

Book	Policy Manual
Section	200
Title	Student Drug Testing
Number	227.1
Status	Active
Adopted	April 21, 2010

### **Philosophy**

The Schuylkill Haven Area School District strongly believes the participation in extracurricular activities is an integral part of a student's education. Although important, extracurricular activities are nonetheless a privilege. Students voluntarily choosing to participate in these activities are expected to accept the responsibilities accompanying this privilege. Among these responsibilities is the obligation to be drug- and alcohol-free on a year-round basis. Toward this end, Schuylkill Haven Area School District students participating in such activities are required to agree to and cooperate with drug testing in accordance with this policy. This policy encompasses all students in grades eight (8) through twelve (12) satisfying the definition of activity student (see Section 2).

Activity students are representatives of the Schuylkill Haven Area School District and the community-at-large. The district recognizes activity students as role models for younger students who frequently model their own conduct on examples set by those students. Thus, when an activity student chooses to participate in activities, s/he has also chosen to accept to be a role model, and with that choice comes the responsibility of living a drug- and alcohol-free lifestyle.

The Schuylkill Haven Area School District recognizes drugs and/or alcohol have a serious and deleterious effect on motivation, memory, judgment, reaction time, coordination, and performance. Additionally, continued or long-term use of these substances can compound these problems, affecting the user academically, physically, and emotionally.

It is not the intention of this policy to penalize a student who is taking a medication prescribed by a licensed physician for treatment of a medical condition. Rather the district wants to provide another legitimate reason for students to refuse to consume or use drugs and/or alcohol and to provide assistance for those who have a problem with the substances.

As this is a non-curricular occurrence, no record of participation or of any test results, either positive or negative, will appear on the student's permanent transcript or any other permanent record.

## **Authority**

The Schuylkill Haven Area School District prohibits the possession, use, misuse, or the distribution of drugs, alcohol, controlled or mood altering substances, including anabolic steroids, look-alikes, designer drugs, drug paraphernalia, health endangering substances, medication not registered with the health office, or alcohol on school district property, school buses, or during activities under school district jurisdiction.[1]

This policy encompasses all students in grades eight (8) through twelve (12) wishing to participate in any interscholastic athletic activity, any extracurricular activity, or those who meet the district's guidelines to drive on campus and/or obtain a parking permit. The policy includes those students being educated by the district under special circumstances. The district welcomes all students, with the permission of their parents and/or guardians, to participate in the program. Students not seeking privileges for parking, participating on athletic teams or an extracurricular activity will be deemed voluntary participants.

The district will require any student submitting to testing and the student's custodial parent/guardian to consent in writing to drug testing pursuant to the district's drug testing program. Written consent shall be in the form attached to this policy as Attachment 1. No student will be able to participate in any interscholastic sport, any extracurricular activity, or to obtain a parking permit without such consent.

## **Definitions**

**Drug** - a substance considered illegal or controlled by the Commonwealth of Pennsylvania, the United States Government, The Food and Drug Administration, the Drug Enforcement Administration (DEA); or any controlled substance that has as an effect, the enhancement of performance or mood alteration. For purposes of this policy, the district reserves the right to test for any one or more of these substances as determined by consultation with the provider with which the district has contracted for testing of activity students.

**Extracurricular activity** - within the meaning of the policy includes all interscholastic athletics, clubs and other activities in which students in grades eight (8) through twelve (12) participate on a voluntary basis. Includes, but is not limited to: athletics, including open gym; clubs, meeting during activity period and outside of the school day; band; cheerleading, including all managers, student trainer, etc.; and all musical and drama performances.

**Student driver** - any student with a valid Pennsylvania license who has formally requested a parking permit via the district-approved process. Student driver also includes all students participating in the "behind the wheel" driver training instruction program.

**School property** - this policy covers all locations under the jurisdiction of the Schuylkill Haven Area School District including away events (field trips, sporting events, competitions, etc.) in or out of state.

