

DRUG, ALCOHOL, TOBACCO AND OTHER CONTROLLED SUBSTANCES POLICY

Prohibition

Students attending Marion-Florence USD 408 schools shall not manufacture, distribute, dispense, possess, use or be under the influence of illicit drugs, controlled substances, alcoholic beverages or tobacco while on district property or at any school activity.

Sanctions

Section I – The manufacture, distribution, sales or dispensing of illicit drugs, controlled substances, or alcoholic beverages will not be tolerated on district property or at school activities wherever held. Any student found in violation of this section of the policy shall be processed by the Marion County Juvenile Justice Intake Officer if under 18 years of age. Students in violation of this policy shall be subject to the following sanctions:

1. The student will be suspended from school for up to ten school days pending the scheduling of a formal hearing. Class time missed due to this suspension may not be made up. Credit lost due to suspension will not be retrievable. Students under such suspension shall not be eligible to participate in or attend any school-sponsored activity for the length of the suspension. Parents will be notified and asked to come to school to pick up their child.
2. The student will be subject to extended-term suspension (11-90 days) or expulsion (91-186 days) in accordance with existing law.
3. Class time missed due to extended-term suspension or expulsion may not be made up. Credit lost due to suspension or expulsion will not be retrievable.
4. A student subjected to extended-term suspension or expulsion shall not be eligible to participate in or attend any school-sponsored activity for the length of the suspension or expulsion.
5. Students who are found to be in violation of this section of the policy shall be reported to the appropriate law enforcement authorities. In accordance with current law, the Kansas Department of Motor Vehicles shall be notified of all suspensions and expulsions under this policy. The student's driver's license will thus be subject to revocation.

Section II – Possession, use and/or being under the influence of illicit drugs, controlled substances, alcoholic beverages or tobacco will not be tolerated on district property or at school activities wherever held. Any student found in violation of this section of the policy shall be processed by the Marion County Juvenile Justice Intake Officer if under 18 years of age. Students in violation of this policy shall be subject to the following sanctions:

First Violation

1. The student will be suspended from school for up to ten school days, and will not be eligible to participate in or attend any school-sponsored activity for the duration of the suspension. The student's parents will be notified and asked to come to school to pick up their child.
2. Class time missed due to suspension may not be made up. Credit lost due to suspension will not be retrievable.
3. The student will be required to complete an educational seminar on the effects of illicit/controlled substances as designated by the school. This seminar will be completed at the student's expense and within a time frame outlined by the principal.
4. First violators of this section of the policy who do not complete the sanctions in a timely manner as determined by the principal shall be deemed to be in second violation of the policy.

5. Students who are found to be in violation of this section of the policy shall be reported to the appropriate law enforcement authorities. In accordance with current law, the Kansas Department of Motor Vehicles shall be notified of all suspensions and expulsions under this policy. The student's driver's license will thus be subject to revocation.

Second and Subsequent Violation

1. The student will be suspended from school for up to ten school days pending the scheduling of a formal hearing. Class time missed due to this suspension may not be made up. Credit lost due to suspension will not be retrievable. Students under such suspension shall not be eligible to participate in or attend any school-sponsored activity for the length of the suspension. Parents will be notified and asked to come to school to pick up their child.
2. The student will be subject to extended-term suspension (11-90 days) or expulsion (91-186 days) in accordance with existing law.
3. Class time missed due to extended-term suspension or expulsion may not be made up. Credit lost due to suspension or expulsion will not be retrievable.
4. A student subjected to extended-term suspension or expulsion shall not be eligible to participate in or attend any school sponsored activity for the length of the suspension or expulsion.
5. Students who are found to be in violation of this section of the policy shall be reported to the appropriate law enforcement authorities. In accordance with current law, the Kansas Department of Motor Vehicles shall be notified of all suspensions and expulsions under this policy. The student's driver's license will thus be subject to revocation.

Sanctions imposed under this policy will be cumulative in grades Kindergarten through six and again in grades seven through twelve.

Marion-Florence USD 408 STUDENT ILLEGAL SUBSTANCE POLICY FOR EXTRA-CURRICULAR ACTIVITIES (Revised 01/21/03)

In an effort to protect the health and safety of students, the Board of Education of Marion-Florence Unified School District 408 hereby adopts the **Student Illegal Substance Policy for Extra-curricular Activities**. While the policy is directed at students who choose to participate in extra-curricular activities, it is meant to provide a more drug free and therefore safer atmosphere for all students. To that end parents/guardians of students not participating in extra-curricular activities may voluntarily place the names of their children in the random testing pool.

