

SHAMOKIN AREA SCHOOL DISTRICT

STUDENT DRUG-ALCOHOL TESTING POLICY

The Shamokin Area School District (herein "District") believes that participation in extracurricular activities is an integral part of a student's overall educational experience. Although important, these 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, 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 Seven (7) through Twelve (12) participating in an activity as listed in this policy.

As representatives of the District and leaders in their schools, students involved in extracurricular 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 extracurricular programs and those who drive to school are expected to accept the responsibilities accompanying these opportunities.

The District recognizes drugs and/or alcohol have a serious and harmful effect on all areas of performance for student/athletes. Additionally, continued or long-term use of these substances can compound these problems, affecting the user academically, physically, socially 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. The intent is to provide a 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 whether prescribed or otherwise. The goals of this policy are to prevent disruption to the educational process, protect the health and safety of students, deter student drug/alcohol use and provide access to assistance programs, and to enhance communication between students and parents/guardians.

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 held by the District.

The District prohibits the possession, use or the distribution of drugs, alcohol, controlled or mood altering substances, including anabolic steroids, look a-likes, 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.

This policy encompasses all students in grades Seven (7) through Twelve (12) wishing to participate in any interscholastic athletic activity, extracurricular activity, or those students who meet the District's guidelines to drive on campus and/or obtain a parking permit and those being educated by the District under special circumstances. The program is also available to all District students with the permission of their parents and/or guardians. Students not seeking privileges for parking, participating on athletic teams or extracurricular activities 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. No student will be able to participate in any interscholastic sport, any extracurricular activity, or to obtain a parking permit without such consent.

Activities covered under this policy are, but not limited to, the following:

Sports

- All Junior High, Junior Varsity, and Varsity Shamokin Area School Board approved sport teams

Music Organizations

- Middle/High School Competition, Jazz, Mariachi, Marching, Symphonic Band
- Middle/High School Chorus/Chorale and Orchestra
- Middle/High School Band Front
- Middle/High School String Ensemble
- Small Orchestra and Vocal Ensembles

Clubs and Organizations

- Art Club
- AV Staff
- Bible Club
- Chemistry Club
- Chess Club
- Environmental Club
- Indian Pride
- Indian Times
- Interact Club
- Key Club
- Math Club
- National and National Junior Honor Society
- SAB (Students Against Bullying)
- Senior High Computer Club
- Student Council
- Tech Ed Club
- The Works
- Varsity Club

Costs

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, alcohol, or other drugs added at the discretion of the Superintendent in the student's sample. A test result indicating the presence of any of these substances will be considered a violation of this policy.

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 collected samples shall be conducted without additional student or parent/guardian notification, during the school year. The District may test up to twenty (20) students randomly at monthly intervals during the school year or interscholastic seasons without regard to whether the student is then participating in the designated activity. Students selected for testing will be chosen at random by a Board approved process, supervised by the building principal, assistant principal/assistant to the principal, athletic director or superintendent.

Consent

Prior to any student's participation in an activity, both the student and his/her parent/guardian must submit a signed consent form which will 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. In addition, any student not involved in the random drug testing program choosing to join an activity will automatically be tested once consent is received.

Sample Collection

Any absent student selected randomly for 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 8 ounces of liquid every one-half hour up to a total of two and one-half 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.

Testing Process

1. Participant will arrive with an acceptable photo identification (ID). If she/he cannot provide a photo ID, a building principal will identify the student.
2. Participant is asked to wash his/her hands with soap and water and dry them. She/he will be required to pull up pants legs, and empty pockets before testing.
3. No purses, bags, or containers may be taken into the collection area with the participant.
4. Collections will be performed in proper chain of custody format. The participant 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 participant 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 participant 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 participant and the participant'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/Penalties

Sanctions are intended to apply to participation in P.I.A.A. sanctioned interscholastic sports and to 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/activities and parking privileges will be revoked for 30 (thirty) in-session school days from the date of initial testing. In addition, the student will not be permitted admission into any athletic or extracurricular events and all privileges to the school's weight room, cardio room and gymnasium facilities will be suspended for a period of 30 days.
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 with the STOP Team.
5. The student will be required, under parental supervision, to undergo drug and alcohol 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 or attendance at extracurricular events (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. This will be in addition to the maximum of 20 tests monthly or during an athletic season.

