



FLOYD COUNTY BOARD OF EDUCATION
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Sherry Robinson- Chair - District 5
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Linda C. Gearheart, Member - District 1
William Newsome, Jr., Member - District 3
Rhonda Meade, Member - District 4

Date of Board Meeting: July 24, 2017

Action/Discussion Item: Second Reading Board Approval Floyd County Drug Testing Policy Changes

- Floyd County grade range for terms of drug testing as applies to this policy is grades 6-12. (Notation: Data collected does not support the continued drug testing of 5th grade students enrolled in the Floyd County School System)
- Shy Bladder Procedures (Based on DOT guidelines)
- Test results and Medical Review Officer copies of results will be sent electronically or by facsimile to the Designated Employer Representative.
- DOT Post Accident. All Floyd County employees operating a motor vehicle owned by the Floyd County School System will submit to drug testing according to DOT guidelines following an accident.


Applicable Statutes or Regulation: KRS 218A.010

Background and Rationale: In this day and time, alcohol and other forms of drug abuse have grown to major proportions in our society. The middle and high school settings and employees are not exempt from this phenomenon. Therefore it is critical that we continually look for ways to institute programs that encourage a drug-free lifestyle. The drug testing program facilitates mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol/drug abuse in our school system.

Budget/Financial Issues: 36,500.00

Recommended Action: Approval of the agreement/contract

Contact Person: Annette Harris-Ward, RN District Health Coordinator


District Health Coordinator


Superintendent

The Floyd County Board of Education does not discriminate on the basis of race, color, national origin, age, religion, marital status, sex, or disability in employment, educational programs, or activities as set forth in Title IX & VI, and in Section 504.

Use of Alcohol, Drugs and Other Controlled Substances

The Floyd County grade range for terms of drug testing as applies to this policy is grades ~~5-12.~~ **6th-12th.**

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. In addition, when they have reasonable belief that a violation has taken place, Principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves student possession of a controlled substance on school property in violation of the law.

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.

DRUG TESTING PROGRAM PURPOSE

In this day and time, alcohol and other forms of drug abuse have grown to major proportions in our society. The middle and high school settings are not exempt from this phenomenon. Therefore, it is critical that educators and parents continually look for ways to institute programs that encourage a drug-free lifestyle for their students/children. It is to that end that this program is created to provide the appropriate action plan to address and foster a drug free environment for the entire County middle and high school community.

Use of Alcohol, Drugs and Other Controlled Substances**DRUG TESTING PROGRAM PURPOSE (CONTINUED)**

The program consists of two (2) components:

1. Education and Prevention Plan
2. Drug Testing Policy

EDUCATION AND PREVENTION PLAN

Each semester at least one (1) educational seminar on alcohol and drug abuse shall be conducted by qualified substance abuse educators. These seminars shall be accessible to all County middle and high school students but shall be required for all athletic and extracurricular team members and for students who will be driving or parking on school property.

TRAINING IN DRUG AWARENESS

County middle and high school teachers will be given an opportunity to receive training in drug awareness. Part of the training will enable each teacher to incorporate drug awareness information into his/her current curriculum. A keener teacher awareness of drug abuse signs and symptoms, as well as methods of referral, will be a direct result of training. Instructional units on drug abuse, such as those currently taught in our health courses, will be enhanced by this teacher education component. When substance abuse is suspected, teachers will confidentially consult with the Principal and counselor.

SEMINARS FOR PARENTS/GUARDIANS

Educational seminars for parents/guardians that will address alcohol and other forms of drug abuse will be established in conjunction with other school programming. The central purpose of these sessions will be to provide parents/guardians with necessary information to parent toward drug prevention.

ALCOHOL AND DRUG SAFETY POLICY

All student athletes/extracurricular participants/drivers and their parents/guardians must read this policy and accompanying procedures and must acknowledge, in writing, that they have read the policy and procedures, understand the policy and procedures, and agree to be bound by the terms and conditions contained in the policy and procedures.

STATEMENT OF NEED

All athletic and extracurricular team coaches/sponsors and the administration of County middle and high schools recognize that the unlawful use of alcohol and other drugs seriously impairs the health, safety, education, and future success of middle and high school students engaged in that use. It is also recognized that the unlawful use of alcohol and other drugs is a potential problem for all middle and high school students.

