

HAMPTON TOWNSHIP SCHOOL DISTRICT

SECTION: PUPILS

TITLE: DRUG AND ALCOHOL
POLICY - TARGETED TESTING
PROCEDURES

ADOPTED: January 21, 2004

REVISED:

<p>1. Purpose Pol. 227</p>	<p style="text-align: center;">227.1. DRUG AND ALCOHOL POLICY - TARGETED TESTING PROCEDURES</p> <p>The following policy and procedures shall be implemented in accordance with and in furtherance of Board Policy #227 relating to drug or alcohol use.</p> <p>The two overarching goals of the district are to provide a comprehensive and high-quality education and to promote and secure the healthful and productive maturation of the district’s school-aged populace. One important way in which the district accomplishes these goals is by encouraging students to choose appropriate behaviors and promote their own physical and mental well-being. Another way by which the district advances these goals is by ensuring that a safe, healthy and secure environment for students and personnel is preserved in the district’s classrooms, school buildings and extracurricular activities. In the opinion of the Board, the ability of the district’s students to receive a sound and rigorous education and the district’s own ability to secure a safe and productive educational environment are significantly hampered by the presence or use of illegal drugs and alcohol by the district’s students. With that in mind, the district will take an active and preventative role in discouraging and combating student drug use, providing education concerning the dangers of drug use and offering referrals and other services to both treat and prevent drug use and abuse.</p> <p>The district’s intent in undertaking targeted drug testing is not a punitive one. At present, the district has elected not to implement a testing policy targeted at those students who are participants in extracurricular activities or who enjoy other benefits. Rather, the district has presently elected only to test those student in whom a reasonable suspicion is held by the district’s representatives that said student is engaged in drug or alcohol use. To further this end, the district shall implement the following policy and procedures for targeted, reasonable suspicion drug and alcohol testing.</p>
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<p>2. Definitions</p> <p>35 P.S. 780-101 et seq 42 P.S. 8337 Pol. 210</p>	<p>For the purposes of this policy, the following definitions shall apply:</p> <ol style="list-style-type: none">1. Distributing of Drugs and Alcohol is defined as delivering, selling, passing, sharing, or giving any alcohol, drug or mood-altering substance, as defined by this policy, from one person to another or to aid therein in the process.2. Drugs and Alcohol shall include any alcohol or malt beverage, and any drug listed in Act 64 (1972) as a controlled substance, abused substance, look-alike drug or medication for which a prescription is required under the law. <p>Examples of the above include, but are not limited to, alcohol, alcoholic beverages, tranquilizers, amphetamines, synthetic opiates, beer, wine, liquor, marijuana, hashish, LSD and other hallucinogens, chemical solvents, glue solvent-containing substances, anabolic steroids, look-alike substances and any capsules, pills, liquids not registered with the nurse, annotated within the student's health record and given in accordance with the district policy for the administration of medication to students in school.</p> <p>A more specific and comprehensive list would include all substances identified in the following laws:</p> <ol style="list-style-type: none">a. Drug, Device, and Cosmetic Act of 1971 (Commonwealth of Pennsylvania), as amended.b. Public Law 91-513 Comprehensive Drug Abuse Prevention and Control Act of 1970 (Federal Law), as amended.c. The Controlled Substance Drug, Device, and Cosmetic Act of April (P.L. 233 No. 64), as amended. <ol style="list-style-type: none">3. Drug Paraphernalia shall include any apparatus associated with the use of alcohol or other drugs such as, but not limited to, papers, bongs, clips, pipes, stones, needles or as may be further defined under the Pennsylvania Controlled Substance Drug, Device and Cosmetic Act.4. Look-alike Drugs are any substances manufactured or designed to resemble drugs, narcotics, or other health endangering compounds.5. Possession of Drugs or Alcohol is to have or hold, without any attempt to distribute drugs or alcohol as they are defined by this policy.
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<p>3. Guidelines</p>	<p>6. Reasonable Suspicion is defined by the presence, observations or suspicion of one of the following factors:</p> <ul style="list-style-type: none">a. A student’s behavior, in conjunction with physical appearance, indicates the possible use of alcohol, marijuana, or any controlled substance either through erratic or abnormal behavior or other signs of substance use.b. The possession by a student of drug paraphernalia.c. Direct observation of use, possession, sales or any outward signs of intoxication. Such drug or alcohol use or influence indicators can include, but are not limited to mood swings, aggressive or lethargic behavior, risk-taking behavior, paranoia, and bragging or talking to other students about drug or alcohol use.d. Reliable information communicated to an administrator by a teacher, parent, other adult or a student indicating a student is using, possessing or under the influence of alcohol, marijuana, or any controlled substance. Any such report will be investigated by the building administrator and may be substantiated by other indicators, if deemed necessary by the building administrator.e. Any other factor or indicator identified by a court of competent jurisdiction to constitute reasonable suspicion for a drug-related search or test.f. Documentation: Reasons for the reasonable suspicion drug test will be reduced to writing by the administrator or his/her designee and will be provided to the student to be tested, to his/her parent/guardian, and to the Superintendent. <p><u>Procedure for Determining Reasonable Suspicion</u></p> <p>The district reserves the right to conduct targeted testing of its students upon a reasonable suspicion basis that a student is engaging in the use or abuse of drugs or alcohol. The relevant building administrator shall, in his/her judgment, determine whether reasonable suspicion exists to recommended that a student be tested for drug or alcohol use. The reasonable suspicion criteria shall be applied and documented in accordance with the definition set forth in this policy.