I Statement of Purpose

The primary goal of this policy is to promote the physical, mental and spiritual well being of all students by discouraging the use of illegal substances or the abuse of legal substances. The policy is adopted for use by all participating students in grades seven through twelve. The program of deterrence outlined by this policy will be instituted as a proactive approach to developing a truly drug free school. The program is not intended to be punitive; however, there will be natural and logical consequences for inappropriate choices.

Through this policy and subsequent educational opportunities, the hope is that students learn to make responsible choices in their lives. The choice to participate in school extra-curricular activities, while positive, must be viewed as a privilege. Students who participate in extracurricular activities are respected and admired by a large segment of the student body and the community in general. Because of this respect, students participating in extra-curricular activities must assume leadership responsibilities and refrain from the use of illegal substances.

The Marion-Florence USD 408 Board of Education recognizes that all students have certain personal rights of privacy guaranteed by the Constitution of the United States of America and by the Constitution of the state of Kansas. This policy will in no way infringe on those rights. Rather, the

purpose of this policy will be to eliminate substance abuse from the school environment, thereby creating an improved learning climate for all students.

II Definitions – For purposes of this policy the following definitions shall apply:

- A. Extra-curricular Activities** are those school sponsored activities that normally take place outside the regular academic school day and include but are not limited to those activities sponsored by the Kansas State High School Activities Association (KSHSAA). Examples of such activities are: all athletic teams, cheerleaders, dance teams, National Honor Society, Future Farmers of America, Student Council, Student Leadership Teams and school-sponsored dances. Those extra-curricular activities which have an academic component for which grades are given (band, choir, MHS singers, forensics, debate, FCCLA, etc.) shall fall under the purview of this policy only as participation (competition) is governed by the KSHSAA.
- B. Reasonable Suspicion** means the suspicion of use of tobacco, alcohol or other drugs by a student based on personal observation of the appearance, speech, smell or other behavior. In the context of performance-enhancing drugs, **reasonable suspicion** includes unusual increases or decreases in size, strength, weight or athletic ability. **Reasonable suspicion** may be triggered by information from reliable sources such as law enforcement.
- C. Illegal Substance** means tobacco, alcohol and any drug deemed illegal to sell, possess, use, distribute or purchase by either federal or Kansas law. The term **illegal substance** shall also include but not be limited to all scheduled drugs as defined by Kansas law, all prescription drugs obtained without proper authorization and all prescription or over-the-counter drugs being used for an abusive purpose.
- D. Performance-enhancing Drugs** include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other athletic ability.
- E. The Random Testing Pool** shall be composed of all high school and middle school students who choose to participate in extra-curricular activities and those students whose parents/guardian voluntarily place their child's name in the pool. Names placed in the pool either due to participation in extra-curricular activities or by voluntary placement shall remain in the pool. Students entering middle school will remain in the testing pool for seventh and eighth grade. Students entering high school will remain in the testing pool for ninth through twelfth grade.
- F. The Testing Pool** for school dances shall be composed of all persons choosing to attend the dance. The principal of the school sponsoring the dance shall test students and guests with a breathalyzer.
- G. Voluntary Placement** means that the custodial parent or guardian may voluntarily place their child's name in the Random Testing Pool.
- H. A Drug Use Test** is any scientifically substantiated method to test for the presence of illegal substances, performance-enhancing drugs or the metabolites thereof in a person's urine, hair sample or breath.
- I. Positive** when referring to a drug test administered under this policy means a toxicological test result which is considered to demonstrate the presence of an illegal substance or a performance-enhancing drug or the metabolites thereof using the standards customarily established by those administering drug use tests.
- J. A Medical Review Officer (MRO)** is a licensed physician, who is trained and certified in the process and interpretation of drug testing results.
- K. A Third Party Administrator (TPA)** shall be a company selected by USD 408 to administer the Student Drug Testing Program .

- L. Eligible Student** is any student participating in an extra-curricular activity or any student whose name has been voluntarily placed in the random testing pool.

III Prohibited Acts

Students participating in extra-curricular activities in Marion-Florence USD 408 schools shall not manufacture, distribute, dispense, possess, use or be under the influence of illicit drugs, controlled substances, alcoholic beverages, performance-enhancing drugs or tobacco at any time or in any place.