Use of Alcohol, Drugs and Other Controlled Substances**STATEMENT OF NEED (CONTINUED)**

Athletic teams and extracurricular activities covered by this policy shall apply to all middle and high school varsity and sub varsity athletic and extracurricular activities including, but not limited to, baseball, boys basketball, girls basketball, cheerleading, cross country, football, softball, tennis, track, volleyball, wrestling, archery, academic teams, and clubs. All students who participate in these activities are covered under this policy. All students who drive a vehicle onto school grounds are also covered by the policy. The subsequent addition of any extracurricular activity, varsity or sub varsity sport shall immediately be subject to this policy.

STATEMENT OF PURPOSE

This policy is intended to support the comprehensive educational policies and programs of the District in educating students and their parents/guardians as to the dangers inherent in the unlawful use of drugs. The policy is further intended to provide encouragement to middle and high school students who voluntarily choose to participate on athletic teams, in extracurricular activities, and/or to drive or park on school property to avoid such use and to strive to benefit from effective rehabilitation when such use has occurred.

Administrators shall not use information obtained in the course of administering the policy for disciplinary purposes other than those set forth herein. This policy is not designed to be used, nor shall it voluntarily be used in any manner, to provide a source of information for law enforcement agencies for the prosecution of the student or to limit the student's participation in the school activities other than the limitations imposed by this policy. Without a specific written authorization from the tested student or parent/guardian, if the student is under eighteen (18) years of age, the administrator shall not release any student's test results to any person other than those described within this policy (Superintendent or his/her designee, Principal, Assistant Principal, Counselor, DPP) or as required by law or a lawfully issued subpoena or court order.

In order to accomplish its purposes, this policy established a program for procedures to deter the unlawful use of drugs and alcohol and to provide for suspension and termination of participation on the teams when deterrence is unsuccessful. To determine compliance with the policy, it provides a testing program to identify student participants who are unlawfully using drugs. For these students in this policy provides incentives for rehabilitation through possible reinstatement to the specific athletic team or extracurricular activity involved.

Consistent with its purposes, this policy also seeks to achieve the following objectives:

1. To protect District students from impairing their health, safety, education, and future success through the unlawful use of alcohol and other drugs;
2. To protect District students and their opponents from potential injury during competition resulting from the unlawful use of alcohol and drugs;
3. To protect District students from the potential stigma of unsubstantiated allegations of unlawful use of alcohol and other drugs;
4. To assure students, parents, teachers and the community that the health, safety, education, and future success of the student participants are the primary concerns of the District.

Use of Alcohol, Drugs and Other Controlled Substances**IMPLEMENTATION, REVIEW AND EVALUATION**

All student participants and their parents/guardians must sign the "Student and Parent/Guardian Consent to Perform Urinalysis for Drug Testing" form before the student shall be permitted to try out for any athletic team, become a member of an extracurricular activity at the middle and high school levels, or be authorized to drive or park on school property. ~~A Substance Abuse Prevention Committee (Committee) shall be established and shall review and evaluate the effectiveness of the drug testing policy on an annual basis.~~ The evaluation shall include, but not be limited to, the effectiveness of the comprehensive educational and counseling program, substance testing program, procedural safeguards, and the list of drug substances tested. The Committee's purpose is limited to procedures and evaluation of the policy.

APPLICABILITY

This policy applies to all students choosing to participate in any extracurricular activity, including students/players at the varsity and sub varsity levels, and to students who drive or park on school property. Parents/Guardians may voluntarily place their child into the volunteer pool which tests ten percent (10%) annually at the expense of the Floyd County Board of Education. Parents must sign the consent to test form with an agreement for mandatory drug counseling program for all students who test positive.

