

**LANCASTER COMMUNITY SCHOOL DISTRICT
POLICY ON SUSPICION-BASED TESTING
FOR BEING UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS
Policy 452.1**

Lancaster High School is a Drug Free Zone. It is the expectation of the Lancaster School District that all students will attend school and all school-sponsored events free from the influence of alcohol and other drugs. Being under the influence of alcohol and/or other drugs impacts not only the student's individual learning and safety, but also impairs judgment and can as a result affect the learning and safety of others.

DRUGS DEFINED

Students are prohibited from being under the influence of any controlled substance regulated by law, including, but not limited to: alcohol, marijuana, synthetic marijuana (synthetic cannabinoids), cocaine, heroin, LDS, ecstasy, *prescription stimulants (i.e. Ritalin, Adderall, etc.) and "prescription narcotics (i.e. Oxycontin, hydrocodone, etc.).

****The provisions of this policy shall not apply to any student who is under the care of a licensed physician and who is taking the medication under the supervision and direction of such physician. With regard to prescription medications, refer to the Lancaster Community School District medication policy.***

PENALTIES

Any student who violates the provisions of this policy may be immediately suspended for three (3) days and referred to law enforcement as appropriate.

Any student who is found to be in violation of this policy will be referred to the athletic director and/or the supervisor of any other school organization to which the student belongs that has a code of conduct.

PROVISIONS

The provisions of this policy shall apply to all students during the period of time that they are under and/or subject to the jurisdiction of the Lancaster Community School District, while participating in or going to or from any school-related activity, at any place where an athletic contest or event is taking place, during the course of any field trip, during the course of any trip or activity sponsored by the District, while under the supervision and direction of any teacher, principal or other authority of the District, or when such conduct does or may threaten to interfere with or disrupt the educational process or pose a threat to the safety of the student or others.

REASONABLE SUSPICION TESTING

Subject to the limitations contained in this policy, the District may require any student to submit to a drug and/or alcohol test if there is reasonable suspicion that the student is using prohibited drugs and/or alcohol. Reasonable suspicion must be based on specific contemporaneous physical, behavioral, or performance indicators of probable drug and/or alcohol use. The requirement of a drug and/or alcohol test is within the discretion of the District and is not a prerequisite to the administration of discipline under this policy.

The following circumstances shall constitute grounds for reasonable suspicion:

- a. Direct observation and/or confirmation by a District employee of drug and/or alcohol use or possession;
- b. Abnormal or erratic behavior indicating intoxication;
- c. Physical symptoms indicating intoxication including, but not limited to, glassy or bloodshot eyes, abnormal pupil size or reaction to light, slurred speech, loss of balance, poor coordination or reflexes;
- d. First-hand information provided by reliable and credible sources of use, possession, or intoxication;
- e. The presence of a drug or alcohol on the student, detectable by the senses, such as the smell of marijuana or alcohol; or
- f. Abnormal pulse rate and/or blood pressure in combination with other indicators.

“Intoxication” means being excited, stupefied, or affected by alcohol or a drug to the point where physical and mental control is diminished.

A report from any source indicating reasonable suspicion that a student may be in violation of this policy should be immediately given to an administrator or administrative designee. The administrator or administrative designee must determine that the circumstances constitute reasonable suspicion of drug and/or alcohol use before a student can be requested to take a drug or alcohol test. The administrator or designee is required to write in reasonable detail the facts, symptoms, or observations that form the basis of reasonable suspicion.

In cases in which reasonable suspicion exists that a student is under the influence of alcohol or marijuana, a breathalyzer or oral swab test may be administered by qualified school personnel. School administration may also opt to have a student removed to a qualified medical facility for testing. In such cases the administrator shall contact the student’s parent/guardian if the student is under the age of 18. If the District decides to require submission to a test, the student will be immediately removed from school for a drug/alcohol test to be conducted within a five (5) hour period of time.

