# DRAFT 12/14/18

DRAFT #2 12/14/18

# STUDENTS BK09.423

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, or at any time while under school supervision:

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 or any other purpose not permitted by law.

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 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. Authorized medication shall be administered/dispensed adhering to Gallatin County Board of Education Policy and any applicable statutes or regulations.

Penalty

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspension or dismissal from athletic teams/extracurricular activity and/or other school‑sponsored activities. Students who drive on campus shall have their driving privileges terminated.

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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 school sanctioned event. After making such report, employees must notify the Principal and their immediate supervisor, or the Superintendent that the report has been made. 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.

Purpose Drug-Testing Program

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 Gallatin County middle and high school community.

The program consists of two components:

1. Education and Prevention Plan
2. Drug-Testing Policy

Education and Prevention Plan

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

Training in Drug Awareness

Gallatin County middle and high school teachers will be given an opportunity to receive training in drug awareness beginning 2015. 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 the 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 school 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 about drug abuse prevention.

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Alcohol and Drug Safety Policy

All 7th grade and above students participating in extracurricular activities or who drive/park on school premises 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. Students who are eighteen (18) years old or older will not be required to have their parent/guardian sign the acknowledgement.

Statement of Need

All extracurricular team coaches/sponsors and the administration of Gallatin County Middle and High school 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. In addition to random testing of students who drive/park on school premises and students participating in extracurricular activities, parents may choose to authorize the District to include their children in the random drug testing program by signing the Drug Testing Consent form.

Students engaged in extracurricular activities often are viewed by fellow students as holding or enjoying positions of notoriety and are confronted by unique pressures and risks that make them particularly vulnerable to the harms presented by that use. Because of the potential notoriety derived from extracurricular activities, students also potentially impact or influence the attitudes and actions of other members of the student body. Finally, in order to deal effectively with drug and alcohol pressures and health risks, we believe that it is imperative to adopt a mandatory drug testing policy governing the illegal use of drugs by student participants in the Gallatin County Middle and High School teams, extracurricular activities and/or drivers.

Extracurricular covered by this policy shall apply to all middle and high school varsity and sub varsity athletic including, but not limited to baseball, boys basketball, girls basketball, boys cheerleading, girls cheerleading, cross country, football, softball, tennis, track, volleyball, and all activities, including school-sponsored social clubs, academic teams, and local chapters of regional or national organizations. The subsequent addition of any extracurricular activity, varsity or subvarsity 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 all students who voluntarily choose to participate 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.

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Statement of Purpose (continued)

Administrators shall not use information obtained in the course of administering this policy for disciplinary purposes other than those set forth herein. This drug testing 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 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, Drug Coordinator, Principal, Assistant Principal, Counselor, Director of Pupil Personnel, and the coaches/sponsors of extracurricular activities). Nothing in this policy will prevent the District from releasing any information as may otherwise be 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 in extracurricular activities and termination of driving privileges 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 and/or reinstatement of driving/parking privileges.

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

1. To protect Gallatin County students from impairing their health, safety, education, and future success through the unlawful use of alcohol and other drugs;
2. To protect Gallatin County students and their opponents from potential injury during competition resulting from the unlawful use of alcohol and other drugs;
3. To protect Gallatin County students from the potential stigma of unsubstantiated allegations of unlawful use of alcohol and other drugs; and
4. To assure students, parents, teachers, and the community that the health, safety, education, and future success of student participants are the primary concerns of Gallatin County.
5. 15% of drivers, athletes and extracurricular participants will be randomly selected each testing window.

Implementation, Review, and Evaluation

All student participants and their parents/guardians (if the student is under the age of eighteen (18)) must sign the “Student and Parent/Guardian Consent to Perform Drug Testing” form before the student shall be permitted to try out for and participate in any extracurricular activity, or be authorized to drive or park on school property. The Superintendent shall have the responsibility for implementing this policy. In implementing this policy, the Superintendent may seek input from school principals, coaches, the athletic director, the Title IV coordinator and the school health coordinator, counselors, the drug coordinator, parents or parent groups, local law enforcement officials, local health department officials, and any state agency officials.

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Implementation, Review, and Evaluation (continued)

The Superintendent shall devise procedures to implement the policy fairly and efficiently 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. In devising procedures to implement this policy, the Superintendent may incorporate the policies and procedures of the collecting and testing agencies and the language in any contract(s) with such agencies.

Applicability

This policy applies to all 7-12 grade 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.

