

Alcohol, Drugs, and Other Controlled Substances

All coaches of the athletic teams, student organization advisors, the School Board, and the administration of Hart County High School recognize that the unlawful use of alcohol and other drugs seriously impairs the health, safety, education, and future success of students engaged in that use. It is also recognized that, while the unlawful use of alcohol and other drugs is a potential problem for all students, those students engaged in interscholastic athletics, extra-curricular activities, those with permits to drive a motor vehicle onto campus, and those students who represent the district beyond the school in off-campus learning opportunities (off-site vocational education programs, off-site dual-credit programs, and off-site work study/career development programs) are often viewed by fellow students as holding or enjoying positions of privilege and are confronted by unique pressures and health risks that make them particularly vulnerable to the harms presented by that use. Because of the potential privilege derived from athletic participation, extra-curricular participation, on-campus driving privileges, and off-campus learning opportunities, these students also potentially impact or influence the attitudes and actions of the other members of the student body. In order to protect students from these special pressures, health risks and other potential risks, Alcohol and Drug Safety Policy for athletes and students who participate in competitive extra-curricular activities, off-campus learning opportunities, as well as those students that drive a motor vehicle on to campus governing the unlawful use of alcohol and other drugs by student participants in the Hart County School District is mandatory.

No student shall be penalized academically for testing positive for banned substances during random drug testing.

The program consists of three components:

- I. Education and Prevention Plan
- II. Alcohol and Drug Safety Policy for:
 - A. Athletes/Students who participate in competitive and extra-curricular activities that represent Hart County High School
 - B. Students that hold a valid on-campus parking permit
 - C. Students that participate in off-campus learning opportunities (off-site vocational education programs, off-site dual-credit programs, and off-site work study/career development programs)
 - D. Voluntary Participants
- III. Evaluation of Kentucky Incentives for Prevention Survey data and additional voluntary surveys of parents, teachers, and student participants

EDUCATION AND PREVENTION PLAN

- A. Hart County High School shall receive educational resources in alcohol and drug awareness from the local District resources such as the Family Resource and Youth Services Center, school nurse, etc. These resources will be available to all coaches, teachers, and staff. The educational resources will enable coaches, teachers, and staff to maintain an acute awareness of symptoms and indications of drug and alcohol abuse.
- B. Promote a network of parents who will address alcohol and other forms of drug abuse. This partnership between the school and its community will be instrumental in helping to effectively reduce substance and alcohol abuse among our students by providing parents with necessary information regarding alcohol and drug abuse.

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C. All student organizations shall be encouraged to foster a drug- and alcohol-free lifestyle. Voluntary random drug testing and educational seminars will be encouraged.

ALCOHOL AND DRUG SAFETY FOR VOLUNTARY PARTICIPANTS AND ATHLETES

ALL STUDENT ATHLETES, TEAM & 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.

A. Statement of Purpose

This policy is intended to support the comprehensive educational policies and programs of the District in educating students and their parents or legal guardians about the dangers inherent in the unlawful use of alcohol and other drugs. The policy is further intended to provide incentives to Hart County High School students who voluntarily choose to participate in the Hart County High School Athletic and Extra-Curricular Teams and Organizations, students who participate in off-campus learning opportunities, and students that drive to school, to avoid such use and to strive for effective rehabilitation when such use has occurred. 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's activities, other than the limitations imposed by this policy. Without a specific written authorization from the tested student or parent, if the student is under eighteen (18) years of age, no test results of any student shall be released to any person other than is required by law or lawfully issued subpoena or court order.

In order to accomplish its purposes, this policy establishes a program of education and counseling to deter the unlawful use of alcohol and other drugs and provides for suspension and termination of participation in the Hart County High School Athletic, competitive events, or extra-curricular team or organization, off-campus learning opportunities, or revoking of the student's on-campus parking permit, when deterrence is unsuccessful. To determine compliance with the policy, it provides a testing program to identify student participants who are unlawfully using alcohol and other drugs. For these students, the policy provides incentives for rehabilitation through possible reinstatement to the specific athletic team or organization involved, off-campus learning opportunity, or re-issue of the student's parking permit.

Consistent with these purposes, the policy reissuance also seeks to achieve the following objectives:

1. To protect Hart County High School students who participate in athletic or extra-curricular teams or organizations, competitive events, off-campus learning opportunity, and students that drive on campus, from impairing their health, safety, education, and future success through the unlawful use of alcohol and other drugs;
2. To protect Hart County High School students who participate in athletic or extra-curricular teams or organizations, off-campus learning opportunity, and others against whom they compete from potential injury during athletic competition, competitive events, or while driving a motor vehicle, which might result from the unlawful use of drugs;

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3. To protect Hart County High School students who participate in athletic or extra-curricular teams or organizations, competitive events, off-campus learning opportunity, and students that drive a motor vehicle on to campus, from the potential stigma of unsubstantiated allegations of unlawful use of alcohol and other drugs; and
4. To assure students, parents, guardians, teachers, and the community that the health, safety, education, and future success of the student participants are the primary concerns of the District and its teams and organizations, off-campus learning opportunity student participants, and student drivers.

