

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, including look alike, taste alike or smell alike;
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 **or possessed** 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 may constitute reason for suspension or expulsion.

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.

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:

Alcohol, Drugs, and Other Prohibited Substances**PREVENTION PROGRAM (CONTINUED)**

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.

RANDOM DRUG TESTING AND DRUG SAFETY PROGRAM

Random Drug Testing Program - In this day and time alcohol and other forms of drug use/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 Mercer 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

Educational Seminars. Each semester at least one (1) educational seminar on alcohol and drug use/abuse shall be conducted by qualified substance abuse educators. These seminars shall be accessible to all Mercer County Middle and High School students and all students in the middle schools and high school will attend these scheduled programs during the school instructional day. The educational seminars shall be required for all athletic and extracurricular team members, coaches, and parents of students participating in these activities. Each student participating in athletics, extracurricular and drivers shall be administered an assessment over the content of the seminar upon completion and demonstrate competency of seminar content.

Training in Drug Awareness. Mercer 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 teacher with keener awareness of drug use/abuse signs and symptoms, as well as methods of referral, will be a direct result of the training. Instructional units on drug use/abuse, such as those currently taught in our health courses, will be enhanced by this teacher education component.

Seminars for Parents/Guardians. Educational seminars for parents/guardians addressing alcohol and other forms of drug use/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 toward drug prevention.

Use of Alcohol, Drugs and Other Prohibited Substances**RANDOM DRUG TESTING AND DRUG SAFETY PROGRAM (CONTINUED)****Education and Prevention Plan (continued)**

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, understand the policy, and agree to be bound by the terms and conditions contained in the policy.

Statement of Need. A recent dramatic increase in the number of Board expulsions for drug violations, and the Kentucky Incentives for Prevention (KIP) data demonstrate a concern for the number of youth being affected by drug use or abuse. In addition, in surveying our parents and staff, the majority of our parents and staff believe a random drug testing program is needed in our District and have a desire to implement a random drug testing policy beginning in the 2015-2016 school year.

All athletic and extracurricular team coaches/sponsors and the administration of Mercer 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.

Students engaged in interscholastic athletics and extracurricular activities often are viewed by fellow students as holding or enjoying positions of leadership and are well-known in the student body. These students are confronted by unique pressures and risks that make them particularly vulnerable to the harms presented by that use. Because of the student's well-known status in the student body, derived from athletic and extracurricular participation, these 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 it is imperative to adopt a mandatory random drug testing policy governing the illegal use of drugs by student participants in the Mercer County Middle and High School athletic teams and extracurricular activities. Clubs are part of the extracurricular student activity covered by this policy.

All middle and high school athletic teams, extracurricular activities and student drivers are covered by this policy. The subsequent addition of any extracurricular activity or athletic team shall immediately be subject to this policy.

Additionally, any after-school activity, competition, or event that is associated with an extracurricular activity, club, athletic team, or driver privilege and not part of a co-curricular course, is subject to this policy and shall be included in the random drug testing program.

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.

Use of Alcohol, Drugs and Other Prohibited Substances**RANDOM DRUG TESTING AND DRUG SAFETY PROGRAM (CONTINUED)**

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 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 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.

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 other 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.

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 participate as a member of 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 have the overall responsibility for implementing this policy. The Committee, as defined by the Superintendent/designee, may consist of the Random Drug Testing Coordinator, school Principals, Head Coaches of the athletic teams, designated sponsors of extracurricular activities, Athletic Director, Title IV Coordinator, School Health Coordinator, Counselor, and a School Board Member.

The Committee shall establish procedures as needed to implement the policy fairly and efficiently. In addition, the Committee 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.

Use of Alcohol, Drugs and Other Prohibited Substances**RANDOM DRUG TESTING AND DRUG SAFETY PROGRAM (CONTINUED)**

Testing Program. Testing shall be accomplished by the analysis of a urine specimen obtained from student participants. Collection and testing procedures shall be established, maintained, and administered by a Board approved testing vendor to ensure, among other things, the following:

1. Randomness of selection procedures
2. Proper student identification
3. Identification of each specimen with the appropriate student participant
4. 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.)

Information regarding this policy, including but not limited to, the collection procedure(s) will be made available upon request.

Substances Tested. Urine specimens of participating students ~~may~~**shall** be tested for the following ~~which include~~, but may not be limited to:

Amphetamines	Barbituates
Benzodiazepines	Cocaine Metabolite
Opiates	Oxycodone
Phencyclidine	Marijuana Metabolite
Methadone	Methaqualone
Synthetic Drugs	*KRS 218A.010 *KRS 217.900 (Referenced below)

*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.

*KRS 217.900 – 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.

Any student participant who tests positive, or the student's parents or legal guardians, may contest the test result by informing the Superintendent/designee within seventy-two (72) hours of receipt of notice of the positive test result. Prior to implementation of sanctions, the student and/or parent shall be entitled to present any evidence they desire to defend the charge of violation of this policy. The Superintendent/designee may require written documentation (such as a doctor's statement) of any evidence the student may wish to present that she feels may have affected the test results. If requested, failure to present written documentation to support the student's defense of the case shall result in the student being subject to the consequences provided in this policy for a positive test result.

Further laboratory analysis shall be conducted at the student participant's expense with the student's remaining urine specimen preserved by the testing laboratory. If the student and/or the student's parents/guardian choose to challenge the results, s/he would be obligated to pay for any testing of their choosing including, but not limited to, a test of any sample maintained by the lab.

