

Dear Parent/Guardian,

Attached is a copy of Lincoln County's policy/procedures for student drug testing along with the consent form. In order for your son/daughter to participate in extra curricular competitive programs or to have a driving permit for school you and your child should review the policies and return the "Consent to Perform Urinalysis for Drug Testing" form. This will be the only form you need to return to your coaches, club sponsors, etc. This should be signed by you and your son/daughter and returned as soon as possible. Please keep the other form, "Student Drug and Alcohol Testing Procedures" for your records. If you have any questions you can call the School Health office at 365-7287. Thank you for your assistance in this matter.

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, 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;
3. Substances that "look like" a controlled substance or alcoholic beverage. 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 alcoholic beverage.
4. Any prescription or non-prescription medication for the purpose of sale, distribution, or use (unless otherwise permitted by Board policy).

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, and marijuana.

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 health care provider or dentist shall not be considered in violation of this policy, provided that same is otherwise administered in accordance with Board policy.

PENALTY

Violation of this policy shall constitute reason for disciplinary action including suspension, assignment to the Alternative Education Program, or expulsion from school and loss of driving privileges, and suspension or dismissal from athletic teams, extracurricular activities, and/or other school-sponsored activities.

Violations of this policy that involve the sale or trafficking of a controlled substance shall be referred to the Board of Education for the administration of disciplinary action.

Use of Alcohol, Drugs and Other Prohibited Substances**STATEMENT OF PURPOSE**

This policy is intended to support the comprehensive education and prevention programs of the Lincoln County School District in the goal of 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 and incentives to middle school and high school students in grades six through twelve (6-12) who voluntarily choose to participate on athletic teams, in extracurricular competitive activities, and/or to drive to school or park on school property to avoid such use and to strive to benefit from effective rehabilitation when such use has occurred. Any student who volunteers to be included in the random drug testing pool may do so after the student and parent/guardian, if the student is under the age of 18, signs the "Student and Parent/Guardian Consent to Perform Urinalysis for Drug Testing" form.

This program is not punitive in nature. It is designed to create a safe, drug-free environment for students in the Lincoln County School District and to assist them in seeking rehabilitation when needed. The program is also designed to provide students with tools for intervention and treatment and to give students the skills and avenues to refuse drug use. Administrators shall not use any information obtained in the course of administering this policy for disciplinary purposes other than those specifically set forth herein. Further, 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 a student or to limit a student's participation in school activities, other than the limitations imposed by this policy. No administrator shall release any student's test results to any person other than those described within this policy, unless:

1. The release is required by law;
2. The release is required by a specific court order or subpoena; or
3. The tested student and/or parent and/or guardian of the student, if the student is under 18 years of age, have executed a specific written authorization allowing the release of said test result.

In order to accomplish these purposes, this policy establishes a prevention program, and a testing program for procedures to deter the unlawful use of drugs and alcohol and to provide for the loss of driving privileges and suspension and termination of participation on athletic teams and in extracurricular competitive activities when deterrence is unsuccessful. For students whose test results indicate that they have been unlawfully using drugs, this policy provides incentives for rehabilitation and possible reinstatement of driving privileges and membership on the specific athletic team or in the extracurricular activity involved.

Use of Alcohol, Drugs and Other Prohibited Substances**SUBSTANCES TESTED (CONTINUED)**

3. Barbituates
4. Marijuana (THC)
5. Cocaine and its derivatives
6. Opiates
7. Phencyclidine (PCP)
8. Benzodiazepine
9. Propoxyphene
10. Oxycodone
11. Methane
12. Opiates
13. Alcohol
14. Other abused, illegal, or controlled substances as determined by the Committee

CONFIDENTIALITY

The superintendent shall develop a process to reasonably insure the privacy of each student participant during the taking of samples. The superintendent shall also develop a process to reasonably insure the security of samples once they are obtained. The superintendent shall arrange for laboratory services that are accurate and reliable. Appropriate measures shall be taken throughout the testing process and through the handling of all test results to protect the confidentiality of the student participant. Access to drug testing results shall be strictly limited to the student participant, the parent/guardian of the student participant, the designated school nurse, and the Drug Testing Coordinator. The head coach of the athletic team, the faculty sponsor of the extracurricular activity, or assistant principal in charge of parking shall not know the specific results of any drug test; however, that individual shall be notified of a positive result only as it is necessary to implement the sanctions for the student's violation.

