# STUDENTS 09.423

Use of Alcohol, Drugs and Other Prohibited Substances

Drugs, Alcohol and Other Prohibited Substances

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 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 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.

Definitions

Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by regulation under [KRS 218A.010](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/218A00/010.pdf&requesttype=krs).

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.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. 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](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/217-00/900.pdf&requesttype=krs) or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

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.

Reporting

Excluding results determined by the drug testing program, 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. In addition, when they have reasonable belief that a violation has taken place, with the exception of results determined by the drug testing program, 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.

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Use of Alcohol, Drugs and Other Prohibited Substances

Drug-Testing Program

In this day and time alcohol and other forms of drug abuse have grown to major proportions in our society. 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 the random student drug-testing program is created to provide the appropriate action plan to address and foster a drug-free environment for grades 6-12.

The Student Drug Testing Program is a support program to the Education/Prevention program and is intended to educate students and their parents/guardians to the dangers inherent in the unlawful use of alcohol, drugs and other substances. The program is further intended to provide encouragement and incentives to middle school and high school students who voluntarily choose to participate in competitive extracurricular activities, including athletics, to avoid substance use and abuse and to strive to benefit from effective rehabilitation when such use and abuse has occurred. Parents/Guardians may also choose to voluntarily enroll their child in the Student Drug Testing Program. It is designed to create a safe, drug-free environment for students in the Rowan County School District and to assist them in seeking avenues to refuse alcohol and drug use. Administrators shall not use any information obtained in the course of administering this program for disciplinary purposes other than those specifically set out herein.

The program, established by the Rowan County School Board, is for students in grades six (6) through twelve (12) participating in competitive extra-curricular activities, including athletics, students who will be driving or parking on school property as well as students whose parents have elected to have their child voluntarily tested. A plan to implement the drug testing program shall be developed by District personnel in cooperation with an independent testing laboratory and results shall be provided to the Rowan County Schools Medical Review Officer (MRO) (Director of District Health Services.) The MRO shall contact the principals of Rowan County Middle School and Rowan County Senior High School with all positive test results. All results shall be 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 measures 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 to those persons in positions designated by the Superintendent.

The Student Drug Testing Program consists of two components: Education/Prevention Program and Student Drug Testing Program.

Education and Prevention Plan

***Educational Seminars.*** 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

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accessible to all students in grades six through twelve (6-12) but shall be required for all those students participating in athletic and extracurricular activities and for students who will be driving or parking on school property.

***Information for Parents/Guardians.*** Information for parents/guardians that will address alcohol and other forms of drug abuse will be provided. The central purpose of this information will be to provide parents/guardians with necessary information to help them take a proactive approach toward substance abuse prevention.

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/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 and drugs or abuse of controlled and prohibited 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 violations of this policy.

Statement of Need

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

This policy shall apply to all students in grades six through twelve (6-12) participating in varsity and sub-varsity athletic teams, extracurricular activities, as well as students who will be driving or parking on school property. The subsequent addition of any extracurricular activity or 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 students in grades six through twelve (6-12) who voluntarily choose to participate on athletic teams, in or 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 drug-testing program for disciplinary purposes other than those set forth herein. This portion of the substance policy is not designed to be used, nor shall it voluntarily be used in any manner, to provide a

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source of information for law-enforcement agencies or 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 or as required by law or a lawfully issued subpoena or court order.

In order to accomplish its purposes, this policy establishes 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 this policy provides incentives for rehabilitation through possible reinstatement to the specific athletic team or extracurricular activity involved.

