

DELAWARE VALLEY SCHOOL DISTRICT

SECTION: PUPILS

TITLE: DRUG/ALCOHOL TESTING FOR
CO-CURRICULAR
PARTICIPATION, DRIVING, AND
PARKING PERMIT PRIVILEGES

ADOPTED: JULY 24, 2014

REVISED: JUNE 26, 2014

<p>1. Purpose</p>	<p style="text-align: center;">227.1 DRUG/ALCOHOL TESTING FOR CO-CURRICULAR PARTICIPATION, DRIVING, AND PARKING PERMIT PRIVILEGES</p> <p>The Delaware Valley School District considers participation in a co-curricular program, driving to school and the issuance of parking permits for parking upon school property to be privileges and voluntary activities. As representatives of the school district and leaders in their schools, students involved in co-curricular programs and students who drive to school are expected to exemplify high standards by the public and are held in high esteem by other students. Participants in co-curricular programs and those who drive to school are expected to accept the responsibilities accompanying these opportunities.</p> <p>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.</p> <p>With regard to school athletes and student drivers, the risk of immediate physical harm to the drug and alcohol user or those with whom s/he is playing a sport or sharing the highway 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 drivers. Co-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.</p> <p>The purpose of this policy is:</p> <ol style="list-style-type: none"> 1. To deter/prevent student participants in co-curricular programs and students with driving privileges from using drugs. 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.
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227.1 DRUG/ALCOHOL TESTING FOR CO-CURRICULAR PARTICIPATION, DRIVING, AND
 PARKING PERMIT PRIVILEGES - Pg. 2

<p>2. Authority</p> <p>SC 510</p> <p>3. Guidelines</p>	<p>4. To provide drug and alcohol users with assistance programs.</p> <p>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, <i>in loco parentis</i>, 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 co-curricular participants and student drivers for drug and alcohol usage.</p> <p>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.</p> <p><u>Requirements</u></p> <p>No member of a co-curricular program and no student who has been given permission by the school officials to drive to school and has been issued a school parking permit shall have a breath alcohol concentration of 0.02 or higher, and no student who has been given permission by school officials to drive to school and has been issued a school parking permit shall use any controlled substance, as verified by the testing of a urine sample. Co-curricular students shall notify the sponsor of their co-curricular 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 co-curricular program. Student drivers shall provide the same notice and documentation to the school principal.</p> <p>No student 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:</p> <ol style="list-style-type: none"> 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.
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227.1 DRUG/ALCOHOL TESTING FOR CO-CURRICULAR PARTICIPATION, DRIVING, AND PARKING PERMIT PRIVILEGES - Pg. 3

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 co-curricular program, or otherwise as designated by this policy.

Scope

This policy shall apply to students participating in co-curricular programs in the district's secondary schools, middle schools and high schools, and those who have been given permission by school officials to drive to school and/or have been issued a parking permit. Co-curricular participation shall include all interscholastic athletics, 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 co-curricular 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 on a monthly basis for ten percent (10%) of the co-curricular and driving students. The students selected for testing shall be chosen at random. Selection shall be by a scientifically valid method. 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 test site immediately.

Reasonable-suspicion testing shall be conducted when the sponsor of the co-curricular activity or Student Assistance Program team member has reasonable suspicion that a co-curricular student or student with driving privileges and/or a school parking permit 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 the

Co-curricular 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.

227.1 DRUG/ALCOHOL TESTING FOR CO-CURRICULAR PARTICIPATION, DRIVING, AND PARKING PERMIT PRIVILEGES - Pg. 4

Return-to-activity testing shall be required before a student is allowed to return to participation in a co-curricular activity or to resume driving to school 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 the co-curricular activity or to resume driving privileges. A controlled substances test shall be negative.

