

REASONABLE SUSPICION STUDENT DRUG & ALCOHOL TESTING

PURPOSE

Patriot Preparatory Academy recognizes that alcohol and drug abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse by students can produce impaired performance, lost productivity, absenteeism, accidents, lowered morale, and diminished interpersonal relationship skills. While Patriot Preparatory Academy and its employees share a commitment to create and maintain drug and alcohol-free schools, it is apparent to the Board and the community that a pronounced drug problem exists in Franklin County. It is the Board's obligation to respond to this problem in a manner which ensures the safety and proper instruction and supervision of students attending Patriot Preparatory Academy.

Because the Board is responsible for the instruction, supervision and well-being of each of the students entrusted to its care, it has a substantial and compelling interest in ensuring that its students refrain from possession, being under the influence, abusing, or using alcohol, controlled substances, illegal drugs, or prescription drugs. The Board declares that the possession and use of illegal drugs, alcohol or paraphernalia, and the misuse of prescription drugs, are unacceptable.

The Board is committed to providing a safe, healthful, productive and secure learning environment for all students, staff, and the general public, and it believes that alcoholism and drug addiction are illnesses and should be treated as such. The Board further believes that students who develop alcoholism or other drug addictions can be helped to recover and should be offered appropriate assistance. It is in the best interest of the students and the Board that when alcoholism or drug addiction is present, it should be diagnosed and treated at the earliest possible date. Confidential treatment of the diagnosis and recovery process for alcoholism or drug addiction is essential.

POLICY GOALS AND OBJECTIVES

- A. To establish, promote, and maintain a safe, healthy learning environment for all students attending Patriot Preparatory Academy.
- B. To aid in locating a rehabilitation program for students with a self-admitted or detected substance abuse problem.
- C. To promote the reputation of Patriot Preparatory Academy, its employees and students.
- D. To eliminate substance abuse problems in schools.
- E. To aid in reducing absenteeism, tardiness and apathetic classroom performance.

DRUG TESTING POLICY

Patriot Preparatory Academy is committed to maintaining drug and alcohol-free schools so that students are ensured the right to attend school in a safe, healthful, productive and secure environment. In furtherance of this commitment, the Board has implemented drug and/or alcohol use testing for students when there is a reasonable suspicion that students have used, abused and/or possessed illegal drugs and/or alcohol. Nothing in this policy will change or modify the terms of any other Board policy pertaining to student conduct and student searches.

Physical Examination/Screening Based Upon Reasonable Suspicion

Whenever the Patriot Preparatory Academy, through its Superintendent or his/her authorized designee(s), reasonably suspects that a student's classroom performance or in-school behavior may have been affected in any way by illegal drugs or alcohol, the student may be required to submit to a breath and/or urine sample for drug and/or alcohol use testing. When a teacher or other employee observes or is notified of behaviors or events that lead him or her to believe that a student is possessing, under the influence of, using or abusing illegal drugs and/or alcohol, s/he shall notify the Superintendent or his/her designee(s).

A student who is required to submit to drug and/or alcohol use testing based upon reasonable suspicion and refuses to submit for such testing, or receives a positive test result indicating the presence of illegal drugs and/or alcohol shall be in violation of the Student Code of Conduct and disciplined in accordance with state law and Board policy, up to and including expulsion.

The Patriot Preparatory Academy Superintendent and/or his/her authorized designee(s) are the only individuals authorized to make the determination that reasonable suspicion or cause exists to order a drug and/or alcohol screen and are the only individuals who may order a student to submit to a drug and/or alcohol screen.

Two (2) types of cases for which reasonable suspicion procedures may be invoked are:

A. Chronic Case

Deteriorating classroom performance or changes in personal traits characteristics where the use of alcohol and/or illegal drugs may be reasonably suspected as the cause.

B. Acute Case

Appearing in a specific incident or observation to be under the present influence of alcohol and/or illegal drugs or investigation of an incident where the use of alcohol or illegal drugs is reasonably suspected to be a contributing cause.

