Drug Testing of Students

TESTING PROTOCOLS

1. Prior to trying out for or joining an extracurricular team or activity not required by a class, including athletics, or prior to being authorized to drive or park on school property, the student participant or driver and his/her parent/guardian shall read Policy 09.423 and related Procedures and shall acknowledge, in writing, that they have read and understand the policy and procedures, and agree to be bound by the terms and conditions contained in the policy and procedures. The student participant or student driver and his/her parent/guardian shall also sign the "Student and Parent/Guardian Consent to Perform Urinalysis for Drug Testing" form before the student will be permitted to try out for any athletic team, join an extracurricular activity, or be authorized to drive/park on school property.
2. Prior to being tested, each student participant or driver shall complete a "Chain of Custody Form" and a "Consent to Test Form". The forms shall identify the student participant or driver only by a confidential number and shall be in a sealed package, which shall be forwarded to the testing laboratory with the urine specimen.
3. Student participants' urine specimens may be tested for the following, which may include, but may not be limited to the following:
    a. Alcohol
    b. Amphetamines (including Meth);
    c. Marijuana (including Synthetic Marijuana);
    d. Cocaine and its derivatives;
    e. Opiates (including Synthetic Opiates);
    f. Phencyclidine (PCP);
    g. Benzodiazepine;
    h. Propoxyphene;
    i. Methadone;
    j. Performance enhancing substances; or
    k. Other illegal or controlled substances.
4. All student participants and drivers shall be subject to random testing at any time during the school year or for however long they choose to participate in extracurricular activities and/or drive and park on school property. If a student is an acknowledged member of a team or extracurricular activity from the prior school year, they will remain a member of the current year unless written notification of nonmember status is submitted and signed by the student and parent.
5. No fewer than 30 students will be randomly chosen to be drug tested each month during the school year. The Boyle County Board of Education shall be responsible for the cost of random drug testing related to implementation of this procedure.

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TESTING PROTOCOLS (CONTINUED)

6. The collection of urine specimens and the scientific analysis of the collected specimens shall be conducted on the school campus by a professional testing company selected by the Board.
7. The testing laboratory approved by the Board shall determine which student participants or student drivers are to be tested by the random drawing of numbers from all student participants and drivers in the testing pool.
8. Collection procedures for urine specimens shall be developed, maintained, and administered by the testing company in an effort to minimize any intrusion or embarrassment for each student, ensure the proper identification of students' specimens, minimize the likelihood of the adulteration of a urine specimen, and maintain confidentiality of results. To that end, the procedure will require:
    a. The presence of a Principal/Assistant Principal immediately prior to the collection process to ensure proper student identification and supervision prior to specimen collection;
    b. The presence of one (1) or more representatives of the testing laboratory when the specimen is taken;
    c. The testing laboratory shall provide each student present for the collection process a receptacle for the collection of urine. The student shall be permitted privacy during the collection process;
    d. Immediately prior to entering the private bathroom facility utilized for the collection process, the student shall be required to leave all personal belongings (including jackets, purses, book bags, pocket contents, etc.) in the custody of the school representative present for student identification; and
    e. Prior to entering the private bathroom facility utilized for the collection process, the testing laboratory shall treat water in the private bathroom facility with coloring substance (frequently referred to by the testing laboratories as "bluing the water") to prevent a student from attempting to dilute or otherwise adulterate the urine specimen.
9. Each specimen shall initially be tested using a highly accurate immunoassay technique "EMIT"). Initial positive results must be confirmed by gas chromatography/mass spectrometry ("GC/MS"). If the initial presumptive 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 be reported as positive.
10. A split sample of each urine specimen given by each student shall be preserved by the testing laboratory for a minimum of six (6) months.

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TESTING PROTOCOLS (CONTINUED)

11. In the case of a student participant or student driver testing positive, the following actions shall take place:
    a. The drug testing laboratory's Medical Review Officer (MRO) will contact the student's parent/guardian if under the age of eighteen (18) or will contact the student if eighteen (18) years of age or above, for an interview verifying the student's medical history;
    b. The MRO will contact the student's doctor and/or pharmacist to verify any medications prescribed;
    c. Failure by the student and parent/guardian to produce the verifying information will result in a positive test result; and
    d. After reviewing the information, the MRO will determine if any of the prescribed medications caused the positive test result and will certify the drug test results as positive or negative. If the result is deemed negative after the medical history is taken into consideration, the MRO will notify the parent/student.
12. Written confirmation of all test results shall be forwarded by the testing company to the Designated School Representative (DSR), who shall provide the results (negative or positive) to the Principal/Designee and Head Coach or Organization Advisor. All test results are confidential and shall be maintained by the Designated School Representative (DSR) under the strictest security.
13. The test results forwarded to the Designated School Representative (DSR) shall indicate that positive results were confirmed by the GC/MS technique 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 persons or entities performing the collection and analysis of the specimens and reporting test results, the verified results of the controlled substances test, and, if positive, the identity of the controlled substance(s) for which the test verified positive. Test results shall be forwarded to the Designated School Representative (DSR) in a manner to ensure that the DSR cannot determine that any test was a presumptive, positive test unable to be confirmed by GC/MS.
14. In the event that a student participant's or driver's urine specimen produces a positive result, the Principal and sponsor shall meet with the student participant or driver and the student's parent/guardian, if the student is under the age of eighteen (18), to disclose and discuss the test results. At this meeting the student shall be advised of his/her procedural rights.

