

**PRETISS CHRISTIAN SCHOOL POLICY
REGARDING DRUG AND ALCOHOL TESTING OF STUDENTS**

Overview of Policy

Prentiss Christian School (the “School”) is adopting this drug and alcohol testing policy for Covered Students, as defined in this policy. You are advised that the School has implemented this policy and will conduct testing. The School and Covered Students have certain rights and obligations. No testing for drugs or alcohol under this policy shall be conducted until 30 days after the date this notice is first posted and made available to School students.

The School finds that, as a matter of policy, School students should not use, possess, or sell illegal drugs or alcohol and should not be under the influence of drugs or alcohol while on campus or at any school-sponsored event.

Each Covered Student and his or her parent or guardian will be required to review this policy and agree to be bound by this policy as a condition of continued enrollment. Any student who has questions about any aspect of this policy should as the head of school, who will serve as director of the School’s drug and alcohol testing program.

Covered Students

For purposes of this policy, only Covered students will be subject to drug and alcohol testing. Covered Students shall include the following: *all students enrolled at Prentiss Christian School in grades 7 – 12.*

Circumstances Under Which Testing Will Occur

The following is a description of the circumstances under which the School will conduct drug and alcohol testing.

A. Pre-Enrollment Testing

The School will require all applicants for a Covered Student position (applicants for admission into grades 7 – 12) to submit to a “pre-enrollment” drug and alcohol test as a condition of the application if the application for admission is made after the first day of the school year. Refusal to submit to the test will be grounds for denial of the application, and a confirmed positive test result will also be a basis for denial of the application. The parents or guardian of the applicant will be responsible for the cost of the pre-enrollment drug and alcohol test.

B. Reasonable Suspicion Testing

The School will conduct reasonable suspicion drug and alcohol testing, which is testing based on a belief that a student is using or has used drugs and/or alcohol in

violation of this policy. The School's belief of reasonable suspicion to test will be drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience, and may be based upon, among other things, the following:

1. Observable phenomena, such as direct observation of drug or alcohol use and/or physical symptoms or manifestation of being under the influence of a drug or alcohol
2. Abnormal conduct or erratic behavior while at School or School functions, absenteeism, tardiness, or deterioration in performance at School
3. A report of drug or alcohol use provided by reliable and credible sources and which has been independently corroborated
4. Evidence that an individual has tampered with a drug and alcohol test during his enrollment with the School
5. Information that a student has caused or contributed to an accident while at School or at a School function
6. Evidence that a student is involved in the use, possession, sale, solicitation, or transfer of drugs or alcohol on the School's premises or while participating in any School function

C. Neutral Selection/Random Testing

Neutral selection/random testing will be conducted by the School on all Covered Students.

Substances Tested For

The School's drug and alcohol testing will test for the following substances: alcohol, marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP or Angel Dust).

Effect of A Positive Test

Any Covered Student who has a confirmed positive test result for any of the substances listed above or who otherwise violates this policy shall be subject to the consequences described below. For purposes of this policy, refusal to submit to a test when requested to do so will be treated as a positive test result and will likewise result in the consequences described below in this policy.

First Confirmed Positive Test

1. The Covered Student and his parents/guardians will have 3 business days to submit written proof to the head of school that the Covered Student has been enrolled in a rehabilitation/counseling program which has been approved by the head of school.
2. The Covered Student must submit to a drug and alcohol test conducted by MEA once a month for the following 3 month, at times chosen by the head of school, and each test must be negative for drugs and alcohol.
3. The Covered Student will be suspended from participating in athletics or any other extracurricular activities (except practices) for a period of 30 days.

FAILURE TO COMPLY WITH THESE CONDITIONS/CONSEQUENCES AFTER A FIRST POSITIVE TEST WILL CLASSIFY A STUDENT AS A THIRD INCIDENT OF A POSITIVE TEST RESULT.