Circumstances under which drug and/or alcohol screening may be ordered, in either the chronic or acute cases, include but are not limited to, one or more of the following:

A. Observed use, possession, or distribution of illegal drugs, paraphernalia, and/or alcohol, including but not limited to observing the smell of alcohol or other illegal drugs.

- B. Apparent physical state of impairment of motor functions, including but not limited to slurred speech, unsteady gait, dilated or constricted pupils, flushed skin, or excessive sweating.
- C. Marked changes in personal behavior not attributable to other factors, including but not limited to incoherent statements or outbursts, hyperactivity, excessive drowsiness or loss of consciousness, extreme suspiciousness, abnormal or erratic behavior, or extreme fluctuations of mood.
- D. Involvement in or contribution to an accident where the use of alcohol or illegal drugs is reasonably suspected or involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.
- E. Known violations, arrests or convictions of criminal drug statutes involving the use of illegal drugs or alcohol.
- F. Report of reasonable suspicion of use, possession, or distribution of illegal drugs and/or alcohol by a reliable and credible source, including but not limited to parents, family members, teachers, coaches, or employers, or by the student's own statements or admissions.

The circumstances under which substance screening may be considered, as outlined above, are strictly limited in time and place to student conduct during school or at school system-approved or school-related functions, or anytime on or in Patriot Preparatory Academy property.

Specific Procedures for Reasonable Suspicion Illegal Drug and/or Alcohol Use Testing

This testing will be conducted for any student whenever the Patriot Preparatory Academy, through the Superintendent or his/her designee(s) reasonably suspects that the student is possessing, using or abusing illegal drugs and/or alcohol. The guidelines for determining reasonable suspicion, as noted above, will be followed.

Once the determination has been made that a student is to be tested based upon reasonable suspicion, the Superintendent or his/her designee(s) will then direct the student to the appropriate collection site. Prior to substance screening, students must sign a consent form acknowledging that they are being ordered for reasonable suspicion drug and/or alcohol use testing and that the test results will be transmitted to the Superintendent or his/her designee(s). Failure or refusal to sign the consent form will result in discipline, up to and including expulsion.

Prior to the commencement of the drug and/or alcohol use testing, the Superintendent or his/her designee(s) will meet with the student to explain the sample collection process, privacy arrangements,

drug and/or alcohol use testing procedures and other information which may help to avoid embarrassment or uncomfortable feelings about the drug and/or alcohol use testing process.

Drug and/or alcohol screening shall be conducted by Board approved, independent, certified laboratories utilizing recognized techniques and procedures, more specifically described below. The laboratory shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and proper laboratory control and scientific testing.

Collection of student specimens to be tested for illegal drugs and/or alcohol will be administered by or at the direction of the laboratory. A breath analysis test, if necessary, will be performed by a certified Breath Alcohol Technician. All aspects of the drug and/or alcohol use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible. If both breath alcohol and urine tests are to be performed, the breath alcohol test will be performed before the urine sample is obtained. The urine test specimen is to be collected via a split specimen method. The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen must be collected in a restroom or other private facility behind a closed stall. The Superintendent or his/her designee(s) shall assign a school employee of the same sex who will accompany the lab technician, (same sex), as the student to accompany the student to a restroom or other private facility behind a closed stall. The assigned school employee and lab technician shall not observe the student while the specimen is being produced, but shall be present outside the stall to listen for the normal sounds of urination in order to guard against tampered specimens and to insure an accurate chain of custody. The lab technician shall verify the normal warmth and appearance of the specimen. If at any time during the testing procedure the assigned school employee has reason to believe or suspect that a student is tampering with the specimen, s/he may stop the procedure and inform the Superintendent or his/her designee(s) who will then determine if a new sample should be obtained. The assigned school employee shall give each student a form on which the student may list any legal drugs or medications legally prescribed for the student and which were taken in the preceding thirty (30) days. The parent or legal guardian shall be able to confirm the legal drug(s)/medication list submitted by their child during the twenty-four (24) hours following any drug and/or alcohol use test. The medication list shall be submitted to the laboratory in a sealed and confidential envelope and shall not be viewed by any other Board employees.

