

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, sell, or transfer any of the following on 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;
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; or
4. Unauthorized prescription, OTC (over-the-counter), and other abused or controlled substances.

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, psychiatrist, 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/extracurricular activity 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.

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.

PREVENTION AND AWARENESS PROGRAM

This program consists of two components:

1. Prevention and Awareness
2. Random Drug-Testing Program for school athletes, extra-curricular participants, and student drivers, and voluntary participants.

Educational Seminars. Each semester at least one (1) educational seminar or activity on alcohol and drug abuse shall be conducted by qualified educators. These seminars shall be accessible to middle and high-school students.

Training in Drug Awareness. Teachers and staff will be given an opportunity to receive training and/or information in drug awareness. Part of the training will enable each teacher to incorporate drug awareness information into his/her current curriculum. An increased 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.

Seminars for Parents/Guardians. Drug education information 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 this information will be to provide parent/guardians with necessary information to assist with drug prevention. Substance abuse curriculum in the schools includes parent components that students will take home to work with parents.

Prevention Curriculum. All elementary, middle, and high schools shall receive tobacco/alcohol and/or substance abuse prevention curriculum. In addition, lesson and activities are implemented on making healthy choices and staying drug-free.

Use of Alcohol, Drugs and Other Prohibited Substances**RANDOM DRUG-TESTING PROGRAM**

The random student drug-testing program is based on a health and safety rationale with the purpose of prevention. Drug use encourages truancy, disruptive class behavior, bullying, violence, and interferes with learning making it a threat to not only the drug users but to all students and teachers. We recognize that the unlawful use of drugs seriously impairs the health, safety, education, and future success of all students and adults in the school environment.

The student drug-testing program is just one part of a larger, comprehensive prevention and intervention effort to keep students safe from drugs. Drug-testing programs are an effective means of identifying those in need of drug counseling and discouraging others from ever starting.

The goal is to keep students from using drugs and to guide users into counseling or drug treatment. Through participation in athletics/extracurricular activities and driving, using illegal drugs pose a threat to their own health and safety, as well as that of other students and adults.

STATEMENT OF PURPOSE

This program is intended to support the comprehensive educational policies and strategies of the Pulaski County School District in educating students and their parents/guardians as to the dangers inherent in the unlawful use of drugs. The program is further intended to provide encouragement to middle and high school students who voluntarily choose to participate on athletic/extracurricular teams and/or drive on school property to avoid such use and to strive to benefit from effective rehabilitation when such use has occurred.

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

1. To protect Pulaski County students from impairing their health, safety, education, and future success through the unlawful use of alcohol and drugs;
2. To protect Pulaski County students and their opponents from potential injury during competition resulting from the unlawful use of alcohol and other drugs;
3. To protect Pulaski County student drivers, passengers, and others drivers from potential injury resulting from the unlawful use of alcohol and other drugs;
4. To assure students, parents/guardians, teachers, and the community that the health, safety, education and future success of student participants are the primary concerns of the Pulaski County School District.

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 athletic/extracurricular teams and/or driving privileges, and/or school events 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/extracurricular team or campus driving privileges.

Use of Alcohol, Drugs and Other Prohibited Substances**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 academic school activities. 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.

APPLICABILITY

This policy applies to all students choosing to participate in Southern Middle, Northern Middle, Pulaski County High, Southwestern High, and Pulaski Central Alternative athletic/extracurricular team (athletic/extracurricular teams covered by this Policy shall apply to: baseball, softball, basketball, cheerleading, dance team, fishing, cross-country, football, volleyball, swimming, golf, soccer, tennis, track, archery, marching band, and competitive J-ROTC teams. The subsequent addition of any sport or team shall immediately fall under the preview of this policy) and to students who drive and/or park on school property. Any student who transfers into Southern Middle, Northern Middle, Pulaski County High, or Southwestern High School and chooses to participate on an athletic/extracurricular team or drive on campus, must sign the appropriate forms and shall be subject to testing as outlined in Policy 09.423 and related Procedure.

