

6330	Student Drug Testing as Related to Parking Passes
Approval Date:	May 2022
Category:	Students
Governance Accountability:	Leadership
Audience:	Students, Families

Pine Lake Preparatory believes in providing a safe campus environment for all students, and in extending the privilege to qualified students who wish to park on campus, the School requires commitments from those qualified students seeking this privilege. Pine Lake Preparatory also believes in a Drug-Free Campus, and that prohibition of illegal drug or alcohol use supported by a substance abuse testing program is necessary. Using illegal drugs or alcohol is not acceptable conduct on the part of the students and Pine Lake Preparatory encourages any student involved in illegal drug or alcohol use to seek assistance. For these reasons and others, Pine Lake Preparatory has a Drug Testing condition imposed on Students who seek the privilege of parking on campus.

This Drug Testing condition also provides opportunities for intervention and prevention of illegal drug or alcohol use. It will give students another reason to “say no” to illegal drugs or alcohol use. This will also help create a “drug free” environment in the classroom and school.

Only students who have successfully been approved by Administration to receive a parking pass shall be permitted to park on campus. Any students parking on campus without an approved parking pass are subject to being towed at their expense, and may be subject to further disciplinary action by Administration. The application for a parking pass must be renewed annually.

I. RATIONALE

- This policy intends to protect students by prohibiting use of illegal drugs and/or alcohol by students so as to avoid the risk of death or serious injury to themselves or others.
- This policy intends to deter students from using illegal drugs and/or alcohol.
- This policy intends to encourage students to seek professional or parental assistance for any existing substance abuse problems.

II. DEFINITIONS

ILLEGAL ALCOHOL: Possession or consumption by any underage student of alcohol while on school property or demonstrating signs of impairment

ILLEGAL DRUG: Controlled substances as defined by NC Controlled Substance Act Article 5, 90-87 (5) except those regarded as a legal prescription when used by the student as prescribed by a medical

professional. This specific policy requires testing for: Marijuana, Cocaine, Amphetamines, Methamphetamines, Opiates, Heroin, MDMA, PCP(Phencyclidine), OxyCodone

MEDICAL REVIEW OFFICER: A physician trained and certified in the processes and procedures of interpretation of laboratory test results showing evidence of illegal substances or controlled substances.

OFFENSE: A student having been the subject of a verified positive test or positive search has violated the Statement of Policy contained herein.

POST ACCIDENT TESTING: An accident occurring while driving on school property

POSITIVE SEARCH: A search of a student based on reasonable suspicion, which yields illegal drugs or alcohol in the possession of the student.

POSITIVE TEST: The result of a test administered under this policy which indicates that the student subject of the test has used, consumed, or is under the influence of illegal drugs subsequent to MRO (Medical Review Officer) verification.

PARKING PASS TEST (OTHER): All students will be required to submit to a drug test on which a negative test result must be received before a parking pass will be issued.

RANDOM TESTING: A scientifically valid, computer generated method of selection. Selections will be generated periodically, unannounced. Students will be expected to proceed to the collection site immediately upon notification of selection for a random test.

REASONABLE SUSPICION: A situation where there are reasonable grounds based on adverse changes in appearance, behavior or academic performance for suspecting that a search or test will turn up evidence that the student has violated or is violating either the law or the policies of the school.

STUDENT: A student of Pine Lake Preparatory.

III. TESTING AND SEARCH PROCEDURE

WRITTEN CONSENT All students seeking to park on campus and their parent/guardian must sign a consent form (which shall include a consent allowing the school to test for illegal drugs or alcohol while the student is on school property and during the normal school day, or based on reasonable suspicion, search the student for illegal drugs or alcohol in accordance with this policy). This form, outlined below, is part of the school policy. Any student who does not comply with the provisions of this policy will not be allowed to park on school property.

PARKING PRIVILEGE APPLICATION: To be considered for parking privileges, the student must apply using the current parking pass application procedure as maintained by Administration. To be considered for a parking pass, the student must:

- have a valid Driver's License
- pay all applicable fees

- have no previous or outstanding infractions from driving on campus (infractions as noted by school administration and/or School Resource Officer (SRO))
- submit the Written Consent form for drug testing and follow the conditions of drug testing as below
- any other conditions as school administration may from time to time require

Having submitted the Written Consent form as attached below, the student must complete an initial drug test, and a negative test result is mandatory prior to being considered for parking privileges. This initial test is one component of the entire Application, which is provided and managed by school Administration. Normally, this mandatory initial drug test is conducted at or near the beginning of the school year. Should a student apply for a parking pass privilege sometime after the mandatory initial tests are completed, that student would be included in the next testing cycle along with the Random Students included in the next testing cycle (typically occurring in each subsequent month thereafter).

RANDOM STUDENT SELECTION Upon successful completion of the entire Application for parking privileges, the student becomes part of a pool of students, now subject to the Random Drug Testing program as defined herein. The administrator or his/her designee shall take all reasonable steps to ensure the integrity, confidentiality, and random nature of the selection process including, but not necessarily limited to:

1. A pool of the names of all students seeking to park on campus will be created and submitted to a third party administrator of random selection programs.
2. Drawing of names will be done in a way to ensure no one could knowingly choose or fail to choose a particular student.
3. The identity of students selected for testing and who are tested will be kept confidential.
4. The results of the tests will be kept confidential except that parents and Pine Lake Preparatory administrators will be notified.
5. All names will be returned to the pool each month. Student names may be selected several times a year or not at all.
6. A record of test results will be kept and may be transferred to another academic institution upon graduation or transfer and written consent of the parent and student.