The initial test performed on the urine at the laboratory will be an immunoassay based screen which will be used to eliminate negative urine samples from further consideration. All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff values listed below. Tests will screen for the drugs listed below. The cutoff levels (positive tests) are as follows (NOTE: These cutoff levels are subject to change, with or without notice, based on the procedures used and/or recommended by the laboratory):

	Initial Test	GC/MS
Amphetamines	1000 ng/mL	
Amphetamine		500 ng/mL
Methamphetamine		500 ng/mL ml
Barbiturates	300 ng/mL	300 ng/mL
Benzodiazepines	300 ng/mL	300 ng/mL
Cocaine Metabolites	300 ng/mL	150 ng/mL
Marijuana Metabolites	50 ng/mL	15 ng/mL
Opiates	300 ng/mL	
Morphine		300 ng/mL

Codeine		300 ng/mL
Hydromorphone		300 ng/mL
Hydrocodone		300 ng/mL
Oxycodones	100 ng/mL	100 ng/mL
Phencyclidine	25 ng/mL	25 ng/mL
Propoxyphene	300 ng/mL	300 ng/mL
Methaqualone	300 ng/mL	300 ng/mL
Methadone	300 ng/mL	300 ng/mL

A specimen shall not be reported as a positive test result unless the second test utilizing the gas chromatography/mass spectrometry procedure is positive for the presence of an illegal drug or alcohol, or the metabolites thereof. The unused portion of a specimen that tested positive shall be preserved by the laboratory for a period of twelve (12) months. The unused portion of a specimen that tested negative shall be preserved for a period of five (5) days.

If a breath analysis test is positive, a second breath analysis test will be taken. If a test is to be made for illegal drugs, this specimen will be taken at the same time that the alcohol specimen is taken but will be processed as a separate specimen. Refusal to submit to any breath analysis testing or any subsequent test for drugs constitutes grounds for discipline, up to and including expulsion. The breath analysis test level to be considered positive will be a .08 which would lead to a confirming test. Procedures for taking the urine specimen, in the event of a positive breath analysis for alcohol assay, will follow the same procedures as outlined above for the drug specimen and the specimen will be tightly sealed immediately to avoid loss of volatile constituents.

Positive test results shall be communicated to the student by the Superintendent or his/her designee(s) within twenty-four (24) hours of being notified of the result by the laboratory. Any student who receives a positive test result will be in violation of the Student Code of Conduct and will be disciplined in accordance with that policy, up to and including expulsion.

Records of drug and/or alcohol use tests results and reports of legal drugs consumed by students, (as determined by a Medical Review Officer), are recognized to be private and sensitive records, which will be maintained in a secure fashion separate from the student's regular educational records to insure confidentiality. Student records regarding the drug and/or alcohol use testing will be retained until the end of the school year. The records may be maintained for a longer period if the Board intends to use the record in any filed or anticipated administrative or court action filed against the Board involving the drug and/or alcohol use test or any disciplinary proceedings resulting from a positive test result.

REHABILITATION

Patriot Preparatory Academy recognizes that chemical dependency is an illness that may be successfully treated. While the Board encourages students to seek rehabilitation for such illnesses, students who receive a positive test result for illegal drugs and/or alcohol are in violation of the provisions of the Student Code of Conduct and shall be subject to disciplinary action, up to and including expulsion.

It is the policy of the Patriot Preparatory Academy, where possible, in addition to appropriate disciplinary action, to refer a student with a self-admitted or detected drug or alcohol problem for rehabilitation. The cost of the drug rehabilitation or treatment provider shall be borne by the student and/or the student's insurance provider.