EDUCATION

~~At least once each semester all coaches/sponsors and appropriate certified staff shall require attendance at educational seminars on drug abuse for all student participants (as outlined in the Education and Prevention Plan section of this policy). These seminars shall be open to attendance by the student participants and their parents/guardians and shall be presented by qualified substance abuse educators. Those participating will be asked to demonstrate an understanding of the main components of the drug education seminar.~~

TESTING PROGRAM

Testing shall be accomplished by the analysis of urine specimen obtained from the student participants. Collection and testing procedures shall be established, maintained, and administered to ensure:

1. Randomness of selection procedures;
2. Proper student identification;
3. Identification of each specimen with the appropriate student participant;
4. Maintenance of the unadulterated integrity of the specimen;
5. Integrity of the collection and testing process, as well as the confidentiality of test results (The specific testing process shall be on file at the testing laboratory approved by the Board.)

SUBSTANCES TESTED

Student participants' urine specimen shall be tested for substances which will be determined after consultation with the drug testing company.

Use of Alcohol, Drugs and Other Controlled Substances**FREQUENCY**

The first year of implementation, all students participating in extracurricular activities shall be subject to random testing to include fifty percent (50%) of the total number of student participants. The second year and each year thereafter this population will be subject to random testing to include sixty percent (60%) of the total number of student participants annually.

SANCTIONS**FIRST VIOLATION**

1. A student testing positive will be suspended for the next six (6) consecutive interscholastic/extracurricular events or the next six (6) weeks of the season, whichever is greater in time. Student drivers shall be denied permission to drive and/or park on school property for the next six (6) consecutive weeks of school. The suspension will begin on the date that the results are received. If necessary, the suspension shall carry over to the student's subsequent participation on another athletic team/extracurricular activity and/or any activity not required by the school for educational purposes, and/or the following season. ~~Before reinstatement after the first violation, the student participant must receive an assessment or evaluation for chemical dependency. Prior to readmission to participation to the athletic team/extracurricular activity or reauthorization to drive, the student must submit to a new drug test administered in accordance with the same procedures utilized for random drug testing.~~
2. If a student is reinstated to the athletic team/extracurricular activity or driving privileges following the first violation, the student's participation in another activity 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 activity. If the student elects not to seek reinstatement to the activity after a first violation (either because of the student's own election or because the season has concluded prior to the expiration of the student's own election or because the season has concluded prior to the expiration of the student's period of suspension) the student is still required to serve the unexpired portion of the previous suspension. ~~The student must complete all forms required for participation on another extracurricular activity, 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.~~

SECOND VIOLATION

1. For a second violation, the student participant shall be suspended for thirty-six (36) consecutive interscholastic/extracurricular events or thirty-six (36) consecutive weeks, whichever is greater in time. Student drivers with a second violation shall be denied permission to drive and/or park on school property for the next thirty-six (36) consecutive weeks of school. If necessary, the suspension shall carry over to the student's subsequent participation on another athletic team/extracurricular activity, and/or any activity not required by the school for educational purposes, and/or the following season.

Use of Alcohol, Drugs and Other Controlled Substances**SECOND VIOLATION (CONTINUED)**

~~Before reinstatement to the activity 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 the effect issued by a treatment counselor. 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.~~

2. If a student is reinstated to the activity following a second violation, the student's participation in another activity 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 activity. If the student elects not to seek reinstatement to the activity after the second violation (either because of the student's own election or because the season has concluded prior to the expiration of the student's period of suspension) the student is still required to serve the unexpired portion of the previous suspension. The student must complete all forms required for participation on another extracurricular activity. A student serving a suspension for one (1) sport/activity may try out for a second sport or join a second activity if the student provides a negative drug test result from the testing laboratory under contract. If the student makes the team, prior to participation, the student must serve the unexpired portion of the previous suspension. ~~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.~~

THIRD VIOLATION

The student participant or driver shall be excluded from participation in any extracurricular activity for the remainder of the student's eligibility. A third violation shall disqualify the student's involvement in all extracurricular activities (varsity and sub varsity) or from driving/parking on school property for the remainder of his/her enrollment in the District.

NOTICE TO PARTICIPANTS

Prior to tryouts for an athletic team or joining an extracurricular activity, the Head Coach and/or activity sponsor shall provide all students choosing to participate in the athletic team/extracurricular activity and their parents/guardians with a written copy of this policy. Parents of students who park on school property shall also be provided a copy. Each student who chooses to participate and a parent/guardian of that student shall be required to sign a statement indicating that they have received, read, understand and fully agree to be bound by the terms, conditions, and procedures under the policy.