</p> <p>If a building administrator determines that reasonable suspicion exists that a student is engaged in drug or alcohol use, that administrator will inform the relevant student and his/her parent(s)/guardian(s) that drug testing will be or has been conducted.</p>
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	<p>Parent(s)/Guardian(s) will be notified of the test results.</p> <p>If a student's test sample demonstrates or indicates a positive test result, the building administrator will notify the student's parent(s)/guardian(s) and a meeting shall be scheduled with the administrator, the student and the parent(s)/guardian(s).</p> <p>At the above-described meeting, the administrator shall discuss with the student and his/her parent(s)/guardian(s) any disciplinary sanctions or treatment options available or pertaining to the student.</p> <p><u>Testing Procedures</u></p> <p>If a building administrator determines that reasonable suspicion exists, the district will order a saliva methodology sample to be taken from the student in question.</p> <p>The test shall be conducted by a Title 18 certified laboratory. The student and his/her parent(s)/guardian(s) shall be informed of the name of the laboratory performing the test.</p> <p>The saliva methodology sample will be obtained in the presence of at least one (1) building administrator and designee and, in accordance with acceptable testing practice, the sample will be labeled, sealed and sent to a certified laboratory chosen as described above to ensure legal chain of custody for the test.</p> <p>The certified testing laboratory will be authorized to report the results only to the building administrator or to such persons as the building administrator may designate in his/her absence.</p> <p>If a student refuses to give consent to the taking of the saliva methodology sample, or if the test is otherwise obstructed, compromised or adulterated, a violation of this drug policy shall be presumed and the student shall be subject to any and all of the appropriate disciplinary and non-disciplinary sanctions and procedures which accompany a positive test or other finding of drug or alcohol use.</p> <p>Any test sample which the certified laboratory reports to be adulterated, substituted or otherwise corrupted shall be deemed to be a positive test for drug or alcohol use and the relevant student shall be subject to any and all of the appropriate disciplinary and non-disciplinary sanctions which apply to students found to test positive for this policy or otherwise found to be using drugs or alcohol. If any student targeted for testing is using prescription medication at the time said student is targeted, that student must report the taking of said medication to the administrator present, the school nurse or the lab-testing agent.</p>
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	<p>Any administrator, teacher, staff member or other individual who may have knowledge of the results of a particular student's drug test shall not divulge to anyone the results of the test or the disposition of the student involved, other than to the student or his/her parent(s)/guardian(s) or otherwise in the case of a legal subpoena being made upon that person in the course of a legal investigation.</p> <p>Any samples obtained from the student shall be screened for the presence of any or all of the following drugs:</p> <ol style="list-style-type: none">1. Alcohol.2. Benzodiazepines.3. Methodone.4. Propoxyphene.5. Amphetamines.6. Cocaine.7. Opiates.8. Barbiturates.9. Marijuana.10. Phencyclidine. <p>Any student or parent(s)/guardian(s) may challenge the positive results of the drug test by submitting the required fee to the certified lab which conducted the initial test. Further, students who were subjected to targeted testing and who tested positive may request to be re-tested provided that such request is received within seventy-two (72) hours of the initial test result report. Any such re-testing requests must be made in writing and must be accompanied by a cashier's check or money order sufficient to cover the cost of the shipping and re-testing process. Alternately, parent(s)/guardian(s) may wish to have the sample obtained re-tested by another certified laboratory. In those cases, parent(s)/guardian(s) must make their request in writing and must accompany their requests with a cashier's check or money order sufficient to cover the cost of shipping and re-testing.</p>
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	<p>If a student or his/her parent(s)/guardian(s) claims that a positive drug test was caused by the student's taking of prescription or otherwise permissible medication, the student shall submit proof of such medication, either through showing that prescription was registered with the district or otherwise that a medication was being taken. If the district is satisfied with said proof, the drug test result may be discarded or the test may be re-administered at a later date.</p>
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