Second Offense: (within a six-year time 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 drug and alcohol counseling with an outside professional agency approved by the District, 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 District is otherwise compelled to do so by valid subpoena or court order. If such disclosure is requested, the 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 record. Positive drug test results will be maintained by the District solely to administer this policy. Any student's positive drug test results will be destroyed upon time of the student's graduation, and/or the age of 21 by the Shamokin Area School District.

Any student who provides or attempts to provide a sample other than his or her own for testing, or any student who provides or attempts to provide a sample for another student for testing, or who performs any act to attempt to impede, or which does impede, the testing of himself or 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 for a first offense as listed in this policy. And, in addition, may be subject to an out-of-school suspension for ten days for the first offense, and expulsion for a second or subsequent offense, at the discretion of the Board of Directors of the 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 Shamokin 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.

**SHAMOKIN AREA SCHOOL DISTRICT
NOTIFICATION OF STUDENT DRUG TESTING**

Please provide the following information: *(Please check one)*

- ρ My son/daughter **WILL** be participating in athletics, clubs, activities, or requesting a parking permit during the 2014-2015 school year. I understand he/she is required to participate in the District's drug testing program in order to join any extracurricular/co-curricular activities. I give my permission for participation and agree to all the conditions.

- ρ My son/daughter **WILL NOT** be participating in any athletics, clubs, activities, or requesting a parking permit during the 2014-2015 school year. I understand I can register him/her as a voluntary participant. I wish to have his/her name added to the participant list and I give my permission for participation.

- ρ My son/daughter **WILL NOT** be participating in any activities, athletics, or clubs, etc. and I do not want him/her to participate as a voluntary participant. (A student changing his/her decision to participate after the established deadline will be required to take a mandatory drug test before participating in any activities, etc.)

Please return the completed form by the established deadline.

Parent/Guardian Name (please print)

Parent/Guardian Signature

Student Name (please print)

Student Signature

Extracurricular Activity

Date Signed

Grade during 2014-2015

Glossary of Terms:

Drug/Controlled Substance

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 Seven (7) 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.

School Property

This policy covers all locations under the jurisdiction of the Shamokin Area School District including away events (field trips, sporting events, competitions, etc.) in or out of state.

Student Driver

Any student with a valid Pennsylvania license who has formally requested a parking permit via the District-approved process.

Student/Participant

High school student (grades 7-12) who participates in a Shamokin Area School District sponsored interscholastic athletic activity, extracurricular activity, or those who meet the District's guidelines to drive on campus and/or obtain a parking permit, or any student who applies for permission to utilize District parking facilities. This includes any student who represents Shamokin Area School District in any extracurricular/co-curricular activity in interscholastic competition, such as Band, Vocal, Cheerleading and Athletics (including managers, student trainers, etc.).

Vendor

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

Court references:

In *Vernonia v. Acton*, 000 U.S. U10263 (1995) - the Court has allowed testing because, in their opinion:

- Athletes have a decreased expectation of privacy due to the group atmosphere of the locker room.
- A urine test is relatively unobtrusive
- School years are the time when the physical, psychological and addictive effects of drugs are most severe.
- Drug use increases the risk that an athlete could suffer injury
- The policy was undertaken in furtherance of the government's responsibilities, under a public school system, as guardian and tutor of children entrusted to its care.

Sufficient Notice - The District's distribution of its drug and alcohol policy in the student handbook provided to all students—of which Appellant student acknowledged seeing—satisfied any legal requirement as to notice of the District's policy. *T. S. v. Penn Manor School District*, 798 A.2d 837 (Pa Cmwlth. 2002); appeal denied 812 A.2d 1232 (Pa. 2002).