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;

Use of Alcohol, Drugs and Other Controlled Substances**PREVENTION PROGRAM (CONTINUED)**

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; and
5. Penalties that may be imposed upon students for drug/alcohol abuse violations.

REFERENCES:

[OAG 82-633](#); [OAG 93-32](#)

[KRS 158.150](#); [KRS 158.154](#); [KRS 158.155](#)

[KRS 160.290](#); [KRS 161.180](#)

[KRS 218A.020](#); [KRS 217.900](#); [KRS 218A.1447](#)

Clark County Board of Education vs. Jones, KY. App., 625 S. W. 2d 586 (1981).

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

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

RELATED POLICY:

09.2241

Adopted/Amended: 7/27/2015

Order #: 18766

- CLASSIFIED PERSONNEL -

Drug-Free/Alcohol-Free Schools

PURPOSE

The Board is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public. The Board recognizes that no greater responsibility exists for the Board than to ensure the protection of our children.

The Board recognizes that substance abuse in our nation and community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. The Board and its employees share a commitment to create and maintain a drug-free workplace.

The Board is responsible for the instruction and well-being of the students entrusted to its care. A consistent message needs to be communicated by the Board that the use of illegal drugs, the abuse of alcohol, and the misuse of prescription drugs are unacceptable.

Provisions of the Drug Free Workplace Act, 41 USCA 702, require federal grant recipients to establish a drug-free workplace. Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with the drug-free policy as a condition of employment.

POLICY GOALS AND OBJECTIVES

1. To establish, promote and maintain a safe, healthy working and learning environment for employees and students.
2. To assist the affected employee in locating a rehabilitation program for employees with a self-admitted or detected substance-abuse problem.
3. To promote public trust of the District and its employees.
4. To eliminate substance abuse problems in the workplace.
5. To aid in the reduction of absenteeism, tardiness, and sub-standard job performance.
6. To provide a clear standard of job performance for District employees.
7. To provide a consistent model of substance-free behavior for students.

EMPLOYEE CONDUCT

Substance abuse is the misuse or illicit use of alcohol, drugs, or controlled substances.

Use of illegal drugs or alcohol by employees interferes with the educational and work process. Employees on duty or on the Board's property, or in attendance at system-approved or school-related functions shall not manufacture, distribute, dispense, possess, or use illegal drugs, or drug paraphernalia, nor shall they be under the influence of such drugs. An employee convicted of a workplace violation of criminal drug law offense shall notify the Superintendent of such conviction no later than five (5) calendar days after such conviction. Within thirty (30) calendar days after receiving notice of a conviction, the Superintendent shall take appropriate disciplinary action and/or refer the employee to an appropriate substance-abuse rehabilitation program.

Failure of the employee to report the conviction within the time prescribed may lead to disciplinary action up to and including discharge.

Drug-Free/Alcohol-Free Schools**ALCOHOL AND DRUGS**

Alcohol, prescription drugs, and over-the-counter drugs are illegal and readily available. These drugs when abused over time or used in combination with one another can result in chemical dependency or poly-drug addiction. Employees shall conduct themselves in a manner consistent with the following provisions.

Employees on duty or on Board property shall not be under any degree of intoxication. Employees shall not manufacture, sell or use alcoholic beverages while on Board property or on duty.

Employees on duty shall not use or take prescription drugs above the level recommended by the prescribing physician or use over-the-counter medications in a manner as to impair work performance and shall not use prescribed drugs for purposes other than those for which they are intended. Employees shall not dispense such drugs except as provided in Board policy 09.2241.

BOARD CONTRACTED FACILITY

Drug screening shall be conducted by Board-approved, independent, certified laboratories utilizing recognized techniques and procedures, more specifically described in procedures 03.13251 AP.1/03.23251 AP.1. The contract with such facility shall specify the substances to be tested for which may include but not be limited to: (to be determined after consultation with drug laboratory)

PRE-EMPLOYMENT TESTING

All employees occupying a safety sensitive position where a Commercial Driver's License (CDL) is required are subject to pre-employment testing, as defined in Board policy 06.221.

TESTING

All Floyd County Board of Education Employees operating a vehicle owned by the Floyd County School System will submit to drug testing according to DOT guidelines following an accident.