Second Confirmed Positive Test

1. The Covered Student and his parents/guardians will have 3 business days to submit written proof to the head of school that the Covered Student has been enrolled in a rehabilitation/counseling program which has been approved by the head of school.
2. The Covered Student must submit to a drug and alcohol test conducted by MEA once a month for the following 3 months, at times chosen by the head of school, and each test must be negative for drugs and alcohol.
3. The Covered Student will be suspended from participating in athletics or any other extracurricular activities (INCLUDING PRACTICES) for the remainder of the school year.
4. The Covered Student will receive an out-of-school suspension for a period of 10 days. This suspension bans the student from being on campus and carries a grade penalty of zero for any assignment or test missed during this period.

FAILURE TO COMPLY WITH THESE CONDITIONS/CONSEQUENCES AFTER A FIRST POSITIVE TEST WILL CLASSIFY A STUDENT AS A THIRD INCIDENT OF A POSITIVE TEST RESULT.

Third Confirmed Positive Test

The third incident of a Covered Student testing positive will result in permanent dismissal from Prentiss Christian School.

Drug and Alcohol Testing Procedures

The School has contracted with MEA Drug Testing Consortium, a service of MEA Medical Clinic System. MEA will conduct all the School's drug and alcohol testing services, including specimen collection, chain-of-custody procedures, obtaining necessary laboratory results, medical review officer services, and any other services incident to the drug and alcohol testing program. **Appendix A** to this policy sets forth in detail the procedure to be sued for drug and alcohol testing. Covered Students should review this detailed information and ask any questions that they may have about it. Questions may be directed to the head of school, who has been designated by the School as the person in charge of the drug and alcohol testing program. Students should carefully review Appendix A and report to the School any instances where they believe MEA has failed to comply with the procedures set forth in Appendix A.

Confidentiality

All information, interviews, reports, statements, memoranda, and test results, written or otherwise, received by the School (or MEA on its behalf) through its drug and alcohol testing program are confidential communications except as described below. All information obtained, however, shall be the property of the School. The School will not release to any person or entity other than the Covered Student or his or her parents/guardian or other personnel as designated by the School on a need-to-know basis, information related to drug and alcohol test results unless one of the following stipulations are met:

1. The Covered Student or his or her parent/guardian has expressly, in writing, granted permission for the School to release such information
2. It is necessary to introduce a positive confirmed test result into an administrative or judicial proceeding, where the information is relevant to the hearing or proceeding, or if the information must be disclosed to a federal or state agency or other unit of the State or United States government as required under law, regulation or order or in accordance with compliance requirements of a state or federal government contract or disclosed to a drug or alcohol abuse rehabilitation program for the purposes of evaluation or treatment of a student
3. There is a risk to public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such risk is immediate, a court order permitting the release shall be obtained prior to the release of the information.

Contesting A Test Result

A Covered Student who receives a confirmed positive drug and/or alcohol test result may contest the validity of that result or explain it. A Covered Student who has a confirmed positive test result will be informed in writing by the School. The Covered Student then has 2 business days to submit a written explanation as to why the test is invalid, and the Covered Student may have the specimen retested at his or her own expense as described in Appendix A. If the Covered Student's explanation is unsatisfactory or if the Covered Student fails to submit a timely written

explanation, the test is considered final. The School need not await the results of the retest to initiate administrative/disciplinary action or to take such other actions as are provided for in this policy.

APPENDIX A TESTING PROCEDURES AND SAFEGUARDS

Introduction

The School has contracted with MEA Medical Clinics Drug Testing Consortium to provide all the School's drug and alcohol testing services, including our MRO's. This APPENDIX will outline the procedures a student can expect when called upon to give a drug and/or alcohol test specimen. If you believe that a test was conducted in a manner other than as specified in these procedures, please inform the head of school immediately. These procedures are specifically designed to safeguard a student's privacy during the testing process and to assure accurate test results.

MEA provides complete alcohol and drug testing resources at its clinics and at numerous other locations throughout the state, and also has the capability to conduct testing using mobile units. For controlled substances testing, MEA provides urine, hair, and saliva specimen collection services, transportation to and receipt of results from federally certified laboratories for urine and certified laboratories for alternative specimen collections, and qualified physicians to serve as Medical Review Officers or other consulting physicians to review and evaluate drug testing results. For alcohol testing, MEA uses federally approved and certified evidential breath testing devices (EBTs) and Breath Alcohol Technicians (BATs) trained in a program approved by the National Highway Traffic Safety Administration.