B. Implementation, Review, and Evaluation

All student participants and their parents or legal guardians must attend or complete one of the scheduled mandatory informational forums at which the students and their parents or legal guardians must sign the “Student and Parent/Guardian Consent to Perform Drug Testing” form (09.423 AP. 21) before the student shall be permitted to compete for any team or organization, or being permitted to drive a motor vehicle on to campus, at Hart County High School. Continuation of consent may be completed between May 15 and August 15 each year so parents/guardians are not required to attend an additional forum. A Substance Abuse Prevention Committee shall be appointed annually by the Superintendent. The Committee shall consists of the Hart County High School Principal, the Athletic Director (AD), Head Coach, non-coaching teacher representative recommended by the Principal, a Hart County School System board member, and one (1) parent or legal guardian of a Hart County High School student. The Student Council President and one (1) other student representative (as appointed by the Student Council) shall serve as ex officio, nonvoting members. The committee will review policy annually and make any necessary recommendations to the Board.

The Committee shall establish necessary procedures to implement the policy fairly and efficiently. The Committee shall review and evaluate the effectiveness of the Alcohol and Drug Safety Policy on an annual basis and make recommendations for change as needed to the Board of Education. The evaluation shall include, but shall not be limited to the effectiveness of the comprehensive educational and counseling program, students, and parents; substance testing program; procedural safeguards; and the list of drug substances tested. The Committee shall not have access to any of the test results or involvement in any results. Their purpose is solely limited to procedures and evaluation of the policy.

C. Applicability

This policy applies to all students who choose to represent Hart County High 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 voluntary activities.

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The Board has established a random drug testing program for students engaged in interscholastic athletics, extracurricular activities, those with permits to drive a motor vehicle onto campus, and those students who represent the district beyond the school in off-campus learning opportunities (off-site vocational education programs, off-site dual-credit programs, and off-site work study/career development programs). A plan to implement the drug testing program shall be developed by District personnel in cooperation with the testing laboratory and shall be provided to all schools and kept on file in the Central Office.

As reflected in the drug testing plan, the Superintendent/designee shall establish a process to reasonably ensure student privacy during the taking of samples, security of samples once obtained, and designation of laboratory services that are accurate and reliable.

Appropriate measures shall be taken to protect student confidentiality throughout the testing process and in the handling of test results. Access to drug testing results shall be restricted on a need-to-know basis to those persons in positions designated by the Superintendent.

The testing program plan shall be developed in cooperation with the testing laboratory and shall be kept on file in the Central Office.

The testing laboratory shall determine which student participants are to be tested by the random drawing of names from among these student participants; approximately 50 students will be tested each testing cycle. The collection of samples and the random testing shall be conducted on Hart County 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 section F 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 or embarrassment for each student, and (g) the confidentiality of test results.

All scientific analysis of the collected samples shall be conducted by the professional testing laboratory.

Written confirmation of all final test results shall be forwarded by the testing laboratory to the district level health coordinator who will share with appropriate personnel. In the instance of a positive result, the parent(s) or legal guardian(s) of the student participants tested will be notified by school personnel. The testing laboratory shall not provide test results verbally. All tests are confidential and shall be secured at the Board of Education office.

The test results 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.

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In the event that a student participant's sample produces a positive result, appropriate school personnel shall disclose and discuss the test results 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.

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 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.

E. Substances Screened/Tested

Student participants' samples will be tested for the following classes of drugs:

Amphetamines	Opiates
Barbiturates	Marijuana
Benzodiazepines	Methadone
Cocaine	Methamphetamines
Any other abused, illegal, or banned substances as shall be by banned by the Board.	

Alcohol, Drugs, and Other Controlled Substances**ALCOHOL AND DRUG SAFETY (CONTINUED)**

Positive test shall result in the following sanctions:

F. Sanctions1. **First violation:**

- a. The student participant shall be suspended for the next four (4) consecutive interscholastic events or the next four (4) weeks of the season, whichever is greater. If necessary, the suspension shall carry over to the student's subsequent participation on another team and/or organization to the following season. Participation consists of practicing, dressing-out, traveling with, or receiving recognition associated with the activities in which the student is involved. Before reinstatement to the team or organization, or re-issue of the parking permit after a first violation, the student participant must receive an assessment or evaluation for chemical dependency and provide verification of an assessment by a state licensed mental health professional at the students or parent/guardian's expense. Suspension from off-campus educational opportunities may result in a student schedule change and/or reassignment of on-campus courses as determined by school administration on an individual basis.

