# DRAFT 11/9/17 – Revised 12/15/17

# STUDENTS EK09.423

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.

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 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

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, 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

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, drugs and other 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.
6. Alcohol and drug abuse awareness will be integrated into Health and PE curriculum.

Drug-Testing

All coaches of the athletic teams, student organization advisors, the School Board, and the high school administrators recognize that the unlawful use of alcohol and other drugs seriously impairs the health, safety, education, and future success of high school students engaged in that use. It is also recognized that, while the unlawful use of alcohol and other drugs is a potential problem for all high school students, those students engaged in interscholastic athletics, extra-curricular activities, and those with permits to drive a motor vehicle onto campus are often viewed by fellow students as holding or enjoying positions of notoriety and are confronted by unique pressures and health risks that make them particularly vulnerable to the harms presented by that use. Because of the potential notoriety derived from athletic participation, and extra-curricular participation, and on-campus driving privileges, these students also potentially impact or influence the attitudes and actions of the other members of the student body. Finally, in order to deal effectively with these special pressures, health risks and other potential risks, we believe it is imperative to adopt a mandatory Alcohol and Drug Safety Policy for Athletes and Students Who Participate in Competitive Extra-Curricular Activities, as well as those students that drive a motor vehicle on to campus (Policy—see II) governing the unlawful use of alcohol and other drugs by student participants in the Nelson County School District.

The program consists of three components:

1. Education and Prevention Plan
2. Alcohol and Drug Safety Policy for Voluntary Participants and Athletes, and Students Who Participate in Competitive Extra-Curricular Activities at the ~~middle and~~ high school level,, as well as those students that hold a valid on-campus parking permit
3. Nelson County High School, Thomas Nelson High School, The Academy, and Horizons shall receive educational resources in alcohol and drug awareness from the local Community Prevention Center and/or District resources such as the Family Resource and Youth Services Center, school nurse, etc. These resources will be available to all coaches, teachers, and staff. The educational resources will enable coaches, teachers, and staff to have a keener awareness of drug and alcohol abuse signs and symptoms.

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Use of Alcohol, Drugs and Other Prohibited Substances

Education and Prevention Plan (continued)

1. All student organizations shall be encouraged to foster a drug- and alcohol-free lifestyle. Students who strive to be drug/alcohol-free will obtain many long-lasting benefits of choosing such a lifestyle.

**A. Statement of Purpose**

This policy is intended to support the comprehensive educational policies and programs of Nelson County School District in educating students and their parents or legal guardians about the dangers inherent in the unlawful use of alcohol and other drugs. The policy is further intended to provide incentives to Nelson County School District students who voluntarily choose to participate in athletic and extra-curricular teams and organizations, and students that drive to school, to avoid such use and to strive for effective rehabilitation when such use has occurred. 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 or for the prosecution of the student or to limit the student’s participation in the school’s activities, other than the limitations imposed by this policy. Without a specific written authorization from the tested student or parent, if the student is under eighteen (18) years of age, no test results of any student shall be released to any person other than is required by law or lawfully issued subpoena or court order.

In order to accomplish its purposes, this policy establishes a program of education and counseling to deter the unlawful use of alcohol and other drugs and provides for suspension and termination of participation in the Nelson County School Athletic or Extra-Curricular Team or Organization, or revoking of the student’s on-campus parking permit, when deterrence is unsuccessful. To determine compliance with the policy, it provides a testing program to identify student participants who are unlawfully using alcohol and other drugs. For these students, the policy provides incentives for rehabilitation through possible reinstatement to the specific athletic team or organization involved, or re-issue of the student’s parking permit.

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

1. To protect all students who participate in athletic or extra-curricular teams or organizations, and students that drive on campus, from impairing their health, safety, education, and future success through the unlawful use of alcohol and other drugs;
2. To protect all students who participate in athletic or extra-curricular teams or organizations, and others against whom they compete from potential injury during athletic competition or while driving a motor vehicle, which might result from the unlawful use of drugs;
3. To protect all students who participate in athletic or extra-curricular teams or organizations, and students that drive a motor vehicle on to campus, from the potential stigma of unsubstantiated allegations of unlawful use of alcohol and other drugs; and
4. To assure students, parents, guardians, teachers, and the community that the health, safety, education, and future success of the student participants are the primary concerns of the high schools and their teams and organizations, and student drivers.

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Use of Alcohol, Drugs and Other Prohibited Substances

Alcohol and Drug Safety Policy for Voluntary Participants and Athletes (Continued)

**B. Implementation, Review, and Evaluation**

All student participants and their parents or legal guardians must sign the “Student and Parent/Guardian Consent to Perform the Urinalysis for Drug Testing” form before the student shall be permitted to try out for any team or organization, or being permitted to drive a motor vehicle on campus, at Nelson County High School, Thomas Nelson High School, The Academy, or Horizons.