The following violations shall be cumulative for students from grade 6-8th and then 9th-12th grades. Any offenses occurring prior to the entrance into 9th grade year shall not be considered for purposes of calculating what level violation of offense a student may face from 9th to 12th grade.

Use of Alcohol, Drugs and Other Prohibited Substances**RANDOM DRUG TESTING AND DRUG SAFETY PROGRAM (CONTINUED)****First violation:**

1. Notify the parent or guardian.
2. Due process hearing shall be conducted by the Principal per policy 09.431.
3. Upon completion of any due process hearing or subsequent to the conclusion of any challenge by the student and/or his parent(s) or legal guardian the following consequences shall apply:
 - a. The student participating in extracurricular activities and or driving privileges shall be suspended for two (2) weeks from date of due conclusion of the due process hearing or the date of the notice of the positive screen, whichever is later.
 - b. During the period of suspension, the suspended student shall not be permitted to work out, try out, practice, dress-out, travel with, or receive recognition with or any and all extracurricular activity(ies) and/or shall not be entitled to drive or use and parking facilities of the school district.
 - c. Parents and the Student are encouraged to complete a chemical dependency assessment for their child after testing positive. This shall not be a condition of reinstatement.
4. If a student is reinstated to extracurricular activities following a first violation, the student's participation in other extracurricular activities 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.

Second Violation:

1. Notify the parent or guardian.
2. Due process hearing shall be conducted by the Principal per policy 09.431
3. Upon completion of any due process hearing or subsequent to the conclusion of any challenge by the student and/or his parent(s) or legal guardian the following consequences shall apply:
 - a. The student participating in athletics, extracurricular activities, or driving to school shall have participation in extracurricular activities suspended for the nine (9) weeks from date of due conclusion of the due process hearing or the date of the notice of the positive screen, whichever is later.
 - b. During the period of suspension, the suspended student shall not be permitted to work out, try out, practice, dress-out, travel with, or receive recognition with or any and all extracurricular activity(ies) and/or shall not be entitled to drive or use and parking facilities of the school district.
 - c. Parents and the Student are encouraged to complete a chemical dependency assessment for their child after testing positive. This shall not be a condition of reinstatement.
4. If a student is reinstated to athletics, extracurricular activities, or student driving following a second violation, the student's participation in other extracurricular activities 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 was appropriately reinstated.

Use of Alcohol, Drugs and Other Prohibited Substances**RANDOM DRUG TESTING AND DRUG SAFETY PROGRAM (CONTINUED)****Third Violation:**

1. Notify the parent or guardian.
2. Due process hearing shall be conducted by the Principal per policy 09.431
3. Upon completion of any due process hearing or subsequent to the conclusion of any challenge by the student and/or his parent(s) or legal guardian the following consequences shall apply:
 - a. Upon a third or subsequent violation of this Policy, the student shall be suspended from participation in all extracurricular activities, or driving to school, for a period of one (1) calendar year from the date of the last test yielding positive results.
 - b. During the period of suspension, the suspended student shall not be permitted to work out, try out, practice, dress-out, travel with, or receive recognition with or any and all extracurricular activity(ies) and/or shall not be entitled to drive or use and parking facilities of the school district.
 - c. Parents and the Student are encouraged to complete a chemical dependency assessment for their child after testing positive. This shall not be a condition of reinstatement.
4. If a student is reinstated to extracurricular activities following a third violation, the student's participation in other extracurricular activities shall not be restricted solely because of the existence of the third violation, as long as the student has completed the period of suspension and was appropriately reinstated.

Notice to Participants: Prior to participating as a member of an athletic team or joining an extracurricular activity, the sponsor, head coach, or administrator 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 wishing to take drivers education or to park on school property shall also be provided a copy. Additionally, any after-school activity, competition, or event that is associated with an extracurricular activity, club, athletic team, or driver privilege and not part of a co-curricular course, is subject to this policy and shall be included in the random drug testing program.

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, and understand and fully agree to be bound by the terms, conditions, and procedures under this policy.

All students choosing to participate in any sport, extracurricular activity, or have driving privileges on school property will need to sign up for the random drug testing program with the appropriate "Student and Parent/Guardian Consent to Perform Urinalysis for Drug Testing" form before the student will be permitted to participate. If a student transfers to the District, s/he shall complete the required consent form to be included in the random drug testing pool, at the time of transfer if he/she chooses to participate in any sport, extracurricular activity, or requests driving privileges.

STUDENTS

09.423
(CONTINUED)

Use of Alcohol, Drugs and Other Prohibited Substances

VOLUNTARY RANDOM DRUG-TESTING PROGRAM

The District has established a volunteer random drug testing program at the middle and high school level for student. Completion of a "Consent for Urinalysis" form is required to participate in voluntary drug-testing.

During the school year if a parent or an eighteen (18) year old student no longer chooses to participate in the voluntary random drug testing program, they may request their name be removed from the random drug testing pool. The parent/student will need to complete the request form, submit it to the Drug Testing Program Coordinator to have their name removed from the random drug testing pool

Any offense by a voluntary student participant who does not participate in extracurricular activities shall be reported to the student's parent(s) or guardian(s), but no discipline may occur through the random drug testing policy. However, such student shall not be permitted to thereafter participate in extracurricular activities for a period of time equivalent to the suspension period and under the terms of reinstatement applicable to other students participating in the program.

REFERENCES:

KRS 156.070; 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).