1. All students who intend to participate in any competitive extracurricular activity and/or receive the privilege to drive or park on school property and their parents/guardians must read the policy and the accompanying Student Drug Testing Procedures, acknowledge their understanding of the policy and procedures, and agree to be bound by the terms and conditions contained in the policy and procedures by executing and delivering *Random Student Drug Testing Enrollment Form* to appropriate school office prior to the student participating in the chosen activity. All student participants will remain in the Student Drug Testing Pool after the initial enrollment.
2. Each extracurricular activity sponsor shall establish a roster of student participants and submit a roster to the Designated School Representative (hereinafter “DSR). A roster of students who have requested permission to drive and park on school property will be submitted to the DSR by school administration. Together these rosters will represent the Pool of students subject to random drug screens. Changes in the roster should be reported immediately to the DSR and updated throughout the year as necessary.
3. No fewer than ten percent (10%) of the Pool will be tested annually. Random drug screens will be conducted up to (4) times during the school year.
4. The random drug screens will be conducted by an outside agency (hereinafter “Agency”) under contract with the Board and will be conducted per that Agency’s protocols with the utmost attention being given to maintaining student confidentiality. Further, the Agency shall determine which students are to be tested by the random selection of names from the Pool.
5. Collection procedures shall be developed, maintained and administered by the Agency in an effort to minimize any intrusion or embarrassment for each student, ensure proper identification and students’ specimens, minimize the likelihood of the adulteration of a specimen, and maintain confidentiality of test results. The collections of specimens shall be conducted on school premises. If a test result is found to have been adulterated, the student may be required to be retested.
6. Written confirmation of all test results shall be forwarded by the Agency to the MRO, who shall provide the results (negative or positive) to the DSR. All results shall be maintained by the MRO.
7. In the event that a student’s specimen produces a positive result, the Superintendent/Designee shall notify the student’s parent(s) or legal guardian(s) to discuss the results and the sanction. The final determination of the student’s sanctions or

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# (Continued)

eligibility for extracurricular activities shall be made at the District level by the Superintendent/Designee.

1. Any student who has tested positive, or the student’s parents/guardians, may contest the result. Students or the parents/guardians should contact the MRO (Director of District Health Services) within seventy-two (72) hours of receiving notice of the positive test result. To contest the result, students, or parents/guardians, may be required to provide a doctor’s statement, copy of prescription or prescription bottle or other evidence of medical condition or treatment affecting the result. Current prescriptions are not to be older than six (6) months if they are narcotics. Failure to provide timely documentation (i.e., seventy-two (72) hours) to support student’s contest of the positive test result may result in sanctions provided in the procedure for a positive test result. Upon request by the student or the student’s parents/guardians, further laboratory analysis shall be conducted with the student’s remaining specimen preserved at the Agency at the expense of the student or the student’s parents/guardians.
2. Refusal by a student to provide a urine sample, provision of a diluted urine sample, or an attempt by a student to dilute the urine sample, will be treated as a positive test result and appropriate sanctions will be assessed. The student’s parents/guardians shall be notified by the Superintendent/Designee of the refusal and sanction.
3. Shy Bladder Policy: Student who cannot provide a urine sample when requested to do so shall abide by the following process:

* Be provided with up to forty (40) ounces of clear fluid for consumption within a two-hour period.
* Shall stay within observation of Agency personnel until a sample is provided.
* The two-hour time frame starts with the initiation of the testing process when the forms are filled out.
* Failure to provide a sample at the end of the two-hour time period will be deemed a positive test result and the student’s parents/guardians shall be notified by the Superintendent/Designee. The parent/guardian will be notified with an option of a blood test at his/her own drug screen expense.

1. Violations shall be deemed to accumulate throughout the student’s involvement in all extracurricular activities.
2. One (1) year after the student turns eighteen (18) years old or one (1) year after the student’s graduation, whichever is later, all records in regard to this procedure concerning the student shall be destroyed, and no time shall these results or records be placed in the student’s academic file or be voluntarily turned over to any law enforcement agency, or used for purposes other than those stated herein. For students who transfer out of the District or otherwise do not fulfill the requirements for graduation, the records of that student shall be destroyed one (1) year after the student turns eighteen (18) years old.