Initial Presentation

A person required to give a drug or alcohol testing specimen at a MEA facility will be treated courteously and with individualized attention to minimize any stress or anxiety associated with the testing procedure. The MEA employee conducting the drug testing specimen collection process is called a Collection Site Person (CSP) and the MEA employee who conducts alcohol testing is called a Breath Alcohol Technician (BAT). MEA's BATs and CSPs will not use language that might be considered offensive or accusatory but will strive to be courteous at all times to the person to be tested. In addition, MEA's BATs and CSPs will follow the procedures outlined in this policy and procedure statement to assure the integrity and quality of the alcohol and drug testing process, thereby maximizing accurate test results.

A particular CSP or BAT works with only one person to be tested at a time. Prior to beginning the testing process, each person must show proof of identification through a student's license or other picture-bearing identification card or through a designated School representative. If positive proof of identification is not possible, MEA will not proceed with the specimen collection or any aspect of alcohol or controlled substance testing.

DRUG TESTING

Since the procedures for alcohol testing are different from those for drug testing, they will be discussed separately. Students are subject to both types of tests and will be informed by MEA personnel whether the test is for alcohol, drugs, or both.

Specimen Collection Process

After a student has presented proper proof of identification, the CSP will conduct a short interview to document the relevant information about the person to be tested. (Throughout this policy and procedure statement, the person to be tested is referred to as the Student). Relevant information from this interview and from the complete specimen collection process is documented on a carbonless custody and control form, which identifies the specimen donor, the particulars of the collection process, and the transfer of the specimen to the appropriate lab or other facility for testing. In addition, the Student will be provided a consent form to sign, giving written consent to the testing procedure. If a Student refuses to consent or revokes his consent at any point, MEA will not proceed with the process and the School will consider this a refusal to submit and a violation of the School's policy.

After the initial interview, the Student will be requested to remove any coat or any other unnecessary outer garments that might conceal materials that could be used to alter or affect the specimen to be given. In any event, the Student will be allowed to retain his or her wallet during the process of urine collection or, if they prefer, their wallet can be securely locked in a storage compartment at the clinic.

Urine specimens are collected in a clean, single use, sealed and securely wrapped container. MEA keeps a supply of these containers on hand. Before giving the specimen collection container to the Student, the CSP will allow the Student to wash and dry his or her hands in the view of the CSP. The CSP will remain with the Student and observe him to make certain that the Student has no access to water or other substances that might be used to alter the urine specimen.

The CSP will then give the specimen collection container to the Student and show him to the collection room, where the Student will fill the collection container with at least 45 milliliters of urine. If the Student is unable to urinate or is unable to provide the required minimum urine amount of 45 ml, the specimen collection process must be begun again, and the CSP will assist the Student by providing fluids to drink. Any urine sample collected that is less than 45 ml will be discarded since MEA does not combine urine from two collections to reach the required volume. The Student will be allowed a reasonable time (not to exceed three hours) to consume fluids (not to exceed 40 ounces) and provide a specimen. If the Student is unable to provide a specimen in three hours, a physician will evaluate him to determine if his problem is a medical one or constitutes a refusal to cooperate. The physician will report the results of this evaluation to the School. (**NOTE:** There will be no such medical evaluation for pre-enrollment tests unless the School agrees in advance to it.)

Unless circumstances require (as outlined below), there will be no direct observation of the Student while he is providing the urine specimen. All aspects of the collection process are designed to maintain the modesty and privacy of the Student. No unauthorized persons shall be allowed to be present in the specimen collection area at any time during the procedure.

After the Student delivers the containerized urine specimen to the CSP, the specimen will remain in the view of the Student at all times until it is split into two separate specimen containers,

labeled, and sealed. The Student will observe the sealing and labeling of the specimen containers by the CSP, and the Student will initial the identification labels on the bottles to certify that they contain his specimen. The specimen containers are then sealed in the appropriate mailing envelope or container and remain under the control and supervision of the CSP at all times until the package is prepared for shipment to the laboratory. After the container has been sealed and initialed by the Student, and the custody and control form has been completed by the CSP, the urine specimen collection process is complete, and the Student may wash his/her hands.

