

Step 3: Writing Policies and Procedures

When writing a student drug testing policy it is essential to consider how it will be incorporated into a school's existing comprehensive drug prevention program. A random, mandatory, non-punitive drug testing programs for athletes and those in extra-curricular activities is recommended. A voluntary component can be added for all other students. The program should be non-punitive. A non-punitive program does not punish a student who tests positive for drug use, note the result on the student's academic record, or notify law enforcement authorities. A non-punitive program may include consequences such as suspension from a particular sport or activity for a given amount of time or until a student tests negative. It can include appropriate referral to counseling or treatment. It should not hinder a student's academic performance or academic school record.

Four sections are suggested to be included in a student drug testing policy

✓	Section	Description
	Statement of Need	Explains the justification for the program's implementation.
	Introduction	Describes the purpose and scope of the proposed a student drug testing program.
	Discussion of Procedures	Describes all of the procedures, confidentiality measures, and consequences of the program.
	Rights and Responsibilities	Explains the mutual obligations of the school to parents and students and their corresponding responsibilities to the school.

✓ Statement of Need

A statement of need justifies the policy's creation. Findings from the school's needs assessment can provide supporting information to substantiate this section. This section also reviews the impact of drug abuse on the health and safety of students, even when they do not use drugs themselves, and the school's commitment to its school community.

It also may include:

- providing students who are found to be using drugs with counseling and referral to treatment, if warranted,
- giving students a reason to refusing to use illegal drugs, and
- encouraging students in extra-curricular activities and athletics to set an appropriate example as role models for fellow students.¹

✓ Introduction

This section explains the purpose and intent of setting up a student drug testing program and includes a general overview of the scope of the proposed program, whether the program is proposed to be mandatory or voluntary or a combination of both and random or for-cause. It also indicates which students will be eligible for the program and the number, frequency and types of tests that will be conducted. A description of these elements can be found below:

Type of random testing program

Voluntary program

Permits students to choose to participate in the drug testing program or to “opt out” of the program. Lack of participation does not affect their inclusion in any activity

Mandatory program

Students who participate in specific activities or sports are included in the drug testing program. If they refuse, they are not permitted to participate in the activity.

A combination of mandatory and voluntary programs may also be used. For example, sports teams may have mandatory drug testing and the rest of the student body may volunteer to be part of the drug testing program.

For-Cause

A student is tested only if it is suspected that he/she is under the influence or is in possession of illegal drugs or drug paraphernalia. For-cause testing programs are rare.

Category of students tested

The school may decide to test one or more of the following categories:

- athletic groups
- students participating in extracurricular activities
- student drivers
- entire student body
- students who volunteer for the program

FYI: The most common categories of students tested are those participating on athletic teams and in extracurricular organizations, as the US Supreme Court has reviewed challenges to testing for these groups of students. Often student drivers are included in the testing pool. Most student drug testing programs currently do not test the entire student body due to insufficient legal precedence for doing so in public schools. However, schools may add a voluntary component to their programs for students to opt-in to the program. Parents and students often will select this option for its value as a deterrent: it gives students a reason not to use drugs.

Number of Tests and Frequency of testing

The total number of tests a school conducts will depend on how often and how many students are tested throughout the academic year. Most schools currently use a testing frequency of about 10-20 percent of the eligible student body. This is determined by dividing the number of annual tests by the total number of students that are eligible to be tested.

Sample Calculation:

$$\frac{100 \text{ tests per year}}{1,000 \text{ eligible students}} = 0.10 \quad \text{Or,} \quad 10\% \text{ testing frequency}$$

Schools generally test once a week or once a month. Commonly, schools randomize testing days in order to maintain unpredictability of testing times. The policy may indicate that the school will randomly test, on average, once a week but does not have to be specific about the day of the week. If students do not know precisely when they will be tested the program's ability to serve as a deterrent to drug use is enhanced.