NOTICE TO PARTICIPANTS

All students who chooses to participate in any sport and/or extracurricular activity outlined in this policy and parent/guardian of that student shall be required to sign a statement (Random Drug-Testing Consent Form) indicating that they have received, read, and understand and fully agree to be bound by the terms, condition, and procedures under the Pulaski County Board of Education Policy 09.423 and related Procedure.

IMPLEMENTATION, REVIEW, AND EVALUATION

All student participants and their parents/guardians must sign the "Random Drug-Testing Consent Form" before the student shall be permitted to try-out for any athletic/extracurricular team at the middle and high-school level or be authorized to drive or park on school property. A Substance Abuse Prevention School Safety Committee shall be established and shall have the overall responsibility for implementing this policy. The Committee may consist of the school Principals, Head Coaches of the athletic teams, designated sponsors of extracurricular activities, Athletic Director, Title IV Coordinator, School Health Coordinator, Counselor, Superintendent, and Board Members.

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 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 shall not have access to any of the test results. The Committee's purpose is limited to procedures and evaluation of this policy. The Principal shall enforce the policy.

Use of Alcohol, Drugs and Other Prohibited Substances**DRUG-TESTING**

Testing shall be accomplished by the analysis of specimens 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.)

SUBSTANCES TESTED

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

1. Cannabinoids/Marijuana (THC)
2. Amphetamines
3. Ecstasy
4. Cocaine
5. Phencyclidine (PCP)
6. Opiates
7. Barbiturates
8. Benzodiazepines
9. Propoxyphene
10. Methadone
11. Methaqualone
12. Other abused, illegal, or controlled substances as determined by the Committee.

SELF-REPORTING

An extremely important component of this program is to allow students to self-report if they have used or are using any drug. Students who self-report before being selected to drug testing will fulfill the following:

1. Student shall submit to an immediate drug test. If the test returns positive, the student will be suspended from team practice, conditioning, competition, and/or driving privileges. Students may neither condition on school property nor during school time.
2. Student shall submit to weekly drug tests until test returns negative. Student may then resume team and/or driving privileges. However, students shall submit to drug testing each time random testing is performed for one calendar year.
3. Student must enroll in their school's Student Assistance Program (SAP) with the Youth-Service Center Coordinator and positively participate and complete a SAP support group and/or Substance Abuse Counseling program.
4. Student's failure to submit to drug testing or participate in the SAP/Substance Abuse Counseling will cause student to be suspended from athletic/extracurricular activities and/or driving privileges according to stated sanctions.

Use of Alcohol, Drugs and Other Prohibited Substances**SANCTIONS****First Violation**

1. A student testing positive will be suspended from four (4) weeks of the athletic/extracurricular season or off-season practice/conditioning. Student drivers may be denied permission to drive and/or park on school property for the next four (4) consecutive weeks of school. The suspension will begin the date that the results are received. If necessary, the suspension shall carry over to the student's subsequent participation on another athletic/extracurricular team the following season. Students may sit in on team practices, but can in no way participate in team practice, conditioning, and/or competition. Students may neither condition on school property nor during school time. The student must also enroll in their school Student Assistant Program/Substance Abuse Counseling Program and observe the requirements of the program, including attendance with a positive attitude.

Before reinstatement after the first violation, the student participant must receive an assessment or evaluation for chemical dependency. Prior to readmission to participation to the athletic/extracurricular team or reauthorization to drive on campus, the student must submit to a new drug test administered by the district qualified personnel. A positive result shall be treated as a second violation. In addition, the student will be drug tested for one calendar year each time random drug-testing is administered. A positive result will be treated as a second violation.