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TESTING PROTOCOLS (CONTINUED)

15. Any student 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 written 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 of 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 procedure for a positive test result. Upon request by the student's parents or legal guardians, further laboratory analysis shall be conducted with the student's remaining urine specimen preserved by the testing laboratory at the student's expense.
16. The final determination of the student's eligibility shall be made at the school level by the Principal.
17. Any refusal by a student to be tested shall be treated as a violation, and the appropriate sanctions will be assessed. (See Sanctions.) The student's parents or legal guardians shall be notified by the Principal of the refusal and sanction.
18. 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 procedure concerning each student 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. For students who transfer out of 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.

SANCTIONS

First (1st) Offense Positive Drug Test

1. Notify the parent or guardian;
2. Mandatory drug testing for each round of random tests for one calendar year at the school district's expense;
3. Mandatory drug-awareness counseling for the student and his/her parent or guardian, either internally (by a Boyle County Schools mental health professional) or externally provided. If externally provided, out-of-school counseling shall be at parent or guardian's expense by an appropriately credentialed mental health provider. Students shall complete a minimum of six sessions within a four-month period. At least three sessions shall be attended by student and parent or guardian. Upon completion of the required counseling sessions, written validation of completion signed by the mental health professional shall be given to the principal.
4. The student is permitted to continue participation in extracurricular activities and/or driving to and/or parking on school property during this time;

Drug Testing of Students

SANCTIONS (CONTINUED)

5. Failure to comply with mandatory monthly drug testing or the terms of mandatory counseling will result in immediate ineligibility to participate in extracurricular activities or driving to and/or parking on school property during this time;
6. Another positive drug test result by the student, as determined by the drug testing facility, will be considered a second violation; and
7. If the student chooses not to comply with the First (1st) Offense requirements and, at a later date, decides to seek reinstatement into a team/organization or to regain driving to and/or parking privileges on school property, the student will be required to fulfill all First (1st) Offense obligations upon reinstatement.

Second (2nd) Offense Positive Drug Test

1. Notify the parent or guardian;
2. Mandatory drug testing for each round of random tests for one calendar year from the date of the second offense at the school district's expense;
3. For extracurricular activities, athletics, and driving privileges, students who have a second positive drug test shall be prohibited from participation in twenty percent (20%) of all current activities in which the student is a participant. The effective date shall be the date of the notice of the positive test result or the date of the resolution of a contested positive test result, whichever is later.
    - For extracurricular activities, the twenty percent (20%) shall be determined by the annual regular schedule of events for each relevant extracurricular activity of which the student is a member.
    - For athletics, the student shall be prohibited from participation in twenty percent (20%) of the KHSAA maximum varsity schedule allowed.
    - For driving, student drivers shall be prohibited from driving to/from and parking on school property for twenty percent (20%) of the school year. The twenty percent (20%) shall be based on the total number of school days for student in the district calendar for the current school year.
4. If the positive test occurs during the off-season of a student's extracurricular participation, the student shall be prohibited from participation in twenty percent (20%) of their school-represented event(s) at the onset of the season of the next sport or extracurricular activity in which the student participates, using the same process to determine the twenty percent (20%) of events and start date as described in number three (3) of the Second (2nd) Offense.
5. 5. The prohibited participation shall carry over to the student's subsequent participation on another team and/or organization in order to complete the required percent of prohibition from extracurricular activities should an activity or sport end before the twenty percent (20%) is fulfilled.

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SANCTIONS (CONTINUED)

~~6.~~ 6. If the school year ends before the twenty percent (20%) prohibition period is completed for an extracurricular activity, sport, or driving, the remainder of the prohibition period shall be completed during the next school year.

~~7.~~ A comprehensive counseling plan shall be created by school administration to best meet the needs of the student and parent/guardian. At a minimum, six (6) drug-awareness counseling sessions over a four-month period, with parent/guardians attending a minimum of three (3) sessions, shall be required. If the student is still under treatment for the First (1st) offense, these sessions will be added to the six (6) required counseling sessions for the First (1st) offense, with an extension of four (4) additional months for completion;

~~8.~~ If the student chooses not to comply with the Second (2nd) Offense requirements and, at a later date decides to seek reinstatement into a team/organization or to regain driving to and/or parking privileges on school property, the student will be required to fulfill all Second (2nd) Offense obligations upon reinstatement; and

9. 9. Another positive drug test result by the student, as determined by the drug testing facility, will be considered a third violation.

Third (3rd) Offense Positive Drug Test - Loss of driving privilege for one calendar year. Exclusion from any extracurricular activities for one calendar year.

1. Notify the parent or guardian;
2. The student participant or driver shall be prohibited from participation in any extracurricular activity and from driving to and/or parking on school property for one calendar year from the date of the third failed test;
3. School administration shall meet with the parent/guardians and student to address ways to support the student's wellbeing as a result of the student having tested positive for drug use on three occasions;
4. At the end of the year of prohibition from participation, the student may return to participation in extracurricular activities and have driving privileges reinstated once the student passes a drug test at the District's expense, receives an assessment by a substance abuse mental health professional, and completes any resulting individual recommendations for treatment at the parent or guardian's expense;
5. Upon reinstatement to participation, the student shall resume mandatory drug testing for each round of random tests for one calendar year at the school district's expense;
6. Upon reinstatement to participation, the student shall follow any individual recommendations by the substance abuse professional at the parent or guardian's expense; and
7. Upon reinstatement following a third positive drug test, another positive drug test result by the student, as determined by the drug testing facility, will be considered a fourth violation.

Drug Testing of Students

SANCTIONS (CONTINUED)

Fourth (4th) Offense Positive Drug Test

1. Notify the parent or guardian;
2. The student shall be excluded from obtaining a parking permit and from participation in any extracurricular activity for the remainder of the student's enrollment in the District; and
3. School administration shall meet with the parent/guardians and student to address ways to support the student's wellbeing as a result of the student having tested positive for drug use on four occasions.

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

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