# **The Testing Laboratory Agency Currently Under Contract With The District Must Conduct All Subsequent Drug Tests In Accordance With The Same Procedures Used For Random Drug Testing.**

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# (Continued)

# **Consequences for Positive Test Results Shall Result In The Sanctions That Follow.**

**Sanctions:**

**First Violation**

A student participant who tests positive for one of the prohibited substances in the random student drug testing will have the following consequences for the first positive test result:

1. The student and the student’s parents/ legal guardians shall attend an Early Intervention Meeting with a counselor from Pathways.
2. The student shall complete a drug and alcohol assessment and comply with the recommended treatment.
3. The student shall be tested in the next random drug testing. A positive test result will be treated as a SECOND VIOLATION.

**Second Violation**

A student participant who tests positive for one of the prohibited substances in the random student drug testing will have the following consequences for the second positive test result:

1. The student shall complete a second drug and alcohol assessment and comply with any recommended treatment. At a minimum, the student will be required to meet with a Pathways counselor weekly throughout the suspension period below.
2. The student shall be tested in the each of the next two random drug testing. A positive test will be treated as a THIRD VIOLATION.
3. The student shall be suspended from participating in any and all extracurricular activities and dances, including athletics and competitive extracurricular activities, for a period of three weeks or the next three competitive extracurricular events, whichever is greater. Competitive extracurricular activities are not practices and meetings, but are games, matches, conferences, etc.
4. The student shall also be suspended from driving privileges for a period of three weeks. If a violation occurs at the end of the athletic season or not during the athletic season, the student’s suspension shall carry over to the next extracurricular event of the school year. If necessary, the suspension shall carry over to the student’s subsequent participation on another athletic team, extracurricular activity, and/or the following season.
5. If the student elects not to seek reinstatement to an activity after a 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 becoming eligible for any other competitive extracurricular activity.
6. A student serving a suspension may try out for a second sport or activity, if the student provides a negative drug test result from the Agency under contract and under the same procedures utilized for random drug testing. If the student makes the team, the student must serve the unexpired portion of the previous suspension.

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**Third Violation**

A student participant who tests positive for one of the prohibited substances in the random student drug testing will have the following consequences for the third positive test result:

1. The student shall complete a second drug and alcohol assessment and comply with any recommended treatment. At a minimum, the student will be required to meet with a Pathways counselor weekly throughout the suspension period below.
2. The student shall be suspended from participating in any and all extracurricular activities and dances, including athletics and competitive extracurricular activities, for a period of nine weeks or the next nine competitive extracurricular events, whichever is greater. Competitive extracurricular activities are not practices and meetings, but are games, matches, conferences, etc.
3. The student shall also be suspended from driving privileges for a period of nine weeks. If a violation occurs at the end of the athletic season or not during the athletic season, the student’s suspension shall carry over to the next extracurricular event of the school year. If necessary, the suspension shall carry over to the student’s subsequent participation on another athletic team, extracurricular activity, and/or the following season.
4. If the student elects not to seek reinstatement to an activity after a 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 becoming eligible for any other competitive extracurricular activity.
5. A student serving a suspension may try out for a second sport or activity, if the student provides a negative drug test result from the Agency under contract and under the same procedures utilized for random drug testing. If the student makes the team, the student must serve the unexpired portion of the previous suspension.

**Fourth Violation and Subsequent Violations**

A student participant who tests positive for one of the prohibited substances in the random student drug testing will have the following consequences for the fourth positive test result:

1. The student shall complete a second drug and alcohol assessment and comply with any recommended treatment. At a minimum, the student will be required to meet with a Pathways counselor weekly throughout the suspension period below.
2. The student shall be suspended from participating in any and all extracurricular activities and dances, including athletics and competitive extracurricular activities, for a period of one calendar year. Competitive extracurricular activities are not practices and meetings, but are games, matches, conferences, etc.
3. The student shall also be suspended from driving privileges for a period of one calendar year. If a violation occurs at the end of the athletic season or not during the athletic season, the student’s suspension shall carry over to the next extracurricular event of the school year. If necessary, the suspension shall carry over to the student’s subsequent participation on another athletic team, extracurricular activity, and/or the following season.