What Drugs to Test

The types of drugs for which a school will test will be determined partly by information gathered about drug use in the school, and partly from an assessment of what drugs are available in the local community. The most commonly tested group of drugs are the 5-panel drugs: amphetamines (a powerful stimulant), marijuana (a psychoactive depressant, known to hamper learning), cocaine (an extremely addictive, powerful stimulant), opiates (very strong pain relievers with sedative effects and high rates of addiction) and PCP (a hallucinogen, often associated with distorted body image and violent behavior). Other drugs such as alcohol, Ecstasy, nicotine, and steroids are tested for less frequently.

What Kind of Test?

The decision about the kind of test the school will use will depend on a number of factors including cost, drugs to be tested, on-site vs. off-site collection and determination of results, and the type of test itself: urine, saliva, hair or sweat. Urine, hair, and saliva are the most common options, with urine being the most prevalent for reasons of cost. One or a combination of these options may be selected and schools may decide to alternate between types of specimens collected. Some advantages and disadvantages of each test are listed below:

Specimen	Advantages	Disadvantages	Cost
Urine	<p>Inexpensive</p> <p>Tests for alcohol, and nicotine as well as other drugs</p> <p>Many sources of tests</p>	<p>Cheating a potential problem</p> <p>Limited window of detection</p> <p>Test sometimes considered to be embarrassing or invasive</p> <p>Hazardous to ship</p>	About \$6-10
Hair	<p>Longer window of detection (3 months)</p> <p>Does not deteriorate</p> <p>Can measure chronic users</p> <p>Collection is easy</p> <p>Difficult to cheat</p> <p>Detects alcohol/cocaine combination use</p>	<p>More expensive</p> <p>Test usually limited to basic 5-drug panel</p> <p>Cannot detect alcohol alone</p> <p>Will not detect recent drug use</p>	About \$30-45
Saliva	<p>Inexpensive</p> <p>Sample obtained under direct supervision</p> <p>Difficult to cheat</p> <p>Not invasive</p> <p>Samples can be collected easily</p> <p>Can detect alcohol use</p> <p>Reflects recent drug use (24 hours)</p>	<p>Will not detect past drug use</p> <p>May under-report marijuana use</p>	About \$6-10
Sweat Patch	<p>Non-invasive</p> <p>Variable removal date (1-7 days)</p> <p>Tamper-proof</p> <p>Quick application and removal</p> <p>Longer window of detection</p>	<p>Limited number of labs available</p> <p>People with skin eruptions or cuts cannot wear patch</p> <p>Not recommended for schools</p> <p>Passive exposure to drugs may contaminate patch</p>	Expensive

Confirmation of screened positive drug tests is conducted at a laboratory using GC/MS (discussed below) and cost approximately \$40. This is not a significant budgetary item as very few positives are likely to be reported. Student drug testing is an effective deterrent to drug use among most students

Below are examples of what a urine sample cup looks like and what a hair test looks like: I wonder if we can find a photo of a saliva test kit and a sweat patch.

Cut-off levels (minimum concentration level of drugs in a sample) are built-in to standardize test results. These levels are different depending on the type of specimen collection, urine, hair, saliva or sweat patch.

✓ **Procedures**

Discussion sections should cover the process for selection of students to be tested, process for testing depending on drug test type and school preference, how consent is obtained and confidentiality ensured including state and federal requirements, sample chain-of-custody measures and what to do when a test is positive, how to report it, how to impose sanctions, and procedures for parents and student who wish to contest a positive test

Random Selection process

Students participating in the student drug testing program are selected by their student identification or other assigned number, never by name. A list matching the student's number to the name is kept in a secure location accessible only to a limited number of designated school personnel. When the ID number is selected, the student's name is accessed and matched with the student's class schedule. The student will be asked to report for the test just in time to be tested. Advance notice should not be given.

The school district has determined that its students use alcohol and illegal drugs to an extent that threatens their continued education and the goals of the school. In response to this concern, a student drug testing program will be implemented. Its purpose will be:

1. To encourage each student in programs subject to testing to make a commitment against drug use;
2. To give each student an effective tool against drug use;
3. To ensure the health and safety of each student during practice and performance;
4. To offer assistance to students who are identified as having substance abuse problems, and
5. To deter drug use by all students.