RANDOM SCREENING

The Floyd County Board of Education has established a random drug-testing program for employees in a safety-sensitive position. The procedure is set forth in 03.13252 AP.1/03.23251 AP.1

PHYSICAL EXAMINATION/SCREENING BASED UPON REASONABLE SUSPICION

The Superintendent/designee, with such assistance and input of the employees' supervisors as deemed necessary, is authorized to make the determination that reasonable suspicion or cause exists to order a drug screen of employees in safety-sensitive positions. Circumstances under which substance screening may be considered include, but are not limited to, the following:

1. Observed use, possession, or sale of illegal drugs and/or illegal use, possession, sale, or abuse of alcohol and/or the illegal use or sale of prescription drugs.
2. Apparent physical state of impairment of motor functions.
3. Marked changes in personal behavior not attributable to other factors.
4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.
5. A formal allegation made by a duly authorized law enforcement officer.

The circumstances under which substance screening may be considered are limited to employee conduct on duty or during working hours, or on or in Board property, or at school-related functions of the District.

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Drug-Free/Alcohol-Free Schools**PHYSICAL EXAMINATION/SCREENING BASED UPON REASONABLE SUSPICION (CONTINUED)**

Prior to substance screening, employees shall sign an acknowledgement that the summary result shall be transmitted to the Superintendent. Failure to comply will be considered insubordination and appropriate disciplinary actions shall occur.

DISCIPLINARY ACTION

Employees are hereby notified of the provisions of this policy and employees determined to be in violation shall be subject to discipline that extends up to and including termination as noted in Floyd County Board of Education policies 03.17 and 03.27.

CONFIDENTIALITY

Records that pertain to required substance screens are recognized to be private and sensitive records. They shall be maintained in a secure fashion to ensure confidentiality and privacy and be disclosed to the Superintendent only to the extent necessary to address any work-related safety risks occasioned by either the drug or alcohol use. The Superintendent shall keep any such records in a secure fashion to maintain confidentiality and privacy. Medical records, and information relating directly thereto, shall be maintained in accordance with provisions of Kentucky law and used with the highest regard for employee privacy consistent with the law and purpose of achieving and maintain a drug-free workplace. All personnel records and information regarding referral, evaluation, substance screen results shall not be placed in an employee's personnel file.

PREVENTION PROGRAM

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all employees which shall include notice 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,;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for drug/alcohol abuse violations.

CHANGES TO POLICY

This policy may be amended from time to time to facilitate needed changes in the Board's Drug-Free Workplace Substance Abuse Program. Any amendment shall be made by the Board, consistent with Board Policy 01.5.

Drug-Free/Alcohol-Free Schools**DEFINITIONS AS USED IN THIS POLICY**

Illegal use of drugs means the use or purchase of drugs, the possession or distribution of which is unlawful under the Controlled Substance Act (21 U.S.C.A. 812). Such term does not include the use of a drug taken under the supervision by a licensed health care professional or other uses authorized by the Controlled Substances Act.

Drug or illegal drug means a controlled substance as defined in Schedules I through V of the Controlled Substances Act and any substance listed in KRS Chapter 218A as a controlled substance or any other substance that may be added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to [KRS 218A.020](#).

Conviction means a finding of guilt, including a plea of no-contest, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Criminal Drug Law means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

Percentage of Personnel in Random Drug Testing Program full time employees randomly tested at 40%.

REFERENCES:

[KRS 160.290](#); [KRS 161.120](#); [KRS 161.790](#); [KRS 217.900](#); [KRS 218A.1447](#)
34 C.F.R. Part 85
P. L. 101-226 (Improving America's Schools Act of 1994 (Title IV): Safe and Drug-Free Schools and Communities); 41 U.S.C.A. 702 (Drug Free Workplace Act)
21 U.S.C.A. 812 (Controlled Substances Act)

RELATED POLICIES:

03.1325; 08.1345; 09.2241

Adopted/Amended: 7/26/2010
Order #: 6Q

- CERTIFIED PERSONNEL -**Drug-Free/Alcohol-Free Schools****PURPOSE**

The Board is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public. The Board recognizes that no greater responsibility exists for the Board than to ensure the protection of our children.