2. If a student is reinstated to the athletic/extracurricular team or driving privileges following the first violation, the student's participation in another activity shall not be restricted solely because of the existence of the first violation, as long as the student has completed the period of suspension, successfully participated in the Student Assistant Program, and was appropriately reinstated to the prior activity. If the student elects not to seek reinstatement to the activity after a first 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 participation of any other sport/extracurricular activity.

The student must complete all forms required for participation on another extracurricular activity and the student must submit to a new drug test administered in accordance with the same procedure utilized for random drug testing. A positive result shall be treated as a second violation.

Second Violation

1. For a second violation, (a positive test result within one year of reinstatement into the extracurricular team/driving privileges) the student participation shall be suspended for the next twelve (12) weeks of the athletic/extracurricular season or off-season practice/conditioning. Student drivers with a second violation may be denied permission to drive and/or park on school property for the next twelve (12) consecutive weeks of school. If necessary, the suspension shall carry over to the student's subsequent participation on another athletic/extracurricular team the following season. Students may sit in on team practices, but can in no way participate in team practice, conditioning, and/or competition.

Use of Alcohol, Drugs and Other Prohibited Substances**Second Violation (continued)**

Students may neither condition on school property nor during school time. The student must also enroll in their school Student Assistant Program/Substance Abuse Counseling Program and observe the requirements of the program, including attendance with a positive attitude.

2. For a second violation, (a positive test result within one year of reinstatement into the extracurricular team/driving privileges) the student participation shall be suspended for the next twelve (12) weeks of the athletic/extracurricular season or off-season practice/conditioning. Student drivers with a second violation may be denied permission to drive and/or park on school property for the next twelve (12) consecutive weeks of school. If necessary, the suspension shall carry over to the student's subsequent participation on another athletic/extracurricular team the following season. Students may sit in on team practices, but can in no way participate in team practice, conditioning, and/or competition. Students may neither condition on school property nor during school time. The student must also enroll in their school Student Assistant Program/Substance Abuse Counseling Program and observe the requirements of the program, including attendance with a positive attitude.

Before reinstatement to the activity 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 substance abuse and/or treatment counselor. The student must submit to a new drug test administered by district qualified personnel. A positive result shall be treated as a third violation. In addition, the student will be drug tested for one year each time random drug-testing is administered. A positive result will be treated as a third violation.

3. If a student is reinstated to the activity following a second violation, the student's participation in another activity 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 activity. If the student elects not to seek reinstatement to an activity after a 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 becoming eligible for any other extracurricular activity.

Third Violation

(A positive test result within one year of reinstatement into the extracurricular team/driving privileges) The student participation or driver shall be excluded from participation in any sport/extracurricular activity or driving privileges on campus for one calendar year.

Use of Alcohol, Drugs and Other Prohibited Substances**MASKING**

If evidence exists that a sample has been adulterated or tampered with in any way to give a false or inconclusive result, the sample will be treated as a positive result, therefore sanctions based on this policy will take effect. If the sample indicates no concrete evidence of drug use, but there is the possibility the sample is not normal (e.g. dilution), the student may be subject to testing at future random drug testing dates.

Any refusal by a student participant to be tested shall result in the immediate suspension of the student from all athletic/extracurricular teams or driving on school campus for one calendar year. The student's parent/legal guardian shall be notified by the Principal of the refusal and suspension from participation on an athletic/extracurricular team or driving privileges.

If the student does not produce a specimen within an acceptable amount of time, except due to a medical condition* prohibiting the ability to produce a specimen, the test will be considered as a positive result and will cause the student to be suspended from athletic/extracurricular activities and/or driving privileges according to stated sanctions. *If a student has a medical condition prohibiting the ability to produce a specimen, they must provide a written statement from a physician explaining the condition.

COST OF TESTING

The Pulaski County Board of Education shall be responsible for the cost of random drug testing on student athletes/extracurricular participants and drivers. Subsequent testing cost due to a first, second or third offense shall be at the request and the responsibility of the student.

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

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