

TAYLOR COUNTY SCHOOL DISTRICT STUDENT Drug Testing Program Policy & Procedure

Use of Alcohol, Drugs, and Other Controlled Substances

DRUGS AND ALCOHOL

No pupil shall **purchase**, possess, **attempt to possess**, use, be under the influence of, sell, or transfer any of the following on or about school property, at any location of a school-sponsored activity, or en route to or from school or a school-sponsored activity:

1. Alcoholic beverages;
2. Controlled drug substances and drug paraphernalia;
3. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the student's intent to pass off the item as a controlled substance.

In addition, students shall not possess prescription drugs for the purpose of sale or distribution.

DRUGS DEFINED

Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance which may be added by the Kentucky Department of Health Services under regulations pursuant to KRS 218A.010.

AUTHORIZED MEDICATION

Use of a drug authorized by and administered in accordance with a prescription from a physician or dentist shall not be considered in violation of this policy.

PENALTY

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school, and suspension or dismissal from athletic teams and/or other school-sponsored activities, and loss of privileges such as driving to and parking on school property.

REPORTING

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

Use of Alcohol, Drugs, and Other Controlled Substances

DRUG-TESTING PROGRAM

The Board has established a random drug and alcohol testing program for student drivers and students participating in extra-curricular activities, including athletics, band and chorus/choral. A plan to implement the drug testing program shall be developed by District personnel in cooperation with the testing laboratory and shall be provided to all schools and kept on file in the Central Office.

As reflected in the drug and alcohol testing plan, the Superintendent/designee shall establish a process to reasonably ensure student privacy during the taking of samples, security of samples once obtained, and designation of laboratory services that are accurate and reliable.

Appropriate measure shall be taken to protect student confidentiality throughout the testing process and in the handling of test results. Access to drug testing results shall be restricted on a need-to-know basis to those persons in positions designated by the Superintendent.

The testing program plan shall be developed in cooperation with the testing laboratory and shall be kept on file in the Central Office.

PREVENTION PROGRAM

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all students which shall include notice to students and parents of the following:

1. The dangers of drug/alcohol abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs, and other controlled substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/student assistance programs;
5. Penalties that may be imposed upon students for drug/alcohol abuse violations.

REFERENCES:

OAG 82-633

KRS 160.290; KRS 161.180

KRS 218A.020

KRS 158.150

KRS 158.154; 158.155

Clark County Board of Education vs. Jones, KY. App., 625 S. W. 2d586 (1981)

Board of Ed. Of Tecumseh Public School District, Independent Schobl Dist. No. 92 of Pottawatomie City vs. Earls, ___ U.S. ___, 242F.3d 1264 (2002)

Improving America's Schools Acts of 1994 (IASA), Title IV; Safe and Drug-Free Schools and Communities

OAG 93-32

09.423

Procedures

High school and middle school students who are involved in athletics, extra-curricular activities including band and chorus/choral, who drive to school, and who have volunteered will have their names placed in the pool to be randomly screened.

- 1) Random drug screens of the student population will be conducted at least four (4) times during the school year.
- 2) Three (3) percent and seven (7) percent of the student population of the middle school and the high school will be randomly screened each time, respectively. Students will be selected by use of their student identification numbers.
- 3) The random drug screens will be conducted by an outside agency under contract with the Board of Education and will be conducted per that agency's protocols with the utmost attention being given to maintaining student confidentiality.
- 4) Student identification numbers will be used to select the random pool and will be provided to the agency conducting the drug screens by the local superintendent/designee.
- 5) Test results will be shared only with the local superintendent.
- 6) Positive tests will be confirmed by the contractor performing the drug screens. The family of the student shall be allowed to "contest the positive" within 72 hours after being given notice by the contractor. Subsequent screens to re-test the positive test or additional confirming tests shall be at the parent's expense.
- 7) Student refusal to provide a urine sample will be treated as a positive test result with the appropriate penalty applied.
- 8) The local superintendent/designee will notify parents of negative test results by mail. A Medical Review Officer (MRO) from the agency will contact parents for any non-negative results to establish cause and affect relationships. All positive student tests will result in a face-to-face conference with the parent(s) of the student.
- 9) Students who have a positive test will be required to have one consultation session with a qualified substance abuse counselor at parent's expense and enroll in the Prime For Life Under 21 program -6 sessions- or a counselor recommended program at parent's expense. A list of qualified substance abuse treatment providers will be given to the parent(s) for follow-up treatment per their choice.
- 10) Students testing positive for prescription drugs for which they have a genuine prescription will have to provide the prescription bottle or a copy of the prescription to the testing agency.

11) Positive tests shall result in the following sanctions:

Sanctions

1. First Violation

a. The student participant shall be suspended for the next three (3) consecutive interscholastic events or the next three (3) weeks of the season, whichever is greater. A band, chorus/choral member shall not be penalized any academic grade if one would have applied to their participation in the event. If necessary, the suspension shall carry over to the student's subsequent participation on another team and/or organization to the following season. Participation consists of practicing, dressing-out, traveling with, or receiving recognition with or for the activity(s) in which the student is involved. Before reinstatement to the team or organization, or re-issue of the parking permit after a first violation, the student participant must receive an assessment by a qualified mental health professional. The evaluation provider must be selected from the approved list issued by the superintendent. Prior to readmission to the team or organization or re-issue of the parking permit, the student must submit to a new drug test at the student's expense, administered in accordance with the same procedures utilized for random drug testing. The

testing laboratory currently under contract must conduct all subsequent drug tests. A positive result shall be treated as a second violation.

b. If a student is reinstated to the team or organization, or reissued a parking permit following a first violation, the student's participation in another team or organization shall not be restricted solely because of the existence of the first violation, as long as the student has completed the period of suspension and was appropriately reinstated to the prior team, or organization, or reissued a parking permit. If the student elects not to seek reinstatement to a team or organization, or reissue of a parking permit after the first violation (either because of the student's own election or the season concluded prior to the expiration of the student's own suspension), the student is still required to serve the unexpired portion of the suspension before the student can be eligible for any other activity. A student serving a suspension for one sport may try out for a second sport if the student provides a negative drug test result from the testing laboratory currently under contract at the student's expense. If the student successfully makes the team/organization, prior to participation, the student must serve the unexpired portion of the previous suspension. The student must complete all forms required for participation on another team/organization, and the student must submit to a new drug test administered in accordance with the same procedures utilized for random drug testing. A positive result shall be treated as a second violation.