The Board recognizes that substance abuse in our nation and community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. The Board and its employees share a commitment to create and maintain a drug-free workplace.

The Board is responsible for the instruction and well-being of the students entrusted to its care. A consistent message needs to be communicated by the Board that the use of illegal drugs, the use of prohibited substances, the abuse of alcohol, and the misuse of prescription drugs are unacceptable.

Provisions of the Drug Free Workplace Act, 41 U.S.C.A. 702, require federal grant recipients to establish a drug-free workplace. Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with the drug-free policy as a condition of employment.

POLICY GOALS AND OBJECTIVES

1. To establish, promote and maintain a safe, healthy working and learning environment for employees and students.
2. To assist the affected employee in locating a rehabilitation program for employees with a self-admitted or detected substance-abuse problem.
3. To promote public trust of the District and its employees.
4. To eliminate substance abuse problems in the workplace.
5. To aid in the reduction of absenteeism, tardiness, and sub-standard job performance.
6. To provide a clear standard of job performance for District employees.
7. To provide a consistent model of substance-free behavior for students.

EMPLOYEE CONDUCT

Substance abuse is the misuse or illicit use of alcohol, drugs, prohibited substances, or controlled substances.

Use of illegal drugs or alcohol by employees interferes with the educational and work process. Employees on duty or on the Board's property, or in attendance at system-approved or school-related functions shall not manufacture, distribute, dispense, possess, use, sell or transfer illegal drugs, prohibited substances, or drug paraphernalia, nor shall they be under the influence of such drugs. **Employee results that are flagged by the drug testing company as Safety Sensitive will be reported to the Superintendent. The Superintendent may request a physician's statement that**

outlines any and all work restrictions as a result of prescription medication use. Illegal drugs and prohibited substances include the following:

(CONTINUED)

Drug-Free/Alcohol-Free Schools

EMPLOYEE CONDUCT (CONTINUED)

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

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

An employee convicted of a workplace violation of criminal drug law offense shall notify the Superintendent of such conviction no later than five (5) calendar days after such conviction.

Within thirty (30) calendar days after receiving notice of a conviction, the Superintendent shall take appropriate disciplinary action and/or refer the employee to an appropriate substance-abuse rehabilitation program.

Failure of the employee to report the conviction within the time prescribed may lead to disciplinary action up to and including discharge.

ALCOHOL AND DRUGS

Alcohol, prescription drugs, many prohibited substances, and over-the-counter drugs are illegal and readily available. These drugs when abused over time or used in combination with one another can result in chemical dependency or poly-drug addiction. Employees shall conduct themselves in a manner consistent with the following provisions.

Employees on duty or on Board property shall not be under any degree of intoxication. Employees shall not manufacture, sell or use alcoholic beverages while on Board property or on duty.

Employees on duty shall not use or take prescription drugs above the level recommended by the prescribing physician or use over-the-counter medications in a manner as to impair work performance and shall not use prescribed drugs or prohibited, for purposes other than those for which they are intended. Employees shall not dispense such drugs except as provided in Board policy 09.2241.

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.

BOARD CONTRACTED FACILITY

Drug screening shall be conducted by Board-approved, independent, certified laboratories utilizing recognized techniques and procedures, more specifically described in procedures 03.13251 AP.1/03.23251 AP.1. The contract with such facility shall specify the substances to be tested for which may include but not be limited to: (to be determined after consultation with drug laboratory).

Drug-Free/Alcohol-Free Schools**PRE-EMPLOYMENT TESTING**

All employees occupying a safety sensitive position where a Commercial Driver's License (CDL) is required are subject to pre-employment drug testing, as defined in Board policy 06.221.

RANDOM SCREENING

The Floyd County Board of Education has established a random drug-testing program for employees in a safety-sensitive position. The procedure is set forth in 03.13252 AP.1/03.23251 AP.1.