- *Computer* – A computer algorithm selects student ID numbers
- *Manually* – ID numbers are selected by hand (similar to picking a raffle ticket winner)
- *Laboratory* – The laboratory provides the randomly selected ID numbers (not all labs provide this service).

General Testing Procedures

Student(s) are randomly chosen to be drug tested. They are escorted to a private place where the individual student drug test is conducted. Students should not be allowed to leave the escort at any time prior to the test administration. School or contract laboratory personnel oversee the testing. Procedures will differ depending on the type of testing that is being done.

Urine Tests

A secure bathroom is designated for urine tests. The tests do not need to be observed. A test cup is given to the student who returns the sample to the test administrator. The chain-of-custody procedure, discussed below, begins with the student sealing the cup and signing the seal. The student then is free to depart from the testing site. Once all of the day's samples are collected, the designated administrator may either conduct the initial screening test or send the samples to the lab for screening. The screening test is a simple immunoassay test that determines if the sample is negative or positive. Negative tests are disposed of either at the school or at the lab. Positive tests are retained for GC/MS confirmation (see below). Under no circumstances should a student be informed at the time of the test of the test results. Depending on the school policy, notification of negative results may not be made or may be provided to a parent (Certain precautions should be taken to deter tampering with or diluting urine specimens. Schools should use one designated bathroom and take measures such as shutting off water faucets and adding blue dye to the toilets. Most urine cups are now designed to detect temperature changes and added substances.)

Hair Tests

Hairs are cut near the scalp. The amount of hair taken is about the thickness of a shoelace tip and 1" long. Each 1" represents one month of growth and the drug use during that period of time. If scalp hair length is insufficient, hair from other areas of the body can be used. The amount of hair taken is usually not visibly noticeable. The sample is sent to a laboratory for screening. Positives are confirmed by GC/MS.

Saliva Tests

The test kit includes a swab or piece of absorbent material which is placed in the donor's mouth for about one minute then removed and placed in a collection container. For on-site testing, the absorbent material is then squeezed mechanically and the liquid is forced into a chamber where it is exposed to specific drug-detection antibodies. If the sample is read as positive it is sent to the laboratory for confirmation.

Sweat Patch Testing

Sweat patch testing is seldom used in school settings, with one exception. It can be a useful way to monitor students who have tested positive previously and who have completed a drug treatment program, because it is worn for one-to-two weeks at a time. During that time it is collecting evidence of any drug use. Treatment programs normally continue to drug test as part of the after-care program, so this type of test is rarely used by schools. The patch is removed at the school and sent to a laboratory for analysis.

Laboratory testing and confirmation of positive tests

It is strongly recommended that schools contract with a SAMHSA, CLEA, FDA or state-agency approved laboratory. These laboratories must meet minimum requirements and are more likely to provide accurate, reliable testing results.

Laboratories will use different methods when analyzing samples. The cheapest method is to first use an immunoassay test as an initial screening test, and to confirm positive results with a gas chromatography/mass spectrometry test. If the screening test was conducted at the school and confirmation of a positive is requested, the screening test will be omitted at the laboratory.

Laboratory Test	Brief Description
Immunoassay	Used as a preliminary screening test. Changes color if specific drug is detected. Similar to a "litmus test." Least expensive. It tests for a class of drugs, (e.g. opiates) but cannot separate specific drugs within the class.
Gas Chromatography (GC)/Mass Spectrometry (MS) combination	Used as a confirmation test. Highly accurate. This is the equivalent to identifying the chemical fingerprint of the drug. Expensive.

What to do with a positive result

If the GC/MS test is reported as positive, it does not indicate that a student has used illegal drugs unless the test is confirmed by a certified medical review officer (MRO). The results are submitted to the MRO to verify that the positive result is not due to appropriate prescription medicine use or some other confounding evidence such as recent anesthesia. A designated school administrator will be contacted by the MRO to discuss the information on file at the school regarding the student's use of prescription medicines. The parent may become involved at this point to assist with the clarification of the results. If it appears that a prescription or procedure has resulted in a positive, the MRO will confirm this with the prescribing doctor or hospital facility. The test then will be reported as a negative and the sample will be discarded. If the confirmation results in a positive, the sample is retained and the result is reported as a verified positive to the designated school administrator for appropriate action. (MROs are medical doctors certified by a governing body to perform such reviews. MRO review, coupled with careful chain-of-custody, ensures that reports of verified positive tests are legally valid.)