If a student appears incoherent, semi-conscious, unconscious, or convulsive, or appears to be hallucinating, is in respiratory distress or anaphylactic shock, or is in other mental or physical distress indicating danger or injury to the health and safety of the student, District personnel shall seek immediate medical attention before any other actions under this policy are taken. The health of the student shall be given priority.

PAYMENT

Should authorized school personnel mandate a drug test the results of which are negative, the district will assume the responsibility of payment for said test. However, the costs associated with any positive drug test pursuant to enforcement of this policy will be at the expense of the student's parent/guardian or the student if the student is at least 18-years-of-age.

DRUG AND ALCOHOL TESTING

Any student required to be tested under this policy may be given a breath or saliva test on school premises or may be accompanied by a District employee and a parent/guardian to a professional testing laboratory or to such other place qualified for drug/alcohol testing at the parent's/guardian's sole expense for urine, blood, breath or saliva testing. All specimens will be collected under reasonable and sanitary conditions. Individual dignity and privacy will be preserved to the extent practicable. Accepted standards for testing, labeling, storage, and transportation of specimens will be followed depending on the type of test given.

REFUSAL: A refusal or failure to take a drug and alcohol test under the conditions of reasonable suspicion shall be considered a positive drug and alcohol test result or offense.

Similarly, refusal by the student and/or parent to share results of a drug test mandated by school officials pursuant to this policy shall be considered a positive drug and alcohol test result.

NOTE: Medical records between a medical facility and a patient are confidential. School personnel do not have access to drug test results unless authorized by the student/parent. See the Confidentiality section below for information as to how the school will utilize shared results of drug tests.

A student or parent/guardian may request a retest, but the results will only be considered if scientifically meaningful, timely performed, and in compliance with professional guidelines. All positive confirmed test results will be made part of a student's record, but they shall be kept confidential and separated in a secured location with restricted access. All positive initial test results for which the confirmation test is negative or which are determined to be false positive shall not become any part of the student's record of discipline record.

The District shall keep the following records for the periods specified as a part of its drug and alcohol policy:

- a. Records of drug and/or alcohol test results that show a student failed both an initial and a confirmation drug/alcohol test (a positive drug test) and the reasonable suspicious findings for the tests must be kept for five years.
- b. Records of drug and/or alcohol results that show that the student passed an initial or confirmation test (a negative drug test) must be kept for at least one year but shall not be part of the student's record.

- c. The District may retain such records for statistical analysis and policy evaluations, as it deems appropriate, consistent with confidentiality.

FINDING OF BEING UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUG

If the initial test for drugs and/or alcohol indicates a positive result, the administrator will notify the student and parent/guardian in writing of such positive test results and of the consequences of such a report.

CONFIDENTIALITY

The results of a student's drug test shall not be released to anyone other than the administrator and other employees or agents of the District who have a need to know such information. Any discipline resulting from the drug test results shall be recorded in the student's discipline record in accordance with the discipline policies and other policies of the District. In order to maintain confidentiality, written records of drug testing will be stored in a secure location with restricted access.

The District will cooperate with law enforcement, but the test results will not be released to law enforcement agencies without a court order or subpoena unless law requires disclosure. Nothing in this policy will prohibit or restrict District officials from making any report required by law to law enforcement agencies or other agencies.

DRUG EDUCATION AND COUNSELING

Before the implementation of this policy, and at least annually thereafter, the District shall give training to administrators in drug and alcohol use/abuse recognition and in the implementation of this policy. Administrators will give professional development to employees of all schools in recognition of drug and alcohol use and abuse, handling procedures, and policy implementation familiarization.

If there is reasonable suspicion that a student has or is using prohibited drugs and/or alcohol, the District may recommend counseling and drug/alcohol education at the student's expense.

NOTICE

Before implementation of this policy, reasonable notice of the policy will be made to all students and parents and/or guardians of students.

This policy is for the discipline and protection of the students of the District and their general welfare.

This policy shall supersede and take precedence over any other policy or practice inconsistent herewith.

APPROVED: April 10, 2013