IV Procedure

A. Education

The sponsor/head coach of each extra-curricular activity covered by this policy shall require the attendance of all prospective participants at one or more substance abuse education sessions prior to the first practice or event in each covered activity. The sponsor/head coach of each extra-curricular activity shall be responsible for the development of educational sessions which illustrate the harmful consequences of drug use and abuse. Parents and guardians of participants in extra-curricular activities shall be invited and encouraged to attend these educational sessions.

B. Notification of Policy

Each student participant in an extra-curricular activity shall receive a copy of this policy. The sponsor/head coach of each activity shall be responsible for explaining the policy to all prospective participants. Parents/guardians of students whose names are voluntarily placed in the Random Testing Pool may obtain copies of this policy from the offices of Marion High School or Marion Middle School.

C. Signed Consent

Each student participant shall be provided a copy of the **USD 408 Student Random Drug Testing Consent Form**. The form will indicate that both participants and parents/guardians have read and fully understand the **Marion-Florence USD 408 Student Illegal Substance Policy for Extra-curricular Activities**. The form will authorize the random testing of urine specimens, hair samples or breath samples for the purpose of detecting illegal substances and performance-enhancing drugs. The form will be signed and dated by both participants and custodial parents/guardians. No student will participate in any extra-curricular event until the signed consent form is on file in the appropriate school office.

D. Random Testing (Other than for school dances)

Two random testing pools will be established, one for grades seven and eight and one for grades nine through twelve. Both pools will be maintained by the Third Party Administrator (TPA) contracted by USD 408. A list of eligible students shall be supplied by USD 408 to the TPA. The percentage of eligible students to be randomly tested during the school year shall be agreed upon by USD 408 and the Third Party Administrator. All random selections will be made by the TPA.

1. Students will be required to provide urine specimens, hair samples or breath samples as follows:
 - a. The Third Party Administrator shall determine the number of eligible students to be tested each week.
 - b. In addition, students whose names are in the random testing pool may be tested at any time based on reasonable suspicion.
2. Any drug use test required by Marion-Florence USD 408 under the terms of this policy will be administered by or at the direction of the TPA chosen by USD 408 using scientifically validated toxicological methods. For the most part tests will be performed on urine samples obtained as described below. However, random tests will be

performed on hair samples or breath samples, the number of which will be determined by a percentage agreed upon by the laboratory and the school district. The TPA shall be required to have detailed written specifications to assure chain of custody of the specimens, proper laboratory control and scientific testing.

3. All aspects of the drug use testing program, including the taking of specimen, will be conducted so as to safeguard the personal and privacy rights of students. The decision as to whether the test specimen will be urine, a hair sample or a breath sample will be the responsibility of the TPA in accordance with the parameters agreed upon by the TPA and the school district. If urine is to be tested, the test specimen shall be obtained in a manner designed to minimize intrusiveness. The school nurse shall be designated to monitor specimen collection. The monitor shall not observe the student while the specimen is being produced, but shall be present outside the stall to listen for the normal sounds of urination in order to guard against the specimen being tampered with and to ensure chain of custody. The monitor shall verify the normal warmth and appearance of the specimen. If at any time during the testing procedure the monitor has reason to believe or suspect that a student has tampered with the specimen, the monitor may stop the procedure and inform the principal who will then determine if a new specimen should be obtained. If hair is to be tested, care will be taken to minimize the affect on appearance.
4. If the initial drug use test is positive, the specimen will be subjected to gas chromatography/mass spectrometry (GCMS) for confirmation of the initial result.
5. If the GCMS test for any student has a positive result, the TPA will contact the custodial parent or guardian and solicit any information on medication which would create a positive test result. A medical review officer will confirm the positive result and contact first the parent/guardian and then the principal. The principal will then schedule a conference with the parents/guardians, the student and the activity sponsor/head coach. At the conference the principal will solicit an explanation of the positive test result.
6. Marion-Florence USD 408 will rely on the evidence supplied by the TPA. The burden of proof to the contrary shall be born by the student.
7. The decision by the principal may be appealed in writing to the superintendent of schools within five working days. The superintendent shall render a written decision within five working days.
8. The decision of the superintendent may be appealed in writing within five working days to the Board of Education, Marion-Florence USD 408. The decision of the Board of Education may be appealed to the District Court as permitted by law.
9. Parents/guardians of students who tested negative on the initial drug use test will be contacted by district personnel within five days of the testing.