Patriot Preparatory Academy strongly encourages students using illegal drugs or alcohol to voluntarily refer themselves to a treatment program. A voluntary referral is defined as one that occurs prior to any

positive test result for illegal drugs or alcohol under this policy. Students are not subject to disciplinary action for voluntary referral to rehabilitation, even where rehabilitation is for the use of illegal drugs and/or alcohol; provided that the Board reserves the right to discipline students, up to and including expulsion, who are tested pursuant to this policy after completing a treatment program and receive a positive test result for illegal drugs or alcohol.

DISCIPLINARY ACTION

- A. Students who receive a positive test result for illegal drugs and/or alcohol are in violation of the Student Code of Conduct and shall be subject to discipline, up to and including expulsion.

- B. The fact that a student has been referred for assistance and his/her willingness or ability to rehabilitate are appropriate considerations as to what, if any, disciplinary action may be taken.

- C. Students who receive a positive test result and are disciplined in accordance with the Student Code of Conduct may appeal the positive test result by submitting a written request for review within five (5) calendar days of being notified of the positive test result. Any discipline to be administered to the student requesting a review will be stayed until the review is completed. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision will be provided and his decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable.

SEVERABILITY

If any provision of this policy or the application thereof to any person, category of persons, or other circumstance is held invalid, such invalidity or determination shall not affect other provisions or applications of this rule.

GLOSSARY

Alcohol: Alcoholic beverages and any other intoxicating liquid which contains alcohol or any substance containing an intoxicating element.

Controlled Substance: A federally regulated substance listed in Schedules I through V of Section 202 of the Controlled Substance Act, 21 U.S.C. §812, and the Ohio Revised Code, both of which may be amended from time to time, and which when taken into the body, may impair one's mental faculties and/or physical performance.

Conviction: A finding of guilty, including a plea of *nolo contendere*, or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

Criminal Drug Statute: A criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.

Distribution: The sale, giving, transfer, delivery, trade or exchange in any manner of any illegal drug or alcohol.

Drug: Any substance that acts on the central nervous system to alter behavior(s) and/or thought processes.

Drug or Alcohol Use Test: A scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person's urine.

Illegal Drug: Any substance which is not legally obtained and/or any drug being used by a person other than the person for whom it was prescribed and/or for a purpose contrary to which the drug was intended for medical therapy and/or against the recommendation(s) of the manufacturer, including, but not limited to controlled substances such as inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, performance-enhancing drugs, look-alikes and/or any other of those substances commonly referred to as "designer drugs."

Legal Drug: Prescribed drugs and over-the-counter drugs which are legally obtained and are used solely for the purpose for which they were manufactured or as prescribed by a physician. Note will be determined by a Medical Review Officer.

Paraphernalia: Drug paraphernalia as defined by Ohio Revised Code and any item, thing or device used for the facilitation or administration of tobacco products or other illegal drugs.

Performance-Enhancing Drug: Substances including anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other athletic ability. The term "performance-enhancing drugs" does not include dietary or nutritional supplements such as vitamins, minerals and proteins which can be lawfully purchased in over-the-counter transactions.

Positive Test Result: A toxicological test result which is considered to demonstrate the presence of an illegal drug or alcohol or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug use test.

Possession: The presence of illegal drugs, alcohol or paraphernalia, in any amount, on the person or body, or under the general direction or control, of an individual found in or upon any property owned, leased or operated by the Board or the Ohio Department of Education, any community school, any other county board of education, or Educational Service Center.

Reasonable Suspicion: A suspicion of illegal drug or alcohol use based on specific observations made by teachers, coaches, administrators, parents, or sponsors of the appearance, speech, or behavior of a student and the reasonable inferences that are drawn from those observations and/or information of illegal drug or alcohol use reported to school officials.

School: Any property owned, leased or operated by the Board or the Ohio Department of Education, any community school, any other county board of education, or Educational Service Center.

Student: Anyone who is enrolled in a community school or traditional public school or enrolled in an educational program on any property owned, leased or operated by the or the Ohio Department of Education, any community school, any other county board of education, or Educational Service Center.

Use: Ingestion, injection, absorption or inhalation of an illegal drug or alcohol or being under the influence of said substance(s).