PHYSICAL EXAMINATION/SCREENING BASED UPON REASONABLE SUSPICION

The Superintendent/designee, with such assistance and input of the employees' supervisors as deemed necessary, is authorized to make the determination that reasonable suspicion or cause exists to order a drug screen of employees in safety-sensitive positions. Circumstances under which substance screening may be considered include, but are not limited to, the following:

1. Observed use, possession, or sale of illegal drugs and/or illegal use, possession, sale, or abuse of alcohol and/or the illegal use or sale of prescription drugs.
2. Apparent physical state of impairment of motor functions.
3. Marked changes in personal behavior not attributable to other factors.
4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.
5. A formal allegation made by a duly authorized law enforcement officer.

The circumstances under which substance screening may be considered are limited to employee conduct on duty or during working hours, or on or in Board property, or at school-related functions of the District.

Prior to substance screening, employees shall sign an acknowledgement that the summary result shall be transmitted to the Superintendent. Failure to comply will be considered insubordination and appropriate disciplinary actions shall occur.

DISCIPLINARY ACTION

Employees are hereby notified of the provisions of this policy and employees determined to be in violation shall be subject to discipline that extends up to and including termination as noted in Floyd County Board of Education policies 03.17 and 03.27.

CONFIDENTIALITY

Records that pertain to required substance screens are recognized to be private and sensitive records. They shall be maintained in a secure fashion to ensure confidentiality and privacy and be disclosed to the Superintendent only to the extent necessary to address any work-related safety risks occasioned by either the drug or alcohol use. The Superintendent shall keep any such records in a secure fashion to maintain confidentiality and privacy. Medical records, and information relating directly thereto, shall be maintained in accordance with provisions of Kentucky law and used with the highest regard for employee privacy consistent with the law and purpose of achieving and maintain a drug-free workplace. All personnel records and information regarding referral, evaluation, substance screening results shall not be placed in an employee's personnel file.

Drug-Free/Alcohol-Free Schools**POST-DISCIPLINE DRUG TESTING**

Following determination by an administrative or judicial proceeding that s/he engaged in misconduct involving the illegal use of controlled substances, a teacher who has been reprimanded or disciplined for misconduct involving illegal use of controlled substances shall submit to random or periodic drug testing in accordance with applicable Kentucky Administrative Regulation for a period not to exceed twelve (12) months from the date of such reprimand or disciplinary action.

PREVENTION PROGRAM

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

1. The dangers of drug/alcohol /substance 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 and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

~~CHANGES TO POLICY~~

~~This policy may be amended from time to time to facilitate needed changes in the Board's Drug-Free Workplace Substance Abuse Program. Any amendment shall be made by the Board, consistent with Board Policy 01.5.~~

DEFINITIONS AS USED IN THIS POLICY

1. ***Illegal use of drugs*** means the use or purchase of drugs, the possession or distribution of which is unlawful under the Controlled Substance Act (21 U.S.C.A. 812). Such term does not include the use of a drug taken under the supervision by a licensed health care professional or other uses authorized by the Controlled Substances Act.
2. ***Drug or illegal drug*** means a controlled substance as defined in Schedules I through V of the Controlled Substances Act and any substance listed in KRS Chapter 218A as a controlled substance or any other substance that may be added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to [KRS 218A.020](#).
3. ***Conviction*** means a finding of guilt, including a plea of no-contest, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
4. ***Criminal Drug Law*** means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance
5. ***Prohibited drugs*** include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Drug-Free/Alcohol-Free Schools

DEFINITIONS AS USED IN THIS POLICY (CONTINUED)

6. *Prohibited substances* include:

- a. All prescription drugs obtained without authorization, and
- b. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in [KRS 217.900](#) or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

Percentage of Personnel in Random Drug Testing Program full time employees randomly tested at 40%.

REFERENCES:

[KRS 160.290](#); [KRS 160.380](#); [KRS 161.120](#); [KRS 161.175](#)
[KRS 161.790](#); [KRS 217.900](#); [KRS 218A.1430](#); [KRS 218A.1447](#)
[016 KAR 001:030](#); [701 KAR 005:130](#); 34 C.F.R Part 85

P. L. 101-226 (Improving America's Schools Act of 1994 (Title IV): Safe and Drug-Free Schools and Communities)

41 U.S.C.A. 702 (Drug Free Workplace Act)

21 U.S.C.A. 812 (Controlled Substances Act)

RELATED POLICIES:

03.1325; 08.1345; 09.2241

Adopted/Amended: 7/30/2012

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