Education

At least once each year, all coaches/sponsors and appropriate certified staff shall require attendance at educational seminars on drug abuse (as outlined in the Education and Prevention Plan section of this policy) or take an on-line training. These seminars shall be open to attendance by 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 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; and
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. The number and frequency of the random test shall be determined by the Board. A student who is involved in more than one (1) covered activity will have no greater chance of being tested than a student who is only involved in a single covered activity.

Substances Tested

Student participants’ urine specimen shall be tested for the following, which include, but may not be limited to:

1. Amphetamines;
2. Marijuana (THC);
3. Cocaine and its derivatives;
4. Opiates;

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Substances Tested (continued)

1. Phencyclidine (PCP);
2. Benzodiazepine;
3. Blockers;
4. Methamphetamine;
5. Methadone;
6. Barbiturates; and
7. Other abused, illegal, or controlled substances as determined by the Superintendent or listed in Chapter 218A of the Kentucky Revised Statutes or any substance added by regulation under KRS 218A.010.

Confidentiality

The Superintendent shall develop a process to reasonably ensure 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 confidentiality throughout the testing process and in the handling of test results. Access to drug testing results shall be restricted on a need-to-know basis to those persons in positions designated by the Superintendent. The process to be developed by the Superintendent under this section may be accomplished through the incorporation of the policies and procedures of the collecting and testing agencies, or by language in the contract(s) with such agencies.

Sanctions

**First Offense:**

* Parent notification and student will be enrolled in an approved drug awareness program at the parents’ expense. A certificate of completion from the program must be submitted. The student will be tested in all remaining drug tests for the remainder of the school year. The pupil will be removed from athletics, clubs, etc. for the next two (2) extra-curricular activities of KHSAA sanctioned events, as well as have his/her parking permit revoked for a minimum period of five (5) school days/five (5) school events (whichever is relevant). The pupil will be required to attend practices during this time, but will not be allowed to participate in practice.

**Second Offense:**

* The pupil will be removed from athletics, clubs. Etc. for 20% of their extra-curricular activity or KHSAA sanctioned events for the remainder of the school year; subject to carrying over into the next school year if applicable, as well as have his/her parking permit revoked for a minimum period of 15 school days/15 school events (whichever is relevant). Pupil may return to practice only, immediately after submitting a negative test result and submit proof of attending an approved drug awareness program.
* The parent(s) is/are responsible for the cost of the rehabilitation program beyond the Board provided drug screening and brief counseling session on or near campus once monthly.

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Sanctions (continued)

**Second Offense (continued):**

* The pupil must submit a negative drug test prior to returning to any athletics, extra-curricular activities or school clubs as well as before having his/her parking permit reinstated.
* The pupil will be subject to a Board provided mandatory drug screen monthly for one (1) calendar year (12 months) which will be done on or near campus.

**Third Offense:**

* Pupil will forfeit the privilege of participation in any athletics, extra-curricular activities or school clubs as well as have his/her parking permit revoked for one (1) calendar year in grades 9-12. Grades 7-8 will be subject to forfeit of privileges until grade 8 although they must complete any carryover suspension.
* It is recommended that a pupil who submits a confirmed positive drug test a third time, participate in a substance evaluation and follow any recommendations made by the evaluator, at the parents’ expense. The student must submit to and show negative on the test for the upcoming school year and successfully complete a drug counseling program.

Based on Laboratory protocol, a negative dilute or adulterated test result would not be counted as a valid test and that student would be required to be re-screened as soon as possible. Any student who submits two (2) consecutive negative dilutes or adulterated specimens may result in the student being ineligible to participate/drive. Participation in these circumstances is up to the discretion of the District Student Drug Testing Coordinator and Superintendent.

Any student who refuses to be screened as a part of the testing pool when asked or who tests positive and quits the extracurricular activity(s) in which they participate (or driving and parking on campus) or fails to meet guidelines stipulated in the “sanctions” portion of this policy will be deemed to be in “noncompliance” and will remain ineligible to participate in any extracurricular activity or drive/park on campus indefinitely until a follow-up drug screen is negative, a substance abuse evaluation/consultation is completed, and necessary suspension time is served (based on the student’s current extracurricular participation) and any other necessary requirements are met as laid out in the “sanctions” portion of this policy.

Notice to Participants

Prior to tryouts for an athletic team or joining an activity, the Head Coach and/or sponsor shall provide all students choosing to participate in the athletic team 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 such students who are under the age of eighteen (18) 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/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;

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Prevention Program (continued)

1. Information about available drug/alcohol counseling programs and available rehabilitation/student assistance programs; and
2. Penalties that may be imposed upon students for violations of this policy.

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 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).

Related Policy:

09.2241