Split Specimen Collection

Using two separate containers for the Student's urine specimen is known as the split specimen collection method. With this method, the specimen is split by the CSP into a "primary" specimen consisting of at least 30 ml and a second "split" specimen containing at least 15 ml of urine. Both are labeled and forwarded to a DHHS certified lab as outlined in the preceding section. All initial and confirmation testing conducted by the certified laboratory will be conducted on the primary specimen only. However, the laboratory must also maintain the split specimen in secure storage.

If a Student is informed by the Medical Review Officer that the result of the laboratory's analysis of his primary specimen is positive, the Student has 72 hours from the time he is informed of the verified positive result to request an analysis of the split specimen being held by the laboratory. Any request for analysis of the split specimen made after this 72-hour period will not be honored unless the MRO, in his discretion, determines after discussion with the Student that there were unusual circumstances that caused an excusable delay in requesting the test. **Any test of the split specimen pursuant to a student's request will be at the expense of the Student.**

If the Student makes a timely or otherwise proper request for a split sample test, the MRO must inform the lab in writing and the lab must immediately forward the split specimen to a second certified laboratory, with the seal intact and with proper chain of custody documentation, as well as a copy of the MRO's request. The second lab will perform the split specimen test and will report the results to the MRO. If the split test does not confirm the results of the first test, the specimen will be tested for the presence of adulterants. If both samples are found to be valid, and the confirmation test does not match the initial test, the test will be cancelled. However, the School and the MRO need not await the results of the split specimen test to initiate administrative action or to take such other actions as are provided for in the School's drug and alcohol testing policy.

Other Security Precautions

In addition to the security precautions inherent in the specimen collection and Student identification system outline above, the following additional precautions are used by MEA to maximize the integrity and accuracy of the drug testing specimen collection process:

- A. Toilet bluing agents are used to tint the water in the toilet located in the collection room where the Student provides the actual specimen. All other sources of water

in that area are secured so that the student cannot obtain access to them. In addition, the Student is not allowed to flush the toilet while in the collection room because flushing may be used to dispose of evidence of materials used to contaminate or tamper with the specimen. If the seal on the toilet that secures it against flushing is broken or if flushing sounds are heard from the specimen collection room, that specimen will be considered questionable, and the Student must submit to a retest.

- B. While the CSP will remain courteous and respectful of the Student at all times, any unusual or suspicious actions or behavior on the part of the Student will be noted on the custody and control form.
- C. Within four minutes after collection of the specimen, the temperature of the specimen will be measured to make certain that it is within the acceptable range of 32.5° to 37.7° centigrade (90.5° - 99.8° Fahrenheit). In addition, the CSP will check the color of the urine specimen and look for any evidence of contamination or tampering. Any unusual appearance of the urine or unusual temperature will be noted on the custody and control form.
- D. In any instance where the CSP suspects that the specimen was tampered with, the test specimen will still be sent to the laboratory, but a new test will be collected, including a test under direct observation (Direct observation testing is discussed below).
- E. After the specimen has been split, sealed, labeled, and placed in the mailing envelope or other shipping container, it will either be shipped immediately or stored securely in a locked space under the control of the MEA and the appropriate CSP. The completed custody and control form, including the chain of custody portions, will be completed and certified by the CSP and placed in the shipping container with the specimen which is being shipped or stored for shipping.
- F. From the time the Student is initially identified until the specimen has been collected, split, labeled, initialed, and sealed, the CSP is not allowed to leave the specimen collection area at any time. If it becomes necessary due to emergency or other unavoidable circumstance for the CSP to leave, any collection begun at that point will be nullified and the test be begun again.

Direct Observation Testing

Since the MEA drug testing specimen collection process seeks to protect the privacy and modesty of all Students tested, direct observation of the person giving the specimen during the time they are providing it is not part of the normal collection procedure. However, under certain circumstances, direct observation specimen collection may be necessary to assure the integrity of the drug testing process. Whenever direct observation testing is required under the guidelines set forth below, the person observing the Student giving the specimen will be of the same gender as

the Student. The following guidelines will be used in determining whether direct observation collection is necessary and, in all cases, the decision to conduct direct observation collection will be made only after consultation with and approval by the School or a higher-level supervisor of the CSP.