SANCTIONS**First Violation**

1. Any student, who violates the drug use policy, shall be suspended for the next 3 consecutive weeks of the athletic season, suspended for the next 3 consecutive events of the extracurricular or athletic activity, whichever is greater, or lose driving privileges for the next 3 consecutive weeks. Students suspended from athletic activities shall follow the same procedures as those suspended for academic reasons. If the violation occurs at the end of a season, the student's suspension shall carry over to the next season of the school year.

As a condition to resuming a covered activity, the student in violation of this policy must receive an assessment for chemical dependency conducted by the designated school nurse.

Use of Alcohol, Drugs and Other Prohibited Substances

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

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).

Improving America's Schools Act of 1994 (IASA), Title IV: Safe and Drug-Free Schools and Communities

RELATED POLICY:

09.2241

Adopted/Amended: 07/12/2012

Order #: 7

Student Drug and Alcohol Testing Procedures

These procedures apply to all students choosing to participate in any extracurricular or athletic activity and to students who drive to school or park on school property. These procedures also apply to all students who volunteer to be included in the random drug/alcohol testing pool.

DRUG TESTING PROCEDURES

1. Once joining an extracurricular team or activity, including athletics, or being authorized to drive or park on school property, the student participant or driver and his/her parent/guardian must read Policy 09.423 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 therein. The student participant or driver and his/her parent/guardian must also sign the "Student and parent/Guardian Consent to Perform Urinalysis for Drug Testing" form before the student will be permitted to participate on any athletic team, join an extracurricular activity, or be authorized to drive or park on school property.
2. Prior to giving a urine specimen, each student participant or driver shall complete both a "Medical History Form" provided by drug testing company (which shall include disclosure of all prescription drugs currently taken) and a "Consent to Test and Chain of Custody Form." The forms shall identify the student participant or driver only by a confidential number and shall be placed in a sealed package, which shall be forwarded to the testing laboratory with the urine specimen.
3. Testing shall be done at the following times: All student participants shall be subject to random testing at any time between the student's selection to or membership in the extracurricular team or activity and the date of the last game of the season for the athletic team or the date of the last extracurricular meeting or activity of the school year. Student drivers shall be subject to random testing at any time of the school year or for however long they choose to drive and park on school property.
4. The collection of urine specimen for the random testing shall be conducted on the school campus.
5. The testing laboratory approved by the Board shall determine which student participants or drivers are to be tested by the random drawing of names from all student participants and drivers.
6. Collection procedures for urine specimen shall be developed, maintained, and administered by the testing laboratory in an effort to minimize any intrusion or embarrassment for each student, to ensure the proper identification of students and the student's specimen, to minimize the likelihood of the adulteration of a urine specimen, and to maintain complete confidentiality of test results. To that end, the procedure will require:
 - a. The presence of a designated school nurse or Drug Testing Coordinator or designated school staff immediately prior to the collection process to ensure proper student identification.

Student Drug and Alcohol Testing Procedures**DRUG TESTING PROCEDURES (CONTINUED)**

11. Any student participant or driver who has tested positive or the student's parent/guardian, if the student is under the age of 18, may contest the test result by informing the Drug Testing Coordinator within seventy-two (72) hours of receipt of notice of the positive test result. The student and parent/guardian shall be entitled to present any evidence they desire to defend the charge of violation of this policy prior to implementation of sanctions. The Drug Testing Coordinator may require written documentation (such as a statement from a health care provider) 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 shall result in the student being subject to the sanctions provided in this policy for a positive test result. Any further laboratory analysis shall be conducted with the student participant's or driver's remaining urine specimen preserved by the testing laboratory. A final decision of the Drug Testing coordinator shall come within five (5) days of receiving notice to contest the test results.
12. The final determination of the student participant's or driver's eligibility shall be made by the Drug Testing Coordinator.
13. If the student chooses to appeal the Drug Testing Coordinator's decision, the student may appeal it to the Superintendent within three (3) days of the Drug Testing Coordinator's decision by filing a written notice of appeal with the Superintendent who will render a final decision within five (5) days of filing of the notice of appeal.
14. One (1) year after the student turns 18 years or older or one (1) year after the student's graduation, whichever is later, all records in regard to this policy concerning each student participant or driver shall be destroyed, and at no time shall these results or records be placed in the student's academic file or be voluntarily turned over to any law enforcement agency, or used for any purpose other than those stated herein.

Review/Revised:7/18/11