With a verified positive drug test result, the student, parent and/or school counselor may be notified. Such notification depends upon the procedures the school is using. All results should be kept confidential on a need-to-know basis. For example, if a student is on an athletic team, the coach may need to be notified because he or she may be responsible for overseeing specific consequences for the student.

Chain of Custody Procedures

Chain of custody means that documentation can be provided showing that the specimen was properly collected, transmitted and tested.

Generally, when a sample is collected, the student seals the sample, signs and turns it over to the collector who must sign to ensure confidentiality. The collector is entrusted with the samples and may conduct the initial screening test. If the result is negative, the sample is discarded. The result is logged by the collector.

Samples to be screened or positives requiring confirmation are sent to the laboratory using a system that tracks it with location and signature at each stage. Samples that have been verified as positives by the MRO are retained by the laboratory in a secure location to be available in the case of any further legal action. If a test is negative, it is documented as such and discarded.

Management Procedures for Positive Tests

The manner in which positive tests are handled is very important. In order to protect the student, school, and parent, confidentiality matters must be taken seriously. It is important to make sure that all parties involved understand how the testing will be done, and what to do when something does not go according to plan. School administrators

should anticipate problems that may occur and plan what to do if such things should happen. These procedures should be detailed in the policy and approved by the school board. There also should be a specific procedure to follow if a student and/or his/her parent/guardian believe that a drug test has been reported incorrectly as a confirmed positive.

The Office of National Drug Policy suggests that when a positive test result has been reviewed and confirmed for illegal drug use, the next step is to involve the parents. Parents need to know that anger, accusations, and harsh punishment could make the situation worse. Instead, it is important to treat the student with respectful compassion and work as a team to change his or her behavior. Many schools require students who test positive to enroll in a drug education course or activity. Some also offer Student Assistance Programs with trained counselors are linked to resources in the greater community. Schools should also conduct regular follow-up drug tests on students who have tested positive to make sure that they remain drug free.

Student Assistance Professionals (SAPs)

The role of student assistance professionals needs to be addressed in the policy. Their role is important to the overall comprehensive prevention program. SAPs can refer students for treatment and serve as a resource for students and parents in the event of a confirmed positive drug test. SAPs also can continually evaluate and monitor the student drug testing program to make sure that it operates properly. (To find out more about SAPs visit <http://www.nasap.org>.)

✓ Rights and Responsibilities

Student rights and school responsibilities to students must be addressed. Schools will vary with regard to their responsibilities toward students' rights depending on whether they are private or public.

Private schools may have stricter policies regarding zero-tolerance because they are not regulated by the federal government. Public schools may have a graded, "step-wise" program with varying consequences for a student's additional positive tests.

Confidentiality

Procedures for drug testing that protect confidentiality must be described explicitly. It is recommended that a lawyer review the confidentiality requirements section of the policy carefully to make sure that it is consistent with local, state and federal laws covering student confidentiality.

It is the school's obligation to protect students and obtain proper parental consent in accordance with all applicable laws. By establishing appropriate, informed consent and information management procedures before testing occurs, the school ensures the confidentiality of its students and of drug test results.

Public schools are responsible for maintaining compliance with Federal laws such as FERPA and PPRA.

Family Education Rights & Privacy Act (FERPA).

FERPA addresses the confidentiality of student records. It states that each local educational agency receiving Department of Education funds may not have a policy or practice of denying parents the right to:

- Inspect and review education records;
- Seek to amend education records; and
- Consent to the disclosure of personally identifiable information from education records except as specified by law.

Schools must annually notify parents and eligible students of their rights under the Family Education Rights & Privacy Act.

Protection of Pupil Rights Amendment (PPRA).