The following circumstances are the **exclusive** grounds for direct observation testing:

- A. The student has presented a urine specimen that falls outside the acceptable temperature range (32.5° to 37.7° Celsius; 90.5° - 99.8° Fahrenheit) **and** (1) the Student declines to provide a measure of oral body temperature, **or** (2) body temperature is measured, and it varies by more than one degree Celsius or 1.8° Fahrenheit from the temperature of the specimen
- B. The last urine specimen provided by the Student (i.e. on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and Creatinine concentration below .2 g/L, **or**
- C. The CSP observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen (for example, substitute urine in plain view, blue dye in specimen presented, etc.).

In the event that a hair or saliva test is performed, the collections will be performed according to collection guidelines. All collections are to be performed by only trained, qualified personnel. All hair and saliva tests are observed collections by the nature of the collection process.

Hair Tests

Each collector shall collect only one specimen at a time and all collections are to be performed using chain of custody procedures. The hair collected must be done so that it is cosmetically undetectable. Hair collections should always be head hair and, when possible, should be from the crown of the head. In the case of extremely short hair, the hair may be collected from multiple areas of the head, in order to ensure that the collection is cosmetically undetectable. The hair will be placed in the sample acquisition card in front of the Student. It will be sealed in the Student's presence, and the Student will be asked to initial the seal. The collector and Student will then complete the chain of custody procedures, and the sample will be sealed in a collection pouch. Hair samples are to be sent to qualified testing laboratories only. MEA DTC is responsible for maintaining all collection supplies to include chain of custody forms, scissors, alcohol swabs to clean each scissor blade before each collection, and shipping containers.

Saliva Tests

Each collector shall collect only one sample at a time, and it must be done using chain of custody procedures. The collector will make sure that the donor has had nothing in his mouth for at least 10 minutes. After verifying this fact, the collector will have the Student open a swab for testing. The collector will advise the Student to gently rub the inside of the mouth on both sides to wet the swab. The Student will then be asked to place the swab between the cheek and gum on one

side of the mouth for 2 minutes. The collector will time this process. After the time period has passed, the Student will place the swab in the collection tube and break off the handle. The collector will then seal and date the tube. The Student will initial the tube seal. The Student and collector will complete the chain of custody procedure. The sample will then be sealed in a collection pouch and sent to a qualified lab for testing. MEA DTC is responsible for maintaining all supplies, to include chain of custody forms, testing swabs, gloves, and shipping containers.

Medical Review Officer

MEA clinics are staffed with qualified physicians who serve as certified Medical Review Officers (MRO) (for federally required drug testing) and who assist other, voluntary drug testing programs (not federally mandated) in evaluating laboratory results of drug testing. MEA physicians have served as MROs in numerous testing programs for several years and are familiar with the DHHS, DOT, and FHWA requirements for interviewing Students who test positive to determine whether a particular test result is “confirmed positive,” and they also maintain the required drug testing records for blind sampling and composite reporting, as well as individual test results.

A report on each person tested will be sent to the MRO by the laboratory. The report will identify the drugs tested for, whether positive or negative results were obtained, the specimen number assigned, and the drug testing laboratory specimen identification number.

A positive laboratory test result does not automatically identify a Student as violating the School policy. Instead, the MRO reviews the laboratory results along with the circumstances of the tested Student to determine whether the test is, in fact, a “confirmed positive.” This review must be performed prior to reporting the test results to the School’s administrative officials. The MRO, being a licensed physician with knowledge of substance abuse disorders, examines alternate medical explanations for any positive laboratory test results. This generally includes conducting a medical interview and review of the individual’s medical history, or review of any other relevant biomedical factors revealed by the Student.

Prior to making a final decision to verify a positive test result for an individual, the MRO gives the individual an opportunity to discuss the test results. The MRO may verify a test as positive without having communicated directly with the Student about the tests in three circumstances:

1. The Student expressly declines the opportunity to discuss the test
2. More than three days have passed since the date the Student was contacted by a designated School representative and informed to contact the medical review officer as soon as possible, or
3. More than ten days have passed and no one at MEA DTC or the School has been able to contact the Student.

