

Use of Alcohol, Drugs and Other Prohibited Substances

DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES

No pupil shall receive, purchase, possess, attempt to possess, use, be under the influence of, sell, or 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. Narcotics, drugs, controlled drug substances, prohibited drugs and substances and drug paraphernalia;
3. Substances that "look like" narcotics, drugs or controlled substances or substances that attempt to mask or hide the presence of narcotics, drugs or controlled substances. In instances involving look-alike substances, there must be evidence of the student's intent to pass off the item as a controlled substance;
4. Mood altering substances (such as inhalants).

In addition, students shall not possess prescription drugs for the purpose of sale or distribution.

DRUGS DEFINED

Controlled substance means any substance or immediate precursor listed as a drug, narcotic or controlled substance 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 health professional shall not be considered in violation of this policy provided the drug is presented to the school office in its original container for dispensing.

PENALTY

Violation of this policy shall constitute reason for disciplinary action including suspension, long-term alternative school placement, expulsion from school, revocations of driving privileges on school premises, and suspension or dismissal from athletic teams and/or other school-sponsored activities. Students suspended, sent for alternative school placement, or expelled may not be on any school property (without written permission from the Superintendent/designee) other than The Renaissance Center for any reason (including but not limited to school buses, sport activities, concerts, prom, graduation, and any other school-sponsored event) until their discipline term has expired.

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

DRUG TESTING PROGRAM

Students participating in extracurricular activities at the high school and students who wish to drive to and from school shall participate in the District's student random drug-testing program. Students who do not exercise the privilege of participating in extracurricular activities or driving and/or parking on campus may participate in the random drug and alcohol testing program on a voluntary basis.

Extracurricular activities include participation in school clubs or organizations not required by a class and athletic teams, including but not limited to baseball, basketball, cheerleading, cross-country, dance, football, softball, tennis, track, volleyball, swimming and golf.

While not required, other students may voluntarily participate in the District's random drug-testing program upon receipt of parental consent and completion of all appropriate forms.

Testing shall be accomplished by the analysis of urine specimens obtained from the student. 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.

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;

Use of Alcohol, Drugs and Other Prohibited Substances**PREVENTION PROGRAM (CONTINUED)**

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.

NOTICE TO PARTICIPANTS

A written copy of this drug and alcohol testing policy and corresponding procedures is contained in the District Code of Conduct book provided to every student upon the start of school or enrollment of the student. Parents and students shall be required to sign a statement indicating that they have read and understand and fully agree to be bound by the terms, conditions, and procedures under this policy.

A written copy of this policy and corresponding procedures can also be obtained from the District Web page. Please follow these steps (Internet Explorer is recommended for viewing the District web page):

Go to: www.muhlenberg.kyschools.us

Click on the left hand side the button under “Resources”

Click on the link “Student Random Drug Testing”

REFERENCES:

[KRS 156.070](#); [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

Adopted/Amended: 7/9/2012
Order #: .637

Student Drug Testing Procedures

TESTING PROTOCOLS

1. The High School principal will provide training as necessary to staff members regarding the District's student random drug testing program.
2. Each extracurricular activity sponsor shall establish a roster of student participants and submit the roster to the Designated School Representative (DSR). Changes in the roster should be reported immediately to the Designated School Representative (DSR).
3. Students and parents or legal guardians will have the opportunity to participate in a District informational meeting concerning the District's random drug testing policy. Prior to driving to or from school or participating in an athletic team or club not required by a class, students and parents or legal guardians are expected to read Board Policy 09.423, and Procedures 09.423 AP.1 and 09.423 AP.21 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 in the policy and procedures. Immediately prior to giving a urine specimen, each student shall complete all forms required by the testing company selected by the District.
4. Testing may occur for the following:

DRUG CLASS	SCREEN CUTOFF	GC/MS CUTOFF
Buprenorphine	5NG/ML	5NG/ML
Norbuprenorphine (Metabolite)	5NG/ML	5NG/ML
Amphetamine	300NG/ML	500NG/ML
Methamphetamine	300NG/ML	500NG/ML
MDMA/MDA/Ecstasy	1000NG/ML	500NG/ML
Barbiturates	300NG/ML	300NG/ML
Benzodiazepines	300NG/ML	300NG/ML
Cocaine Metabolite	300NG/ML	150NG/ML
Opiates (Codeine/Morphine/Hydrocodone/Hydromorphone)	300NG/ML	300NG/ML
Oxycodone	100NG/ML	100NG/ML
Phencyclidine (PCP)	25NG/ML	25NG/ML
Marijuana Metabolite	50NG/ML	15NG/ML
Methadone	300NG/ML	300NG/ML
Methaqualone	300NG/ML	300NG/ML
Propoxyphene	300NG/ML	300NG/ML
Alcohol	0.02	0.02

5. The Board may use breath tests to detect the presence of alcohol, drugs, or metabolites of those substances.
6. Not more than twenty percent (20%) annually of all students anticipated to be subject to random drug testing during the entire school year will be tested.
7. The testing company approved by the Board shall determine which students are to be tested by the random selection of names from among all student participants during the entire school year.
8. The collection of urine specimens and the scientific analysis of the collected specimens shall be conducted by a professional testing company selected by the Board.
9. 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 test results.

Student Random Drug Testing Procedures

10. The collection of urine specimens shall be conducted on school premises. If a test result is found to have been adulterated, the student may be required to be retested.
11. 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 result be reported as positive.
12. 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.
13. A split sample of each urine specimen given by each student shall be preserved by the testing laboratory for a minimum of twelve (12) months.
14. 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.
15. 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 Designated School Representative (DSR) cannot determine that any test was a presumptive, positive test unable to be confirmed by GC/MS.
16. In the event that a student's urine specimen produces a positive result (after the GC/MS confirmation), the Principal/Designee, the Organization Advisor and/or Head Coach shall meet with the student and the student's parent(s) or legal guardian(s) to disclose and discuss the test results. At this meeting, the Principal/Designee or Head Coach or Organizational Advisor shall advise the student and the student's parent(s) or legal guardian(s) of further procedural rights under this policy.
17. 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.
18. The final determination of the student's eligibility shall be made at the school level by the Principal.