**Vendor** – a certified person, corporation, medical office or company selected by the Board of Education to maintain the integrity of the urine samples, and interpreting and maintaining the confidentiality of test results in compliance with the policy.

**High school principal or Superintendent** - the individual hired by the Board or district to oversee all activities of the school or district.

**Medical Review Officer (MRO)** - a licensed physician, trained and certified in the process and interpretation of drug testing results, to be selected by the Board of Education.

**Activity student** - high school student (grades 8-12) who participates in a Schuylkill Haven Area School District sponsored interscholastic athletic activity, any extracurricular club/activity, "behind the wheel" driver training instruction or any student who applies for permission to utilize district parking facilities. This includes any student who represents Schuylkill Haven Area School District in any extracurricular activity in interscholastic competition, such as band, vocal, cheerleading and athletics (including managers, student trainers, etc.).

## **Guidelines**

### Random Testing

Testing will be done without prior notice. The dates of testing, the number of tests to be performed, and the identity of the students to be tested shall be determined by the district at its sole discretion, and may be performed at any time during the school year. All drug testing of urine samples shall be conducted without additional student or parent/guardian notification, during the school year.

The district may test up to twenty (20) activity students randomly, at monthly intervals during the school year or interscholastic seasons without regard to whether the activity student is then participating in the designated activity. Students selected for testing will be chosen at random by a computerized process, supervised by the building principal, assistant principal/assistant to the principal, Athletic Director or Superintendent. Administration of said tests will only be conducted by the testing team designated by the Board of Education.

### Consent

Prior to any student's participation in an activity, both the student and his/her parent/guardian must submit a signed consent form accompanied by a copy of this policy. The signed consent shall serve as authorization to the district to enforce this policy. If any student or parent/guardian declines to sign the form, the student shall not be permitted to participate in the activity. If a student moves into the district after the deadline for consent or 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 extra-

curricular activity will automatically be placed in the next testing pool once consent is received.

### Sample Collection

Any absent activity student selected randomly for urine drug testing will be tested at the next available testing time. Students who fail to supply an adequate sample when requested must remain in the collection area and will be allowed to drink up to eight (8) ounces of liquid every one-half (1/2) hour up to a total of two (2) and one-half (1/2) hours. Failure to supply an adequate sample within two and one-half hours may result in a determination by the district the student has refused to provide a required sample under this policy. Failure to supply an adequate sample shall be considered a violation of this policy and sanctions will apply as if a positive test result has been obtained.

### Collection Process

All costs of collection, initial testing, and interpretation shall be paid by the district. The drug test will be administered to determine the presence of some or all of the following: anabolic steroids, amphetamines, barbiturates, cocaine, codeine, depressants, heroin, marijuana, morphine, methamphetamine, opiates, PCP, stimulants, Valium, and alcohol, or other drugs added at the discretion of the Superintendent, in the student's urine sample. A test result indicting the presence of any of these substances will be considered a violation of this policy.

### Testing Process

1. Activity student will arrive with an acceptable photo identification (ID). If s/he cannot provide a photo ID, a building principal 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 activity student will be asked whether or not s/he has eaten any poppy seeds in the past seven (7) days. 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. The collector prepares the urine bottle by placing the temperature sticker on the side of the bottle.
6. The collector adds a bluing agent to the water in the urinal or toilet. When the specimen is collected the attendant will check to make certain that the specimen has the temperature and appearance of a freshly collected urine specimen. The attendant will tightly secure the container lid and seal the bottle with a security

seal while simultaneously saying to the student "I am sealing your specimen with your ID on the specimen. Is this the correct ID?" (The student should answer yes.)

7. The student will then initial the seal in the presence of the collector and the witness will also indicate the date and time on the specimen and initial the specimen.
8. The student will sign the Chain of Evidence form.
9. The specimen and Chain of Evidence form will be put in a Biohazard bag and placed in secure area.
10. All specimens will be stored in a locked freezer/refrigerator.
11. Results will be sent to the school nurse, building principal, and/or Superintendent of the school.

