

UNION  
SCHOOL DISTRICT

SECTION: PUPILS  
TITLE: DRUG/ALCOHOL TESTING FOR  
CO-CURRICULAR ACTIVITY (IES)  
PARTICIPATION, DRIVING AND  
PARKING PERMIT PRIVILEGES

ADOPTED: May 15, 2008  
REVISED:

227.1 DRUG/ALCOHOL TESTING FOR CO-CURRICULAR ACTIVITY(IES)  
PARTICIPATION, DRIVING, AND PARKING PERMIT PRIVILEGES

1. Purpose

The Union 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.

Detering 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 and student drivers, the risk of immediate physical harm to the drug and alcohol user or those with who 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.

The purpose of this policy is:

1. To 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 prevent accidents and injuries, resulting from the use of alcohol or controlled substances.
4. To provide drug and alcohol users with assistance programs.

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- Authority Individualized searches of public school students conducted by school officials are subject to a reasonable suspicion standard under Article 1, Section 8 of the Pennsylvania Commonwealth Constitution.
- Commonwealth v. J.B., 719 A.2d Page 1058; Jersey v.T.L.O., U.S. 325, 105 S. Ct. 733, 83 L.Ed.2d 720; and Commonwealth v. Cass, 709 A.2d 350
- Futher, the adoption of a reasonable suspicion standard for individualized school searches New Jersey under our state constitution does not undermine the emotional development of students, to the contrary, such standards promote the well being of the youth of the Commonwealth. 469 U.S. 325, 105 S. Ct. 733, 83 L.Ed.2d 720; First and foremost, this standard demonstrates to students that the law recognizes they have a legitimate privacy interest while attending school, however, it also reminds them that no rights are without limit.
- Alcohol, drugs and violence detrimentally affect the safety, security and education of Pennsylvania school students. Consequently, any privacy interest which a student has or may expect must be balanced against the need to maintain order and diplomacy in school. The adoption of reasonable suspicion standards signals to students that the law of the Commonwealth will not tolerate the presence of drugs, alcohol or weapons on school property.
- SC 510 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.

### 3. Guidelines Requirements

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.

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:

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.

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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, high schools and voluntary at the elementary grades, 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-suspension testing; return-to-activity testing; and follow-up testing.

Random testing shall be conducted on a monthly basis for 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.

Reasonable-suspicion will include students not participating in an activity and will include students in grades 4-12.

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 to for the student to return to the co-curricular activity or to resume driving privileges. A controlled substances test shall be negative. (See section on Consequences for Violating Drug/Alcohol Policy or Testing "Positive" and Offenses).

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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. (See section on Consequences for Violating Drug/Alcohol Policy or Testing "Positive" and Offenses).

### 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 student. A contract shall be in effect for only (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 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 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.

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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 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.

In order to ensure the accuracy of the tests, samples shall be collected at the nurse's office 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.

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 with the random 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 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 and propoxyphene. 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.

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### 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. **Consequences for Violating the Drug/Alcohol Policy or Testing "Positive"**  
No student participating in this testing program shall be penalized academically for testing positive for illegal drugs. The results of drug tests pursuant to this policy will not be documented in any students' academic records. Information regarding the results of 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 custodial parent or legal guardian will be notified at least 72 hours before response is made by the District.

The records of all students who tested negative will be destroyed at the end of the school year. Only the records of those students who tested positive and whose penalties transcend the school year into subsequent school years shall have their records maintained.

a. **First Offense**

The student participant will be suspended for 30 calendar days from the sport or activity(ies) and parking privileges. The student will also be referred to a licensed facility for drug assessment. Participation is contingency upon the student following through and complying with the facility's recommendation. The student will also be required to submit weekly urine specimens, via the Vendor, for five weeks. The expenses of the assessment and the five (5) weekly drugs tests will be incurred by the parent or guardian. The student will also be referred to the SAP team of the appropriate building and receive an appropriate educational program.

b. **The Second Offense Within a Six-Year Time Period**

The student participant will receive a suspension of both athletic or activity(ies) and driving privileges for one calendar year. The student will also be referred to a licensed facility for a drug assessment. Participation is contingent upon the student following through and complying with the facility's recommendation. The student will also be required to submit weekly urine specimens, via the Vendor, for five weeks. The expenses of the assessment and the five (5) weekly drug tests will be incurred by the parent or guardian. The student will also be referred to the SAP team of the appropriate building and receive an appropriate educational program.