**C. Applicability**

This policy applies to all students who choose to participate in Nelson County School District Athletic Teams and Competitive Extra-Curricular Teams and Organizations in grades nine through twelve (9-12), or drive a motor vehicle on to campus, which are voluntary extra-curricular activities at the middle and high school level.

**D. Testing Program**

Student participants’ urine specimens will be tested for the following:

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| --- | --- | --- |
| **DRUG CLASS** | **SCREEN CUTOFF** | **GC/MS CUTOFF** |
| Carboxy – THC (marijuana – met) | 50ng/ML | 10ng/ML |
| Amphetamines/Methamphetamine (Ecstasy/MDMA) | 1000ng/ML | 500ng/ML |
| Benzoylecgonine (Cocaine – Met) | 300ng/ML | 150ng/ML |
| Opiates (Codeine/Morphine) | 300ng/ML | 300ng/ML |
| Phencyclidine/PCP | 25ng/ML | 25ng/ML |
| Barbiturates | 300ng/ML | 200ng/ML |
| Benzodiazepines | 300ng/ML | 150ng/ML |
| Propoxphene | 300ng/ML | 200ng/ML |
| Methadone | 300ng/ML | 200ng/ML |
| Methaqualone | 300ng/ML | 200ng/ML |
| Urine Alcohol | .02 | .02 |
| Any other abused, illegal, or banned substances as shall be banned by the Board | | |

In order to accomplish the purpose of this policy, each student participant on each Nelson County School District Athletic and Competitive Extra-Curricular Teams and organizations in grades 9 through twelve (9-12), and those students that wish to drive a motor vehicle on to campus, shall be required to participate in a program of substance abuse testing. Testing shall be accomplished by the analysis of urine specimens obtained from the student participants. Collection and testing procedures shall be established, maintained, and administered to ensure (a) randomness of selection procedures, (b) proper student identification, (c) that each specimen is identified with the appropriate student participant, (d) maintenance of the unadulterated integrity of the specimen, and (e) the integrity of the collection and test process, as well as the confidentiality of test results.

Positive test shall result in the following sanctions:

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Alcohol and Drug Safety Policy for Voluntary Participants and Athletes (Continued)

**F. Sanctions**

1. First violation:
   1. 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. 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 or evaluation for chemical dependency and provide verification of an assessment by a qualified mental health professional. When available, the Committee shall utilize the list of approved evaluation providers recommended by the Local Prevention Center as the evaluation provider. 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.
   2. If a student is reinstated to the team or organization, or re-issued 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 re-issued a parking permit If the student elects not to seek reinstatement to an team or organization, or re-issue 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.

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Use of Alcohol, Drugs and Other Prohibited Substances

Alcohol and Drug Safety Policy for Voluntary Participants and Athletes (Continued)

1. Second violation:
   1. The student participant shall be suspended for the next nine (9) consecutive interscholastic events or nine (9) consecutive weeks, whichever is greater. 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.
   2. If a student is reinstated to the team or organization, or re-issued 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 re-issued a parking permit If the student elects not to seek reinstatement to a team or organization, or the re-issue 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. 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.
2. 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.

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Use of Alcohol, Drugs and Other Prohibited Substances

Alcohol and Drug Safety Policy for Voluntary Participants and Athletes (Continued)

1. Violations shall be deemed to accumulate the student participant’s involvement in all teams and organizations, or on-campus driving privileges. A school-related drug violation shall be treated as a violation, and the appropriate sanction will be assessed.
2. Any offense by a voluntary participant shall be reported to his/her parent, but no discipline may occur through this policy.

**G. Notice to Participants**

Prior to tryouts for any team or organization, or the issue of a student parking permit each year, the Head Coach 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 informational forums. Each student who chooses to participate with a teams 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 athlete and the student’s parent or legal guardian have read this policy and acknowledge that the student and the parent or guardian have read this policy, understand the policy, and agree to be bound by the terms and conditions contained in this policy.

**Amendment of Policy**

While the School Board is autonomous and may amend this policy at any time, it is encouraged to submit concerns and recommendations to the Steering Committee, so an effort can be made to adopt identical amendments in order to have a uniform policy for all school systems. The Board is encouraged to adopt amendments recommended by the Steering Committee.

All student participants and at least one (1) parent or legal guardian are to sign the following “Student/Guardian Consent to Perform Urinalysis for Drug Testing.”

References:

KRS 158.150; KRS 158.154; KRS 158.155

KRS 160.290; KRS 161.180

KRS 217.900; KRS 218A.020; KRS 218A.1430; KRS 218A.1447

OAG 82‑633; OAG 93‑32

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

Board of Ed. of Tecumseh Public School District, Independent School Dist. No. 92 of Pottawatomie Cty. v. Earls, \_\_\_ U.S. \_\_\_, 242 F3d 1264 (2002)