All testing will be performed on urine samples collected by trained and certified collection personnel following forensic collection procedures. Urine samples will be submitted to a screening test for multiple drugs as set forth in this policy. Urine samples found to test positive on the screening assay will be subject to further confirmatory testing for drugs identified, using a different analytical methodology. Only those drugs found to be positive on the screening assay and confirmatory tests will be reported as positive.

If it is determined that a violation of this policy has occurred, the student and the student's parent/guardian will be notified by the designee. If requested, a donor challenge test will be at the expense of the student and/or parent/guardian and will be administered using the original urine sample at a mutually agreed upon laboratory. If the donor challenge test results are negative, no further action will be taken. If a donor challenge is requested, the consequences/sanctions for a violation will be applied until the results of the donor challenge are available.

### Sanctions

Sanctions are intended to apply to participation in P.I.A.A.-sanctioned interscholastic sports and to Schuylkill Haven Area School District sponsored activities or privileges. If a student's test indicates this policy has been violated, or if a student refuses to take a test upon request, then the following sanctions shall apply:

#### *First Offense –*

1. The student will be suspended immediately from his/her activity(ies) and parking privileges will be revoked for ninety (90) in-session school days from the date of initial testing.
2. The parents/guardians of the student will be immediately contacted by the administration.

3. The student will be subject to a search of his/her belongings, locker, and/or car.
4. The student will be referred to district personnel for counseling, including mandatory participation in the Student Assistance Program.
5. The student will be required, under parental supervision, to undergo D & A counseling with an outside professional agency approved by the district, without expense to the district.
6. The student will be tested, at his/her own expense (payable before testing is completed), prior to resuming activity participation (practices and/or activities). In addition, the student will be subjected to mandatory periodic drug testing during the subsequent year(s) of participation in activities, athletics, etc.

*Second Offense (within a five-year period) -*

1. The student will be permanently suspended from all school activities and banned from parking on school property.
2. The student will be referred for D & A counseling with an outside professional agency without expense to the district.

No student shall be suspended from school, expelled, or otherwise penalized academically as a result of a confirmed positive result under this policy. Information regarding the results of the drug tests shall not be disclosed to law enforcement authorities unless the Schuylkill Haven Area School District is otherwise compelled to do so by valid subpoena or court order. If such disclosure is requested, the Schuylkill Haven Area School District will notify the student and student's parent/guardian as soon as possible. The results of the drug test under this policy will not be documented in a student's academic records. Positive drug test results will be maintained by the Schuylkill Haven Area School District solely to administer this policy. Any student's positive drug test results will be destroyed upon time of the student's graduation, completion of one (1) calendar year of eligibility, and/or the age of twenty-one (21) by the Schuylkill Haven Area School District.

Any student who provides or attempts to provide a urine sample other than his/her own for testing, or any student who provides or attempts to provide a urine sample for another student for testing, or who performs any act to attempt to impede, or which does impede, the testing of him/herself, or any other student, shall be deemed to be in violation of this policy, and shall be subject to all sanctions that are applicable to a violation, and, in addition, may be subject to an out-of-school suspension for ten (10) days for the first offense, and expulsion for a second or subsequent offense, at the discretion of the Board of Directors of the School District.

Severability Clause

Nothing in this policy shall curtail or render ineffective any other existing policies of this district with regard to the possession or use of illegal substances or paraphernalia or those policies dealing with expected behavior of students on school property or while engaged in school sanctioned activities.

If any section or portion of this policy is subsequently deemed unconstitutional by a court of competent jurisdiction or is deemed to contravene the dictates of any state or federal law, the policy shall remain effective, without requirement of further action by the Schuylkill Haven Area School District's Board of Directors, with respect to those provisions of the policy that have not been otherwise invalidated, to the fullest extent that enforcement of the remaining provisions is possible.