

## **Student Drug Testing**

### **EDUCATION AND 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.

Each semester at least one (1) educational seminar addressing alcohol and/or drug abuse issues shall be conducted. These seminars shall be accessible to all Woodford County middle- and high-school students, but shall be required for all participants of athletics, extracurricular activities and for students who will be driving or parking on school property. Each seminar participant shall be administered an assessment over the seminar contents upon completion. If a student does not attend the seminar due to being absent or due to not deciding to participate in a covered activity until after the seminar has been held, there will be an opportunity to make-up for missing the seminar. Students who fail to satisfactorily complete the assessment following attendance at the seminar will be required to attend the make-up seminar or will be prohibited from participation in a covered activity. If accommodations are needed and requested, those will be addressed on a case-by-case basis.

### **SEMINARS FOR PARENTS/GUARDIANS**

Educational seminars for parents/guardians that will address alcohol and other forms of drug use 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.

All student athletes, team, and organization members, students that hold an on-campus parking permit, voluntary participants, and their parents or legal guardians must read the following policy 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 PURPOSE**

The purpose of the Drug Testing Program is to aid and assist students. It is not intended to unduly interfere with the student's private life or to bring hardship, but rather to protect the student's well-being and to prevent any threat to others who are associated with extracurricular activities in the District. Specific goals of the program are as follows.

1. To reassure students, parents and community that the health and academic progress of each of its students is the primary goal of the District.

**Student Drug Testing****STATEMENT OF PURPOSE (CONTINUED)**

2. To develop a drug-free extracurricular activities program and produce students who can serve as role models to influence peers to lead healthy and responsible lives.
3. To prevent drug use and abuse by students of the District.
4. To identify any student who may be using or abusing drugs including synthetic illegal substances, and to determine the identity of the drug or drugs.
5. To educate any student who may be using or abusing drugs including synthetic illegal substances, as to the possible physical and mental effects drug use may have and its possible adverse effects on a team and its members.
6. To provide counseling opportunities for any student who is determined to be using or abusing drugs including synthetic illegal substances.
7. To provide reasonable safeguards to help insure that every student in the District is physically competent to participate in extracurricular activities.

No student testing positive, (positive defined as: evidence of alcohol or tested drugs including synthetic illegal substances in blood system), refusing to test, refusing to cooperate with testing or otherwise being in violation of this policy shall be penalized academically. Information, including testing positive, shall not be released to criminal or juvenile authorities absent compulsion by valid state or federal laws. The District shall work with the student and/or his or her parent(s)/legal guardian(s) when there is any violation of this policy and procedures.

**TESTING PROGRAM**

Testing and collection shall be accomplished by the analysis of urine specimens obtained from the student participants and will be conducted by a professional testing laboratory selected by the Woodford County Board of Education. This testing laboratory shall determine which student participants are to be tested by the random drawing of names from among these student participants; approximately fifty (50) students will be tested each month. The collection of urine specimens for the random testing shall be conducted on the Woodford County High School or Woodford County Middle School premises. If a test result is found to have been adulterated, the student may be required to be retested. In the alternative, the adulterated test result, or any other attempt by the student to circumvent the drug testing, may be treated as a positive test result and the appropriate sanctions under violations will be assessed if the student is unable to provide an explanation which is acceptable with the District.

Collection and testing procedures shall be established, developed, maintained, and administered to ensure (a) randomness of selection procedures, (b) proper student identification, (c) accurate specimen, (d) unadulterated integrity of the specimen, (e) the integrity of the collection and testing process, (f) minimal intrusion into privacy or other embarrassment for each student, and (g) the confidentiality of test results.

**Student Drug Testing****TESTING PROGRAM (CONTINUED)**

All scientific analysis of the collected specimens shall be conducted by the professional testing laboratory. Each specimen shall initially be tested by the testing laboratory using a highly accurate immunoassay technique (EMIT). Initial positive results must be confirmed by gas chromatography/mass spectrometry (GC/MS). If the initial positive result is not confirmed by the GC/MS technique, the test shall be deemed to be negative. Only after the GC/MS confirmation shall a test result be reported as positive. A portion of each urine specimen given by each student participant shall be preserved by the testing laboratory for a minimum of six (6) months.

