student's failure to provide adequate breath for testing without a valid medical explanation after s/he has received notice of the requirement for breath testing in accordance with this policy.
2. A student's failure to provide adequate urine for controlled substances testing without a valid medical explanation after s/he has received notice of the requirement for urine testing in accordance with this policy.
3. A student's conduct that clearly obstructs the testing process. Any attempt by a student to adulterate a sample shall be treated as conduct that clearly obstructs the testing process.

Testing shall take place when the student is at school, when the student is participating in the program, or otherwise as designated by this policy.

### Scope

This policy shall apply to student participants in programs in the district's middle school and high school. Participation shall include all interscholastic athletics, extracurricular, co-curricular, clubs, and other activities in which students participate on a voluntary basis and for which credit is not awarded toward meeting graduation requirements. A list of the applicable activities in a school shall be available from the principal.

There shall be four (4) types of tests: random testing; reasonable-suspicion testing; return-to-activity testing; and follow-up testing.

Random testing shall be conducted during the school year or interscholastic season for up to ten percent (10%) per month of the participants. The students selected for testing shall be chosen at random. Each student shall have an equal chance to be selected with each random sampling. Random testing shall be unannounced and spread reasonably throughout the year. When the student is notified that s/he has been selected, the student shall proceed to the designated test site immediately. Any randomly selected student who is absent the day of testing will be tested at the next testing time.

Reasonable-suspicion testing shall be conducted when there is reasonable suspicion that a participating student is using or has used alcohol or controlled substances in violation of this policy. Reasonable suspicion shall be based on specific, contemporaneous, articulable observations of appearance, behavior, speech or body odors when the student is at school, at a school-sponsored event, or taking part in a program. The alcohol test shall be conducted as soon

as possible after observation, but no more than eight (8) hours after observation. If the test is not conducted within two (2) hours of the observation, records shall be kept stating why the testing was not performed within two (2) hours. A written record of observations shall be made and, in the case of controlled substance testing, the report shall be made within twenty-four (24) hours or before the release of the test results, whichever is earlier.

Return-to-activity testing shall be required before a student is allowed to return to participation in an activity after having violated any of the prohibitions in this policy relating to drug and alcohol use. The alcohol test shall show a result of less than 0.02 in order for the student to return to participate in the activity. A controlled substances test shall be negative.

Follow-up testing shall be required when any participating student or student with driving privileges is in need of assistance in resolving problems associated with the use of alcohol and/or controlled substances as determined by a substance abuse professional, and shall be subject to unannounced testing as directed by the substance abuse professional. When required, a student may be tested a number of times.

### Procedures

At the end of the student's fifth grade school year, future or current student drivers, any student wishing to participate in an activity and parents/guardians will complete and sign the Consent to Drug Testing form. As a prerequisite for joining and becoming a member of an activity, a student and parent shall consent to testing for alcohol and controlled substances. The contract shall be signed by a parent/guardian of a minor student or by the student if s/he is eighteen (18) years of age or is married, whether age eighteen (18) or not. This signed form is effective throughout the duration of the student's school career.

Students moving into the District will need to complete the Consent to Drug Testing form upon registration if they desire to participate in activities covered by this policy.

After the consent form is signed, a student who indicates s/he will not be participating in any activity for the contracted year may opt out with a signed letter by the parent/guardian directed to the building principal. If a student changes his/her decision to participate after the deadline for consent, the student shall be required to provide a properly executed consent form and participate in a mandatory drug test before the student will be permitted to participate. Any student not involved in the random drug testing program choosing to join an activity will automatically be placed in the next testing pool once consent is received.

Testing shall be conducted according to established protocol. Breath alcohol testing shall be conducted by a certified Breath Alcohol Technician using an instrument approved by the National Highway Traffic Safety Administration as an evidential breath testing device. A breath alcohol concentration of 0.02 or higher shall be followed by a confirmation test at least fifteen (15) minutes after the screening test. Prior to conducting the confirmation test, the Breath Alcohol Technician shall obtain an air blank registering 0.000. Following the confirmation test,

the student shall be given a printout of confirmation results, which shall be identified with unique, sequential confirmation test number.