If the MRO is unable to reach the individual directly, the MRO will contact the designated official of the School who, in turn, will contact the Student. In the case where the Student has

failed to contact the MRO for more than three days since the date the Student was contacted by the designated School representative, the MRO may report the test results as “confirmed positive”. However, the MRO may still reopen the verification process if the Student contacts the MRO and presents information that his delay in getting in touch with the MRO resulted from serious illness, injury, or other unavoidable circumstances.

The purpose of the MRO interview is to allow the Student to present information concerning a legitimate explanation for the positive laboratory test. If after such action, the medical review officer concludes that there is a legitimate explanation of the positive test, the medical review officer may declare the test to be negative. Otherwise, the result will be verified as a “confirmed positive.” Following verification of a positive test result, the medical review officer will refer the case to the School’s designated management official empowered to recommend or take administrative action.

The medical review officer is the only person authorized to order a re-analysis of the original sample or a test of the split specimen. Authorization for a split specimen test may be made by the Student within 72 hours of his or her having received actual notice of a positive test. If the retest or split specimen test is negative, the medical review officer may cancel the test. (See section above regarding “Split Specimen Collection”).

The medical review officer will not disclose to any party **any** medical information provided by the individual as part of the testing verification process.

ALCOHOL TESTING

As noted earlier, alcohol testing is different from drug testing because it involves testing breath with a machine. Thus, no laboratory or urine samples are involved. The section will explain the alcohol testing procedures.

The Testing Machine/EBT

The testing apparatus is a breath machine, referred to as an EBT (evidential breath testing device), and the particular make and model used is certified by the National Highway Traffic Safety Administration (NHTSA) and must appear on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.” This list is referred to in the industry as the CPL, and it is somewhat analogous to the drug test requirement that labs be listed as certified by the DHHS. All MEA machines will meet these requirements.

The requirements for the EBT are somewhat different for initial screening vs. confirmatory testing, but if the machine meets the requirements for confirmatory testing, it can be used for the initial screening as well. For confirmation testing, the EBT must be able to distinguish between alcohol and acetone at concentration of a .02 alcohol concentration (measured in terms grams per 210 liters of air). Also, the machine must be capable of printing in triplicate or on three consecutive and identical copies: the test result, the EBT’s serial number and manufacturer, the time of the test, and a unique number generated by the EBT to identify the particular specimen

being tested. The unique identification number produced by the EBT must also be capable of being read before the test is conducted.

For the initial screening test only, it is permissible to use an EBT that is on NHTSA's CPL list but does not meet all the other requirements just discussed. If such a machine is used, the tester must use a highly stylized logbook to trace the data for each initial screening test. **However, in all cases, confirmation testing for alcohol must be conducted on an EBT meeting all the requirements of the preceding paragraph.**

The regulations require that the manufacturer of the EBT develop a Quality Assurance Plan of testing and maintenance for the machine and MEA's personnel will follow that plan to assure proper function of the EBTs used in the School's program. MEA will keep the machines securely stored when not in use. MEA's personnel will conduct testing calibration, tolerances, and testing intervals, as well as machine inspection and maintenance procedures. MEA is required to keep detailed records of the EBT Quality Assurance Plan.

The BAT

The person who conducts the alcohol testing is called a breath alcohol technician or BAT, and this person is the functional equivalent of the CSP who collects drug testing specimen. The MEA BATs are trained on the type of EBT to be used and are trained at an approved course meeting NHTSA model course requirements. MEA maintains documentation for the School of the proficiency and training of its BATs, along with other required records of compliance with FHWA regulations.

Testing Procedures

The procedures for alcohol testing are similar to drug testing. For example, the BAT must initially confirm the identity of the person being tested, and the BAT must explain the testing procedure to the Student. The BAT is to work with only one Student at a time. The testing is to be conducted at a location and in a manner that ensures aural and visual privacy. The mobile testing unit (i.e., van) may be used by must meeting the privacy requirements. The only exception to the privacy requirement arises in the case of accident scene or other emergency testing, and in that event, MEA will assure that Students are provided as much privacy as the situation will allow.

Initial Screening

After the BAT has identified the Student and has explained the testing procedure, the next step is to fill out the first part of the Breath Alcohol Test form, which includes the student's consent to be tested. (If the Student refuses to sign, this constitutes a refusal to be tested and is treated as a positive test would be). After consenting, the student watches the BAT open an individually wrapped and sealed mouthpiece, which is then attached to the EBT. The Student is instructed to blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates a valid sampling amount has been obtained.