Written confirmation of all test results shall be forwarded by the testing laboratory to the Principal and Superintendent's Designee. The testing laboratory shall not provide test results verbally.

The test results forwarded to the Principal/Superintendent's Designee shall indicate that the results were confirmed by the GC/MS and shall indicate the name of the individual for whom the test results are being reported; the type of test indicated on the custody and control form; the date and location of the test collection; the identity of the controlled substance(s) for which the test verified positive. Test results shall be forwarded to the Principal/Superintendent's Designee in a manner to ensure that the Principal/Superintendent's Designee cannot determine that any test was a presumptive, positive test unable to be confirmed by GC/MS.

In the event that a student participant's urine specimen produces a positive result (after the GC/MS confirmation), the Principal/Superintendent's Designee shall disclose and discuss the test results with the relevant Athletic Director, Head Coach, extracurricular Sponsor or other staff deemed appropriate by school administration; as well as with the student participant and the student's parent(s) or legal guardian(s) and shall advise of further procedural rights under this policy.

Any student participant who has tested positive, or the student's parents or legal guardians, may contest the test result by informing the Principal within seventy-two (72) hours of receipt of notice of the positive test result. The student and parent shall be entitled to present any evidence they desire to defend the charge of violation on this policy prior to implementation of sanctions. The Principal may require written documentation (such as a doctor's statement) of any evidence the student may wish to present that the student feels may have affected the test results. Failure to present written documentation to support the student's defense of the case may result in the student being subject to the sanctions provided in this policy for a positive test result. Further laboratory analysis shall be conducted with the student participant's remaining urine specimen preserved by the testing laboratory and shall be conducted at the expense of the student participant or his/her parent. A hair follicle test, at the expense of the student participant or his/her parent, may also be used as evidence on behalf of the student, if the student has hair of sufficient length to produce an adequate test result covering the time period of the original specimen collection.

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### **TESTING PROGRAM (CONTINUED)**

Student(s) eighteen (18) years of age or who will turn eighteen (18) years of age during the school year may check the box at the bottom of the “Student/Guardian Consent to Perform Urinalysis for Drug Testing” form they opt to have all test results released to the student’s parent(s) or legal guardian(s). One (1) year after the student turns eighteen (18) years old or one (1) year after the student’s graduation, whichever is later, all records in regard to this policy concerning each student participant shall be destroyed, and at no time shall these results or records be placed in the student participant’s academic file, or be voluntarily turned over to any law-enforcement agency, or used for any purpose other than those stated herein. For students who transfer to the District or otherwise do not fulfill the requirements for graduation, the records of that student shall be destroyed one (1) year after the student turns eighteen (18) years old.

The final determination of the student participant’s eligibility shall be made at the school level by the Principal based on the criteria for eligibility stated in the policy.

### **APPLICABILITY**

This policy applies to all students grades 7-12 who choose to represent Woodford County High School or Woodford County Middle School on athletic teams, competitive and extra-curricular teams and organizations, competitive events, and students who drive a motor vehicle on to campus, which are all voluntary activities. In addition, parents of students who would not otherwise be subject to this policy, may choose to have their child participate.

### **NOTICE TO PARTICIPANT**

Prior to tryouts or participation for any team or organization, or the issuance of a student parking permit each year, the Woodford County High School and Woodford County Middle School Administrators 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 dates of the mandatory informational forums. Each student who chooses to participate or compete with a team 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 and the student’s parent or legal guardian have read this policy and acknowledge and agree to be bound by the terms and conditions contained therein. A copy of notification of procedures will be included in the school handbook and available on the website. A refusal to sign will result in the student’s ineligibility to participate in any covered activity.