Urine samples shall be collected by trained personnel in a manner that balances the values of privacy and confidentiality with the accuracy of the tests. Tests shall utilize the split sample method and a laboratory which follows procedures required by the Substance Abuse and Mental Health Service Administration. The laboratory's chain of custody procedures shall be followed. There shall be an initial screening test using an immunoassay test. All specimens identified as positive in the initial screening test shall then be subject to a confirmation test using a gas chromatography/mass spectrometry technique. If the confirmation test is positive, the results shall be submitted to a medical review officer. The medical review officer shall conduct a review of the test to determine the existence of possible alternative medical explanations for the positive results. This review may include a medical interview and review of the student's medical history, or review of other biomedical factors and medical records. The medical review officer shall give the student or the student's parent/guardian an opportunity to discuss a positive test result.

When a medical review officer's services are used, the principal shall:

1. Make reasonable efforts to contact each student who submitted a specimen under this policy and the student's parent/guardian and to request that they discuss the results of the controlled substances test with the medical review officer who has been unable to reach the student or parent/guardian.
2. Notify the medical review officer within twenty-four (24) hours that the student and parent/guardian has been notified to contact the medical review officer. If the medical review officer believes that there is no adequate alternative explanation for the positive result, the positive result shall be reported to the Building Administrator. The test shall be reported as negative if a negative finding is found on the initial screening test, through the confirmation test, or through a determination by the medical review officer. Within three (3) days of notice of a positive result, the student or the student's parent/guardian may request a retest of the split sample that was retained.

In order to ensure the accuracy of the tests, samples shall be collected at the nurse's office or other suitable location within the school building. Specified control forms shall be utilized to ensure accurate identification of the sample and chain of custody. Techniques shall be adopted to prevent tampering. A certified laboratory shall be used for the analysis of the tests.

Alcohol testing shall be conducted by a trained breath alcohol technician using an evidential breath testing device approved by the National Highway Traffic Safety Administration. Alcohol testing shall be conducted in a location selected for its visual and aural privacy for the student being tested. If a test result is 0.02 or higher, a confirmation test shall be performed at least fifteen (15) minutes later. The results of the confirmation test shall control whether the test is deemed positive or negative. The breath alcohol technician shall transmit all results to the school principal in a confidential manner.

All costs associated with the testing shall be paid by the school district unless the results are positive. A positive test will result in the parent having to pay the cost of the testing. The school board shall approve the actions necessary to ensure that the school district can perform the testing described in this policy and has the services of a qualified medical review officer, a qualified substance abuse professional, and a certified laboratory. The testing lab will be instructed to test for one or more illegal drugs. Testing for controlled substances shall focus on a set of drugs selected by the principal in consultation with the school nurse who shall decide which illegal drugs will be screened, but in no event shall that determination be made after selection of students for testing. Student's samples will not be screened for the presence of any substances other than an illegal drug or for the existence of any physical condition other than drug intoxication. An example of an appropriate set of drugs is the following group: marijuana; cocaine, to include crack; opiates, to include heroin and codeine; amphetamines, to include speed; phencyclidine, to include PCP and angel dust; barbiturates; benzodiazepines; methaqualone; methadone, propoxyphene and oxycontin. The results of the tests for alcohol and drugs shall be disclosed only to the student, his/her parents/guardians, and a limited class of school personnel who have a need to know: athletic director; the principal; the student assistance team; the substance abuse professional who works with the student; the guidance counselor, the coach and/or advisor; otherwise known as the implementation committee. These school representatives shall protect the confidentiality of test results.

#### Testing Process

1. Selected student will arrive with an acceptable photo identification (ID). If s/he cannot provide a photo ID, a building administrator will identify the student.
2. Student is asked to wash his/her hands with soap and water and dry them. Student will be required to remove shoes, pull up pants legs, and empty pockets before testing.
3. No purses, bags, or containers may be taken into the collection area with the student.
4. The Chain of Evidence form will be filled out and a list of all medications or over-the-counter drugs for the past thirty (30) days will be noted. The second copy of the Chain of Evidence form which includes the student's name will be kept by a school official. The student is never out of supervision of the collector with the chain-of-custody.
5. After the specimen is collected, the student will tightly secure the container lid. The attendant will check to make sure the specimen has the temperature and appearance of a freshly collected sample. The attendant and student will review the test results.
6. The student will seal the bottle with a security seal and initial it in the presence of the collector.
7. The student will sign the chain of evidence form.
8. The specimen and Chain of Evidence form will be put in a Biohazard bag and placed in secure area.

9. Results will be sent to the school nurse, building principal, and/or Superintendent of the school.

10. Samples found to be positive will be subject to further confirmatory testing using a different analytical method at a certified laboratory.

### Penalties

If the student tests positive for alcohol or controlled substances, responses shall be in compliance with Policies 227.2 and 227.3.

Legal

[1. 24 P.S. 510](#)