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1. If the student elects not to seek reinstatement to an activity after a 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 becoming eligible for any other competitive extracurricular activity.
2. A student serving a suspension may try out for a second sport or activity, if the student provides a negative drug test result from the Agency under contract and under the same procedures utilized for random drug testing. If the student makes the team, the student must serve the unexpired portion of the previous suspension.

References:

[KRS 156.070](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/156-00/070.pdf&requesttype=krs); [KRS 158.150](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/158-00/150.pdf&requesttype=krs); [KRS 158.154](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/158-00/154.pdf&requesttype=krs); [KRS 158.155](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/158-00/155.pdf&requesttype=krs)

[KRS 160.290](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/160-00/290.pdf&requesttype=krs); [KRS 161.180](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/161-00/180.pdf&requesttype=krs)

[KRS 217.900](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/217-00/900.pdf&requesttype=krs); [KRS 218A.020](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/218A00/020.pdf&requesttype=krs); [KRS 218A.143](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/218A00/143.pdf&requesttype=krs)0; [KRS 218A.144](http://policy.ksba.org//DocumentManager.aspx?requestarticle=/KRS/218A00/144.pdf&requesttype=krs)7

[OAG 82‑633](http://policy.ksba.org//documentmanager.aspx?requestarticle=/civil/opinions/OAG82633.htm&requesttype=oag); [OAG 93‑32](http://policy.ksba.org//documentmanager.aspx?requestarticle=/civil/opinions/OAG9332.htm&requesttype=oag)

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

# STUDENTS 09.423 AP.21

Random Drug Testing Program

Consent to Test Form

Student Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The student and his/her parent(s)/guardian acknowledge that the Rowan County School District (“District”) has the right to perform random drug testing on students who wish to exercise the privilege of participating in competitive extracurricular activities or who wish to exercise parking privileges.

The student and his/her parent(s)/guardian understand that as a condition of the student being allowed to participate in competitive extracurricular activities in the District and/or as a condition of the student being allowed to exercise parking privileges, the student may be required to undergo and successfully pass a random screening for illegal drugs or other banned substances, as set forth in the District’s Use of Alcohol, Drugs, and Controlled Substances Policy (09.423) and Student Random Drug Testing Procedures (09.423 AP.1). The student and his/her parent(s)/guardian acknowledge that they have read and understand this policy and procedure and that they agree to all terms and conditions contained in the policy and procedure.

The student and his/her parent(s)/guardian hereby consent to participate in the random drug testing program and to the disclosure of testing results to designated District, testing program personnel and parent(s) and guardians. The student and his/her parent(s)/guardian further understand that the student’s refusal to submit to a drug screening will be treated in the same manner as if the student had tested positive for banned substances. No student shall be penalized academically for testing positive for banned substances during random drug testing.

The privilege of being allowed to participate in competitive extracurricular activities in the School District and/or being allowed to exercise parking privileges is contingent on the signing of this consent form.

We have read and understand the Rowan County School Board Policy 09.423 dealing with *Random Drug Testing.* I desire that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_should be permitted to participate and hereby voluntarily agree that my student is subject to the terms of Board policy 09.423 for as long as s/he participates in a covered activity during the school year. I consent to the means and methods used to test under the policy and I waive any rights to nondisclosure of test records/information to the extent of disclosure is required under the program and policy. I understand by signing this consent form I agree to be bound by the terms and conditions contained in Rowan County Board Policy 09.423.

**I plan to participate in one or more of the following**:

🞏Competitive Extracurricular Activities 🞏 Volunteer

🞏 On-Campus Parking

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Student Name (print) Current Grade Pupil ID# (leave blank)

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Student Signature Date

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Parent/Guardian Name (print) Work Phone

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Parent/Guardian Signature Date

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Home Phone Cell Phone