### **SUBSTANCES TESTED**

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

- Amphetamines;
- Marijuana (THC);
- Cocaine and its derivatives;
- Opiates;
- Phencyclidine (PCP);
- Benzodiazepine;
- Blockers;
- Methamphetamine;

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### **NOTICE TO PARTICIPANT (CONTINUED)**

- Methadone;
- Barbiturates; and
- Other abused, illegal, or controlled substances as determined by the Superintendent or listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by regulation under [KRS 218A.010](#).

### **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 Urinalysis for Drug Testing* form before the student shall be permitted to try out for 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, 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.

The Superintendent shall devise procedures to implement this 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.

### **SANCTIONS**

#### **First Violation**

1. A student testing positive will be suspended from competing or participating in interscholastic/extracurricular events or athletics for the next 25% of the season. Student drivers will be denied permission to drive and/or park on school property for the next nine (9) 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 team/extracurricular activity and/or the following season. While serving the sanctions associated with a first violation, a student athlete or participant will be permitted to take part in practices with parent approval. Before being eligible to practice and before reinstatement after the first violation, the student participant must receive an assessment or evaluation for chemical dependency by a qualified health service provider, at the expense of the student or his/her parent. Prior to readmission to participation to the athletic team/extracurricular activity or reauthorization to drive, 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.
2. If a student is reinstated to the athletic team/extracurricular activity 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 and was appropriately reinstated to the prior activity.

**Student Drug Testing****SANCTIONS (CONTINUED)**

3. 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 in any other extracurricular activity. A student serving a suspension for any sport may try out for a second sport if the student provides a negative drug test result from the testing laboratory under contract. If the student successfully makes the team or joins an extracurricular group, the student must serve the unexpired portion of the previous suspension prior to participation. 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 procedures utilized for random drug testing. A positive result shall be treated as a second violation.

**Second Violation**

1. For a second violation, the student participant shall be suspended for the next fifty percent (50%) of athletic/interscholastic/extracurricular events. Student drivers with a second violation will be denied permission to drive and/or park on school property for the next eighteen (18) consecutive weeks of school. If necessary, the suspension shall carry over to the student's subsequent participation on another athletic team/extracurricular activity and/or the following season. While serving the sanctions associated with a second violation, a student athlete or participant will be permitted to take part in practices with parent approval. Before being eligible to practice and 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 treatment counselor or other qualified health service provider.

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. 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.
3. 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. A student serving a suspension for one sport/activity may try out for a second sport or join a second activity if the student provides a negative drug test result from the testing laboratory under contract. If the student makes the team, prior to participation, the student must serve the unexpired portion of the previous suspension. 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.

**Student Drug Testing****SANCTIONS (CONTINUED)****Third and Subsequent Violations:**

The student participant or driver shall be excluded from participation in any covered activity for one (1) full calendar year. A student who has tested positive a third or subsequent time must submit to voluntary drug testing upon return to participation and will be tested no fewer than two (2) times in the first full calendar year following their return to participation. The student/parents are encouraged to seek drug counseling. If a student under the age of eighteen (18) has tested positive four (4) or more times within a two (2) year period, a neglected child report may be made if required by the child abuse/neglect reporting statute.

**Voluntary Participant Violations**

Any offense by a voluntary participant shall be reported to his/her parent/legal guardian, but no discipline may occur through this policy or otherwise.

**Refusal to Participate**

Any refusal by a student participant to be tested shall be treated as a violation, and the appropriate sanctions will be assessed. The student's parents or legal guardians shall be notified by the Principal of the refusal and sanction. Violations shall be deemed to accumulate across the student participant's involvement in all teams and/or organizations.

**REFERENCES:**

[OAG 82-633](#); [OAG 93-32](#)

[KRS 158.150](#); [KRS 158.154](#); [KRS 158.155](#)

[KRS 160.290](#); [KRS 161.180](#)

[KRS 218A.020](#); [KRS 217.900](#); [KRS 218A.1447](#)

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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