Follow-up testing shall be required when any co-curricular 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

As a prerequisite for joining and becoming a member of a co-curricular program and for the privilege of driving to school and/or obtaining a school parking permit, a student shall consent to testing for alcohol and controlled substances. Prior to admittance to each co-curricular program and to the receipt of driving privileges in a school year, a contract shall be signed authorizing the school district to collect urine, and breath samples. 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. A contract shall be in effect for only one (1) school year.

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 medical 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

227.1 DRUG/ALCOHOL TESTING FOR CO-CURRICULAR PARTICIPATION, DRIVING, AND PARKING PERMIT PRIVILEGES - Pg. 5

	<p>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.</p> <p>When a medical review officer's services are used, the principal shall:</p> <ol style="list-style-type: none">1. Make reasonable efforts to contact each student who submitted a specimen under this policy or 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 or 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, who shall forward the report to the student's principal. 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. <p>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 tests.</p> <p>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.</p> <p>All costs associated with the testing shall be paid by the school district. The principal shall recommend 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</p>
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227.1 DRUG/ALCOHOL TESTING FOR CO-CURRICULAR PARTICIPATION, DRIVING, AND PARKING PERMIT PRIVILEGES - Pg. 6

controlled substances shall focus on a set of drugs selected by the school nurse in consultation with the secondary principals 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.

Penalties

If the student tests positive for alcohol or controlled substances, the following responses shall be activated:

1. The principal or his/her designee shall hold a parental conference to discuss the results of the testing.
2. The student shall participate in the student assistance program. The student shall participate in a drug/alcohol assessment with a certified drug and alcohol evaluator. Failure to comply with the evaluator's recommendations shall result in dismissal from co-curricular activities, the loss of driving privileges to school and forfeiture of school parking permit.
3. The student with a first offense shall be required to participate in a drug/alcohol assistance program and submission to weekly drug testing for six (6) weeks; suspended from participation for a period of fifty percent (50%) of the athletic contests, club events and performances, or driving time remaining in the regular season of the student's co-curricular program(s) and the period covered by the student's driving privilege. If there is not fifty percent (50%) of the appropriate item(s) remaining, the percentage of the suspension not served shall be applied to the next co-curricular program and driving period in which the student participates. Guidelines for this suspension shall be developed and carried out by a district-level implementation committee.
4. The student shall be required to be retested before the start of another co-curricular program and driving period in which the student will be a participant. The student must test negative prior to his/her return to co-curricular participation and to the privilege of driving to school.

227.1 DRUG/ALCOHOL TESTING FOR CO-CURRICULAR PARTICIPATION, DRIVING, AND PARKING PERMIT PRIVILEGES - Pg. 7

	<ol style="list-style-type: none">5. The student who retests and is found to have a positive test, qualifying as a second offense, shall be suspended from participation in all co-curricular programs and the privilege of driving to school for one (1) calendar year from the date of the offense. The implementation committee described above shall determine the guidelines for and supervise the levying of this suspension. The student must test negative prior to his/her return to co-curricular participation and the privilege of driving to school.6. The student who has three (3) offenses shall be barred from all co-curricular competition and the privilege of driving to school for the remainder of his/her years in the Delaware Valley School District. The implementation committee described above shall determine the guidelines for and supervise the levying of this suspension.7. If any co-curricular student or student with the driving privilege and/or a school parking permit at any time refuses to submit a urine or breath sample for testing in accordance with this policy, the refusal shall be treated as an offense. Any covered student who attempts to obstruct the testing process, for example by adulterating a sample, shall be treated as having received a positive test result.8. Since the presence of any prohibited substance does not necessarily mean that the student was in possession or under the influence of such substance on school premises, such detection shall not result in suspension or expulsion from school. School district and school-based policies relating to the use, possession, or distribution of illegal substances on school premises, on school buses and at school-sponsored events shall remain unaffected by this policy.9. No student shall be penalized academically for testing positive for alcohol or illegal drugs. The results of alcohol and drug tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of alcohol and drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the district shall not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent or legal guardian will be notified at least seventy-two (72) hours before response is made by the district.
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