URINE SPECIMEN COLLECTION PROCEDURE All drug tests shall be from urine samples collected from the student except for non-urine ALCOHOL TESTING options outlined below. The student will be notified of the time and place for testing on the day the test is to be administered. The student will then go to the designated area at the designated time to be tested. Trained specimen collectors of the same gender will administer the test. The procedure is as follows:

1. Private toilet stalls will be used to gather samples.
2. Water will be turned off in the stall used to gather samples.
3. Coloring will be added to the toilet in the stall used to gather samples.
4. The monitor will stand outside the stall while sample is acquired.
5. All excess clothing will be removed before entering the toilet stall including: sweatshirts, coats, baggy sweaters, etc.
6. Students may be asked to empty pockets or surrender purses, wallets, backpacks or other bags.
7. Sample will be checked for temperature or signs of tampering.
8. The specimen will be secured and sealed for transport to the laboratory in the presence of the student. The student will be asked to initial specimen bottles and complete laboratory chain of custody paperwork to verify that the urine samples provided belong to him/her.
9. If a student Participant is unable to give a sample they will be monitored until a sample is given that day.
10. Every effort will be taken to prevent tampering with the sample. Any attempt to obstruct the testing process will be considered the same as receipt of a verified positive sample.

ALCOHOL TESTING Alcohol testing may be conducted by a urine, breath or saliva sample by a trained Alcohol Technician

PROCEDURE IN THE EVENT OF A POSITIVE TEST When a sample indicates the presence of an illegal drug or controlled substance:

1. The parents of the student will be contacted by the MRO (Medical Review Officer) or staff of the MRO to determine if a legitimate reason exists for the positive test result. The parents of the student must be prepared to submit information on prescriptions and other pertinent medical information to the MRO. Once a valid prescription is verified, the test will be reported as negative to the school. If not, the parents of the student will be advised of such by the MRO and the test will be reported as a verified positive test to the school.

Pine Lake Preparatory follows Department of Transportation standards, which requires testing for marijuana and not CBD. Most CBD products are not regulated by the FDA and run the risk of containing more than the federally permissible amount of THC. Even though a student may use what he or she believes to be a legally permissible, hemp-derived CBD product, an unregulated product could trigger a positive test result for THC. In this case, because it is unknown whether the positive result was triggered by CBD oil or marijuana use, the result will be considered as a Positive Test. Since the use of CBD products could lead to a positive test result, we encourage students and families to exercise caution when considering whether to use CBD products.

For consideration: Full spectrum, broad spectrum, and cannabinoid isolates (CBD or other) will contain trace amounts of Δ -9 THC, the main psychoactive cannabinoid found in hemp

and marijuana strains. The 2018 Farm Bill defines hemp as “the plant species *Cannabis sativa* L. and any part of that plant...with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.” Most states that have legalized hemp or CBD (but not marijuana) follow the same 0.3% rule to distinguish hemp-derived products from marijuana. However, “marijuana” remains a Schedule I substance under the Controlled Substances Act (no recognized medicinal benefit, highly addictive properties) where no distinction is made among the hemp and marijuana plant species or strains. Given the prevalence of CBD and hemp-derived topicals, nutraceuticals, and foods/beverages a more refined approach to testing may be warranted. A blend of (a) Δ -9 THC levels present, and (b) clearly demonstrated and verified use of a CBD or hemp-derived product, would more effectively isolate potential abuse.

2. If the parents of the student assert that the test is inaccurate, they will be given an opportunity by the MRO to have the split sample (if collected) forwarded for retesting.
3. If the first or split sample is verified positive, the consequences are implemented.
4. If the split sample is negative, there will be no further action.

IV. CONSEQUENCES

For purpose of this policy, a verified positive test, positive search or other proof that the student has violated this policy at any time shall result in the removal of the parking pass and the student will not be able to park on school property.

Students will be able to re-apply for a parking pass 60 in-session school days after a verified positive test result (60 in-session school days are defined as the days in which school is scheduled to be open, and does not include weekend days, scheduled vacation days, etc). Students must submit to another drug test (at their expense) for which the school receives a negative test result before the parking pass will be re-issued.

The school may lessen the consequences for a first offence. At the election of the student and their parent, they may arrange a meeting with the Executive Director in a timely manner to discuss the student's plan to address the situation. The student, parent, and Executive Director will agree to a plan to help the student address the cause of the positive test or search, seek appropriate counseling, and take a follow up drug test as soon as is feasible, at the student's expense. With a follow up negative drug test, and a remedial plan that is satisfactory to the Executive Director, the student can re-apply and be considered for a parking pass sooner than the default waiting period of 60 in-session school days.

In the event of a second or subsequent verified positive test result and the student has an existing parking pass, the parking pass will be removed immediately and the student will not be able to park on school property. Multiple offence students will be able to re-apply for a parking pass 120 in-session school days after a second verified test result, and would need to submit to another drug test for which a negative test result must be proven before another parking pass for that student is considered. School administration reserves the right to not issue parking passes for students with multiple positive test results.

It shall be grounds for suspension and/or exclusion if a student possesses, consumes, uses, or is under the influence of an illegal drug and/or alcohol during said student's enrollment in Pine Lake Preparatory.

SUBSTANCE ABUSE TESTING CONSENT FORM

We, the undersigned student and parent/guardian, understand the terms the Student Parking on Campus Policy of Pine Lake Preparatory. The student and parent/guardian therefore authorize Pine Lake Preparatory to conduct drug and/or alcohol testing of samples that the student will supply, the purpose of which is to test for illegal drug or alcohol use. We also authorize Pine Lake Preparatory to conduct searches of the student and/or student property while on school property if based on a reasonable suspicion that the student has violated the law or this policy. This form shall be deemed consent by the parent/guardian and student for testing under the terms of this policy.

STUDENT SIGNATURE _____ **DATE** _____

PARENT/GUARDIAN SIGNATURE _____ **DATE** _____