Upon parent/legal guardian request a list of eligible state licensed mental health professional providers may be made available. Prior to readmission to the team or organization or re-issue of the parking permit, the student must submit to a new drug test at the student's expense, administered in accordance with the same procedures utilized for random drug testing. The testing laboratory currently under contract must conduct all subsequent drug tests. A positive result shall be treated as a second violation.

- b. If a student is reinstated to the team or organization, or re-issued a parking permit following a first violation, the student's participation in another team or organization 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 team or organization, or re-issued a parking permit. If the student elects not to seek reinstatement to a team or organization, or re-issue of a parking permit after the first violation (either because of the student's own election or the season concluded prior to the expiration of the student's own suspension), the student is still required to serve the unexpired portion of the suspension before the student can be eligible for any other activity. A student serving a suspension for one sport/activity may try out for another sport or activity if the student provides a negative drug test result from the testing laboratory currently under contract at the student's expense. If the student successfully makes the team/organization, prior to participation, the student must serve the unexpired portion of the previous suspension. The student must complete all forms required for participation on another team/organization, 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.

Alcohol, Drugs, and Other Controlled Substances**ALCOHOL AND DRUG SAFETY (CONTINUED)****2. Second violation:**

- a. The student participant shall be suspended for twelve (12) consecutive weeks. If necessary, the suspension shall carry over to the student's subsequent participation on another team or organization, or the issuing of a parking permit and/or to the following season. Before reinstatement to the team/organization after a second violation, the student participant must successfully complete recommendations that resulted from the chemical dependency assessment as evidenced by a written statement (procedure) to that effect issued by a state licensed mental health professional. Prior to readmission to the team or organization, the student must submit to a new drug test at the student's expense, administered in accordance with the same procedure utilized for random drug testing. A positive result shall be treated as a third violation. Suspension from off-campus educational opportunities may result in a student schedule change and/or reassignment of on-campus courses as determined by school administration on an individual basis.
- b. If a student is reinstated to the team or organization, or re-issued a parking permit following a second violation, the student's participation in another team/organization 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 team or organization, or re-issued a parking permit. If the student elects not to seek reinstatement to a team or organization, reinstatement in off-campus learning opportunities, or the re-issue of a parking permit after the 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 required to serve the unexpired portion of the suspension before the student can be eligible for any other team. A student serving a suspension for one team/organization/off-campus learning opportunity or with a revoked parking permit may try out for a second sport if the student provides a negative drug test result from the testing laboratory currently under contract at the student's expense. If the student makes the team, prior to participation, the student must serve the unexpired portion of the previous suspension.

The student must complete all forms required for participation on another team or organization, or those required for a parking permit if seeking on-campus driving privileges, and the student must submit to a new drug test administered in accordance with the same procedures utilized for random drug testing. The test will be at the expense of the student. A positive result shall be treated as a third violation.

3. Third and additional violations:

The student participant shall be suspended for a period of one (1) calendar year from the date of the most recent test that yielded positive results. 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 state licensed mental health professional. After completing the one (1) calendar year period of suspension, students will be retested before beginning the next season for which s/he is eligible.

4. 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.

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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 the student participant's involvement in all teams and/or organizations.

APPROPRIATE MEASURES SHALL BE TAKEN TO PROTECT STUDENT CONFIDENTIALITY THROUGHOUT THE TESTING PROCESS AND IN THE HANDLING OF TEST RESULTS.

G. Notice to Participants

Prior to competing for any team or organization, or the issue of a student parking permit each year, a written copy of this policy shall be provided to all students choosing to participate with teams or with student organizations, and student drivers and their parent or legal guardian. 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.

Amendment of Policy

While the School Board is autonomous and may amend this policy at any time, it is encouraged to submit concerns and recommendations to the Substance Abuse Prevention Committee, so an effort can be made to adopt amendments in order to have an effective policy. The Board is encouraged to adopt amendments recommended by this committee.

EVALUATION OF KENTUCKY INCENTIVES FOR PREVENTION SURVEY DATA AND ADDITIONAL VOLUNTARY SURVEYS OF PARENTS, TEACHERS, AND STUDENT PARTICIPANTS

Survey data will be collected by school personnel. Survey information is anonymous. Results are to be used for the sole purpose of determining program success as related to student, parent, and teacher attitudes toward drug use and the testing program. Surveys conducted for the evaluation of the program are voluntary. Students will not be penalized for not participating in the surveys.

REFERENCES:

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

[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](#)

Clark County Board of Education v. Jones, KY. App., 625 S.W. 586 (1981)

Board of Ed. of Tecumseh Public School District, Independent School Dist. No. 92 of Pottawatomie Cty. v. Earls, ___ U.S. ___, 242 F3d 1264 (2002)

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