This amendment governs pupil rights in the realm of school surveys, analyses and/or evaluations. Schools must obtain written parental consent from participating minors when inquiring about one or more of the following areas:

- Political affiliations or beliefs of the student or parent/guardian;
- Mental or psychological history of the student or family;
- Student's sexual behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior by the student;
- Critical appraisals of other individuals with whom a student has close family relationships;
- Student's legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers;
- Religious practices, affiliation, or beliefs of the student or parent/guardian; and
- Student's family income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

Federal Alcohol and Drug Confidentiality Regulations can be found at:

<http://www.bme.state.or.us/confdarec.html>

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html> (FERPA)

<http://www.ed.gov/policy/gen/guid/fpco/ppra/index.html> (PPRA)

Consent Forms

Schools will be responsible for developing and distributing consent forms to parents/guardians that permit their child to participate in the student drug testing program.

Public schools are required by federal law to obtain permission from parents/guardians and students to participate in a student drug testing program.

Because private schools are not funded by the federal government, they do not have the same legal requirements as public schools with respect to parental permission and confidentiality agreements. The policy developed by a private school will be governed by the school's, and its governing board's, overall policies and procedures.

Consent forms should include:

- statement of the purpose and type of the student drug testing program that will be implemented;
- consequences of a positive drug test;
- confidentiality measures that will be taken in order to protect all students; and
- an opt-out option for parents/guardians who do not wish to sign the consent form.

Schools report that they receive the highest rate of return of signed consent forms when the forms and program description are mailed to parents/guardians in the same packet as other materials that are sent out and required to be returned prior to the start of the school year. Consent forms that are sent out separately or carried home by the student to be delivered to the parents/guardians are less likely to have a high rate of return.

Signed consent forms should be kept in a locked facility with limited access. They are confidential. These forms should be destroyed upon a student's graduation or non-attendance at the school.

Legal Review

A legal review of policies and programs should be conducted prior to implementation, to make sure that they are consistent with federal, state and local legal requirements regarding student drug testing.

School Insurance Policy

It is recommended that the school's insurance policy be amended to cover any legal costs that may result from the student drug testing program.

Signatures Required for Policy Approval

When a policy is written, there is usually a common chain of signatures required before that policy is approved. The administrators and task force should decide on the correct actions needed for the implementation of new policies. The following is suggested as an appropriate procedure for approving and completing a new policy:

1. Task force approves and signs off;
2. Review by legal counsel to assess the policy's compliance with existing court rulings and state and federal laws;
3. School Board of Education reviews and approves;
4. Superintendent reviews and approves; and

This procedure is also recommended for future amendments or changes to the student drug testing (SDT) policy.

Preparing for Step 4

After creating policies and procedures for a student drug testing program and obtaining the necessary approvals, a school is ready to implement the drug testing program.

Step 4 describes implementation and evaluation of the program.

Additional information to consider when writing a SDT policy can be found at the following web sites:

Student Drug Testing Coalition:

http://www.studentdrugtesting.org/create_a_policy.htm

Guidelines Concerning Student Drug Testing in Virginia Public Schools:

<http://www.pen.k12.va.us/VDOE/PC/DrugTestingGuidelines.pdf>

Guidelines Concerning Student Drug Testing in Virginia Public Schools. 2004. Virginia Department of Education. Accessed September 10, 2004.

<http://www.pen.k12.va.us/VDOE/PC/DrugTestingGuidelines.pdf>.

For information about hair tests and how they are implemented, visit Psychemedics Corp's commonly asked questions <http://www.drugtestwithhair.com>.

Specific information about cut-off levels and procedures can be found in the Substance Abuse & Mental Health Services Administration's Mandatory Guidelines for Drug Testing <http://workplace.samhsa.gov/DrugTesting/SpecimenCollection/guidelines94.pdf>.

For more information about drug testing
http://workplace.samhsa.gov/M_Level2.asp?Level1_ID=1.

Certified HHS Laboratories by state
<http://workplace.samhsa.gov/ResourceCenter/lablist.htm>.

For more information about testing procedures, visit ONDCP's website for its two publications, What You Need to Know About Drug Testing in Schools and What You Need to Know About Starting a Student Drug-Testing Program,
http://www.whitehousedrugpolicy.gov/publications/student_drug_testing.