Student Random Drug Testing Procedures

19. 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.
20. Violations shall be deemed to accumulate throughout the student's involvement in all extracurricular activities and driving privileges.
21. Any violation by a student shall be reported to the student's parents or legal guardians,
22. 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 violation:**

1. The student shall be suspended for the next four (4) consecutive weeks from driving to or from school and/or from extracurricular activities. 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 with or for the activity(s) in which the student is involved before reinstatement to the team or organization, or re-issue of the parking permit after a first violation. 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 company currently under contract with the Board must conduct all subsequent drug tests. A positive result shall be treated as a second violation.
2. 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 the 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 and must provide a negative drug test result from the testing company currently under contract with the Board at the student's expense. A student serving a suspension for one activity may try out for a second activity if the student provides a negative drug test result from the testing company currently under contract with the Board 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. A positive result shall be treated as a second violation.

Student Random Drug Testing Procedures**Second violation:**

1. The student shall be suspended for the next twelve (12) consecutive weeks from driving to or from school and/or extracurricular activities with no association with teams or organizations. 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. 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 procedure utilized for random drug testing. A positive result shall be treated as a third violation.
2. 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, or the re-issue of the 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 still required to serve the unexpired portion of the suspension before the student can be eligible for any other activity and must provide a negative drug test result from the testing company currently under contract with the Board at the student's expense. A student serving a suspension for one team or organization or with a revoked parking permit may try out for a second activity if the student provides a negative drug test result from the testing company currently under contract with the Board 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. A positive result shall be treated as a third violation.

Third violation:

The student shall be suspended from covered activities for a period of one (1) calendar year from the date of the most recent test that yielded positive results. Also, the student must submit to regular drug testing administered in accordance with the same procedures utilized for random drug testing at the student's expense. A positive test will be treated as a fourth violation.

Fourth violation:

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.

CONFIDENTIALITY

Appropriate measures shall be taken to protect student confidentiality throughout the testing process and in the handling of test results.

Review/Revised:6/20/2019

Random Drug & Alcohol Testing Program
MUHLENBERG COUNTY SCHOOL DISTRICT CONSENT TO TEST FORM

STUDENT NAME: _____

The student and his/her parent(s)/guardian acknowledge that the Muhlenberg County School District ("District") has the right to perform random drug and alcohol testing on students who wish to exercise the privilege of participating in extracurricular activities or who wish to exercise the privilege of driving to and from school.

The student and his/her parent(s)/guardian understand that as a condition of the student being allowed to participate in extracurricular activities in the District and/or as a condition of the student being allowed to drive to and from school, the student may be required to undergo and successfully pass a random screening for alcohol, illegal drugs or other banned substances, as set forth in the District's Use of Alcohol, Drugs, and Controlled Substances Policy and Student Random Drug Testing Procedures (09.423 and 09.423 AP.1). The student and his/her parent(s)/guardian acknowledge that they have read and understand this policy and procedure and that they agree to all terms and conditions contained in the policy and procedure.

The student and his/her parent(s)/guardian hereby consent to participate in the random drug and alcohol testing program and to the disclosure of testing results to designated District personnel and parent(s) and guardians. The student and his/her parent(s)/guardian further understand that the student's refusal to submit to a drug screening will be treated in the same manner as if the student had tested positive for banned substances.

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

The privilege of being allowed to participate in extracurricular activities in the Muhlenberg County School District and/or being allowed to drive to and from school is contingent on the signing of this consent form.

This consent form shall remain in effect for a period of twelve (12) months from the date it is executed. Any revocation of this consent form shall disqualify the student from participating in extracurricular activities or driving to and from school for a period of twelve (12) months.

I plan to participate in one or more of the following:

- ☐ Athletic Program – List Sports _____
- ☐ Extracurricular Activity – List activities and clubs _____
- _____
- ☐ On-Campus Parking

Student Name (print)	Current Grade	Pupil ID# (leave blank)
Student Signature		Date
Parent/Guardian Name (print)		Work Phone
Parent/Guardian Signature		Date
Home Phone		Cell Phone

Random Drug & Alcohol Testing Program
MUHLENBERG COUNTY SCHOOL DISTRICT

VOLUNTARY PARTICIPATION CONSENT TO TEST FORM

STUDENT NAME: _____

The student does not presently exercise the privilege of participating in extracurricular activities or driving to and from school. However, the student and his/her parent(s)/guardian desire for the student to participate in the random drug and alcohol testing program of the Muhlenberg County School District ("District"). The student and his/her parent(s)/guardian acknowledge that they have read and understand the District's Use of Alcohol, Drugs, and Other Controlled Substances Policy and Student Random Drug Testing Procedures.

The student and his/her parent(s)/guardian hereby voluntarily consent to participate in the random drug and alcohol testing program and to the disclosure of testing results to designated District personnel and parent(s)/guardian.

The student and his/her parent(s)/guardian understand that since the student is voluntarily participating in random drug testing, the student shall not be penalized academically or in any other manner for testing positive for banned substances.

This consent form shall remain in effect for a period for twelve (12) months from the date it is executed. Any revocation of this consent form must be in writing.

Student Name (print)

Current Grade

Pupil ID# (leave blank)

Student Signature

Date

Parent/Guardian Name (print)

Work Phone

Parent/Guardian Signature

Date

Home Phone

Cell Phone
Review/Revised:4/27/09