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c. **The Third Offense Within a Six-Year Time Period**

The student participant will receive a permanent suspension of driving privileges as well as a permanent suspension from any sport or activity(ies). The student will also be referred to a licensed facility for a drug assessment. The student will also be referred to the SAP team of the appropriate building.

4. 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.
5. 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.
6. 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.

**Prohibition of Over-The-Counter Sports Enhancing Supplements**

There exist several over-the-counter products known as sports enhancing supplements. The purpose of those supplements are to assist an athlete, enhance his/her overall physical development and some are designed to enhance a specific athletic event.

The Union School District wants to be clear in conveying the thought that the use of any supplement(s) or product(s) designed to enhance performance is not endorsed or condoned. It is our hope that parents will support our view that the use of such supplements should be prohibited.

As a means of conveying our opinions on the topic, our coaches, trainers and health teachers shall, through our curriculum and annual team orientations, address the issue with our students. The message we want to convey to our students is that preparation for athletic performance is best served through a proper and well-balanced nutritional diet and appropriate physical activity designed by our coaches, trainers and weight room supervisors.

**UNION SCHOOL DISTRICT  
354 BAKER ST., STE. 2  
RIMERSBURG, PA 16248**

**DRUG AND ALCOHOL TESTING POLICY  
GENERAL AUTHORIZATION FORM**

I understand that my performance as a participant and the reputation of my school are dependent, in part, on my conduct as an individual. I hereby agree to accept and abide by the standards, rules, and regulations set forth by Union School District Policy #227.1 – Drug/Alcohol Testing for Co-Curricular Activity(ies) Participation, Driving and Parking Permit Privileges.

I also authorize Union School District to conduct a test on a urine or breath sample which I provide to test for drugs and/or alcohol use. I also authorize the release of information concerning the results of such a test to the Union School District and to the parents and/or guardians of the student.

This shall be deemed a consent pursuant to the Family Education Right to Privacy Act for the release of above information to the parties named above.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent or Guardian Signature

\_\_\_\_\_  
Date



UNION SCHOOL DISTRICT  
VEHICLE REGISTRATION PERMISSION FORM  
AND  
CONSENT TO SEARCH

STUDENT NAME \_\_\_\_\_ GRADE \_\_\_\_\_ STICKER # \_\_\_\_\_

The following information must be completed in its entirety. Students must submit to the school's drug testing policy in order to obtain a parking sticker.

I, \_\_\_\_\_, being the lawful owner, and I, \_\_\_\_\_, being the lawful driver of the following vehicle:

Make: \_\_\_\_\_ Model: \_\_\_\_\_  
Year: \_\_\_\_\_ Vin No.: \_\_\_\_\_  
License Plate No. \_\_\_\_\_ Color: \_\_\_\_\_

willingly grant consent and permission to the Principal of the Union High School or his designated agent to conduct a complete search of the above vehicle while said vehicle is located on Union School District property.

The above individuals further have permission to take or remove from the vehicle any property, contraband, including narcotics and weapons that they desire as evidence for disciplinary proceedings and/or criminal prosecution.

This consent is being given as part of my application for a permit to park the above vehicle on the property of the Union School District and in consideration for the granting of a parking permit.

This consent is limited to any lawful investigation conducted by the Union School District Administration and is further limited in that any search may only be conducted while the vehicle is on school property.

I understand that this consent may give rise or result in disciplinary proceedings and/or criminal prosecution in the event contraband is recovered. I also understand that parking my vehicle on school property is a privilege, not a right, and that I have a right to refuse to sign this consent, but I further acknowledge that failure to do so will result in a denial of a parking permit.

Parking stickers are not transferable to other students. If you give your sticker to another student, you will lose your driving privileges.

I have read the regulations regarding motor vehicle privileges in the student handbook and understand the privilege may be revoked for violating any of these regulations. In addition, after my 5<sup>th</sup> unexcused tardy to school, or 5<sup>th</sup> unexcused early dismissal, or 10<sup>th</sup> absence from school, I understand that my driving privilege shall be suspended for a minimum of 30 days. After the 10<sup>th</sup> tardy to school and/or 15<sup>th</sup> absence from school, I understand that my driving privileges will be terminated for the remainder of the school year.

I also understand that if I receive an out-of-school or a third in-school suspension, that I will lose my driving privileges for 30 days. A second out-of-school suspension shall result in the loss of my driving privileges for the remainder of the school year.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date