# DRAFT 8/10/2023

# STUDENTS EI09.423

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.
4. Any product containing CBD or THC (and their derivatives).

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, except that medically authorized CBD or THC may not be possessed on or about school property.

Penalty

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspension or dismissal from athletic teams, marching band/color guard, and/or other school‑sponsored activities.

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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 -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 ongoing drug‑free/alcohol‑free prevention program for all students that 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.

Drug-Testing

Statement of Purpose

Today, drug abuse has grown to major proportions in our society. The high school setting is not exempt from this phenomenon. It is vital that educators and parents continually explore ways to institute programs that encourage a drug-free lifestyle for students/children. It is to that end that this program is created to provide the appropriate action plan to address and nurture a drug-free environment.

Who Will be Affected

All students who will be driving or parking on school property or who choose to participate on any Hardin County high school athletic team, marching band/color guard, cheerleading squad or serve as a team manager, each of which is a voluntary extracurricular activity, must abide by this policy. This includes players at the varsity or subvarsity level.

Education

At least once each semester, this policy shall be reviewed with high school athletes, artists (from this point forward in this policy, artists shall include marching band/color guard), and students who will be driving or parking on school property.

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Testing Program

In order to accomplish the purpose of this policy, each student participant on each high school team, marching band/color guard, or who will be driving or parking on school property 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.

Substances Tested

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

(a) amphetamines, (b) marijuana (THC), (c) cocaine and its derivatives, (d) opiates,

(e) phencyclidine (PCP), (f) benzodiazepine, (g) barbiturates, (h) methadone,

(i) methaqualone, (j) propoxyphene, and (k) such other abused, illegal, or banned substances.

Sanctions/Violations

Any student chosen for random drug-testing, who signs out of school on the day their number is drawn, or who tampers with their specimen, shall have forty-eight (48) hours to report to the designated testing facility to be tested. If the student does not report to be tested, they will be assumed in violation of the policy and sanctions shall take effect. The Principal may make exceptions based on valid excuses given by the student.

Sanctions for students who will be driving or parking on school property

Refusal to participate shall result in a one (1) calendar year suspension of driving/parking on school property privileges to school.

**First Violation -** shall result in a twelve (12) school week suspension of driving/parking on school property privileges to school. The student driver and his parents/guardians shall be notified, and the Principal shall convene a meeting with the student and his/her parents/guardians. At the expense of the parents/guardians, the parents/guardians shall seek an evaluation of the student’s drug use from a qualified chemical dependency counselor acceptable to the District. Reinstatement will require a clean drug screen performed at the school.

**Second Violation** - shall result in loss of driving/parking privileges to school for the remainder of the student’s high school career. If a student is caught driving/parking on school property while driving privileges have been suspended, further sanctions could occur.

Sanctions for student athletes/artists

**First Violation** – If a sample tests positive, the athlete and his parents or guardians shall be notified, and the Principal shall convene a meeting with the student and his parents or guardians, at which time the student has one of the following options:

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Sanctions for student athletes/artists(Continued)

1. At the expense of the parents/guardians, the parents/guardians shall seek an evaluation of the student’s drug use from a qualified chemical dependency counselor acceptable to the District. Additionally, at the expense of the parents/guardians, weekly urinalysis will be conducted during this time. At the expense of the Board, drug testing will be conducted every sixty (60) days thereafter as long as the student is a member of a sports team, cheerleading squad or serves as a team manager for the current school year. The student is also automatically suspended for ten (10) days from participating in any athletic event/contest; however, the student may be allowed to practice. Athletes/artists who are student drivers will be subject to the first violation for student drivers (loss of driving privileges for twelve (12) weeks).
2. If a student who tests positive fails to abide by Option 1 then the violator will suffer suspension from all athletics/contests, including practices, for the remainder of the current season and the next athletic season for all sports/contests (sports teams, cheerleading squads, marching band/color guard, or team managers).

**Second Violation** – A subsequent offense results in automatic imposition of suspension from all athletics/contests (including practices) for all sports for a twelve (12) month period.

**Third Violation** – The student participant shall be excluded from participation in any athletic team, marching band/color guard for the remainder of the student’s interscholastic eligibility.

Amendment of Policy

This policy may be amended at any time by the Hardin County Board of Education.

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