The EBT will then provide the results of the initial test, and the BAT will share these with the Student. **NOTE: the methods of communicating and documenting these steps will vary depending on whether the machine is fully digital or whether a logbook is used.** If the test result is a breath alcohol concentration of less than .02, the test is considered negative, and the Student and BAT complete the remainder of the form, sign it, and report the result to the School.

If the result of the initial screening test is .02 or greater, it will be necessary to conduct a confirmation test. This second test will use a fully digital EBT meeting the confirmation testing requirements noted earlier above and may be conducted by the same BAT. If a different BAT will perform the confirmation test, the BAT who did the initial testing must sign off in the appropriate place on the form.

Confirmation Testing

Generally, the same BAT will perform the initial and the confirmation test, though this is not required. If a new BAT will perform the confirmation test, the new BAT must re-perform the Student identification steps and must explain the testing procedures to the Student. In addition, the new BAT will need to complete Section 1 of the test report form. In all cases, the confirmation test must be performed within twenty minutes of the completion of the screening test.

There is a waiting period between the initial screening test and the confirmation test of fifteen minutes, counted from the conclusion of the screening test. The BAT will instruct the Student not to eat or drink anything during the waiting period and not to belch, if possible. These restrictions, like the waiting period itself, are for the student's benefit by preventing an inflated or otherwise inaccurate alcohol reading. However, the test will be conducted at the end of the waiting period, regardless of whether the Student follows the forgoing instructions. Any failure by the Student to follow instructions will be noted by the BAT in the "Remarks" section of the testing form.

The testing procedures themselves for the confirmation test are identical to the initial test in terms of instruction to the Student, using a new mouthpiece and getting a valid specimen. Before administering the test, however, the BAT must conduct an Air Blank test to assure that the EBT registers 0.00 on the Air Blank (a test of room air). If the first Air Blank registers greater than 0.00, one additional Air Blank may be conducted. If that second Air Blank test 0.00, the test may proceed. If not, the test must not proceed using that machine. The EBT will not be used in FHWA testing again until it has been checked for calibration and tolerances in accordance with the manufacturer's quality assurance program.

If the EBT confirmation test result is different from the initial test result, the confirmation test result controls. As with the initial test, the BAT will show the result of the confirmation test to the Student and will complete the testing form. Both the Student and the BAT must then sign the testing form. The BAT will then conduct an additional Air Blank test, and if the result is greater than zero, the confirmation test is invalid.

To be considered positive and in absolute violation, a Student's confirmed alcohol level must be .04 or greater.

Reporting Results

The result of the alcohol test is reported on a triplicate form. The School has designated the head of school to communicate with MEA's BAT on alcohol testing matters. If test results are initially communicated other than in writing, the BAT and School's representative must have a system of identification before the information is provided. The initial oral report must be followed by delivery of the School's copy of the testing form and the School is responsible for maintaining this and all other required records in a secure manner.

Miscellaneous Provisions

As with drug testing, any suspicious behavior, failure to cooperate, inability to provide a specimen or other behavior which makes completion of an alcohol test impossible shall terminate the test and shall be documented by the BAT. Similarly, if the test is interrupted or events occur which would render the test invalid, the test must be aborted and started over using new material and new forms.

If a Student is unable to provide a specimen of air suitable for testing, the School shall be so informed, and the School will select a physician to evaluate whether the failure to provide enough air is medically explainable. This is the same requirement as the "shy-bladder" evaluation performed by the MRO under the drug testing regulations and, as in drug testing, the physician's report to the school must be in writing. If there is no valid medical explanation for the failure to provide the specimen, it is treated as a refusal to cooperate and thus a positive test. **NOTE: This medical evaluation may not be conducted if the test is a pre-enrollment test.)**

A breath alcohol test is considered invalid under the following circumstances:

- A. Failure to observe the 15-minute waiting period
- B. Failure of EBT to pass calibration and tolerance tests at the next subsequent check
- C. EBT fails to print a confirmation test result
- D. Disparity between the Student identification number or alcohol concentration as between the printed result from the digital reading on the machine