2. Second Violation

a. The student participant shall be suspended for the next nine (9) consecutive interscholastic events or nine (9) consecutive weeks, whichever is greater. A band, chorus/choral member shall not be penalized any academic grade if one would have applied to their participation in the event. If necessary, the suspension shall carry over to the student's subsequent participation on another team or organization, or the issuing of a parking permit and/or to the following season. Before reinstatement to the team/organization after a second violation, the student participant must successfully complete recommendations that resulted from the chemical dependency assessment as evidenced by a written statement to that effect issued by a qualified chemical dependency professional. Prior to readmission to the team or organization, the student must submit to a new drug test at the student's expense, administered in accordance with the same procedure utilized for random drug testing. A positive result shall be treated as a third violation.

b. If a student is reinstated to the team or organization, or reissued a parking permit following a second violation, the student's participation in another team/organization shall not be restricted solely because of the existence of the second violation, as long as the student has completed the period of suspension and the required chemical dependency program and was appropriately reinstated to the prior team or organization, or been reissued a parking permit. If the student elects not to seek reinstatement to a team or organization, or the reissue of a parking permit after the second violation (either because of the student's own election or because the season concluded prior to the expiration of the student's period of suspension), the student is still required to serve the unexpired portion of the suspension before the student can be eligible for any other team. A student serving a suspension for one team or organization or with a revoked parking permit may try out for a second sport if the student provides a negative drug test result from the testing laboratory currently under contract at the student's expense. A positive test result shall be treated as a third violation. If the student makes the team, prior to participation, the student must serve the unexpired portion of the previous suspension. The student must complete all forms required for participation on another team or organization, or those required for a parking permit if seeking on-campus driving privileges, and the student must submit to a new drug test administered in accordance with the same procedures utilized for random drug testing. A positive result shall be treated as a third violation.

3. Third and additional violations:

The student participant shall be suspended for a period of one (1) calendar year from the date of the most recent test that yielded positive results. The student participant must successfully complete recommendations that resulted from the chemical dependency assessment as evidenced by a written statement to that effect issued by a qualified chemical dependency professional. After completing the one

(1) calendar year period of suspension, students will be retested before beginning the next season for which s/he is eligible.

Any offense by a voluntary participant shall be reported to his/her parent or guardian, but no discipline may occur through this policy.

Notice to Participants

Prior to tryouts for any team or organization, or the issue of a student parking permit each year, the head coach or extracurricular activity advisor(s) shall provide all students choosing to participate with teams or with student organizations, and student drivers and their parent or legal guardian with a written copy of this policy at one of the mandatory information forums. Each student or volunteer who chooses to participate with a team or with student organizations, or drive a motor vehicle on to campus, and a parent or legal guardian of that student shall be required to sign a statement indicating that the student participant and the student's parent or legal guardian have read this policy, understand the policy, and agree to be bound by the terms and conditions contained in this policy.

Student/Guardian Consent To Perform Urinalysis For Drug Testing

THE UNDERSIGNED STUDENT PARTICIPANT AND THE STUDENT'S PARENT OR LEGAL GUARDIAN HEREBY ACKNOWLEDGE THAT THEY HAVE READ AND UNDERSTAND THE FOREGOING POLICY AND AGREE TO BE BOUND BY THE TERMS AND CONDITIONS CONTAINED IN THE POLICY.

THE UNDERSIGNED UNDERSTAND THAT THIS CONSENT IS EFFECTIVE FOR ALL TEAMS/SPORTS, EXTRA-CURRICULAR ACTIVITIES, INCLUDING BAND AND CHORUS/CHORAL AND/OR ON-CAMPUS PARKING PRIVILEGES IN WHICH THE STUDENT MAY PARTICIPATE DURING THE CURRENT SCHOOL YEAR.

THE UNDERSIGNED HEREBY PERMIT THE LAB SELECTED BY THE TAYLOR COUNTY BOARD OF EDUCATION TO PERFORM DRUG TESTING OF THE STUDENT'S URINE AND TO RELEASE THE RESULTS TO THE SUPERINTENDENT/DESIGNEE OF TAYLOR COUNTY SCHOOLS AND PERMIT THE SUPERINTENDENT/DESIGNEE OF TAYLOR COUNTY SCHOOLS TO RELEASE DRUG TESTING RESULTS TO THE PRINCIPAL, TO THE HEAD COACH(S) OR ORGANIZATIONAL ADVISOR(S) ON TEAMS/CLUBS IN WHICH THE STUDENT IS INVOLVED AND TO THE STUDENT'S PARENT(S) AND LEGAL GUARDIANS.

_____ PRINT STUDENT'S NAME

_____ STUDENT SIGNATURE

_____ DATE SIGNED

_____ PRINT PARENT (OR GUARDIAN) NAME

_____ PARENT (OR GUARDIAN) SIGNATURE