

## OLDHAM COUNTY BOARD OF EDUCATION POLICY

### **RANDOM DRUG TESTING OF STUDENT ATHLETES AND EXTRA-CURRICULAR: 9090**

*References: Board of Education of Independent School District No. 92 of Pottawatomie County et al v. Earls et al., 536 U.S. 822 (2002); Vernonia School District 47J v. Acton, 115 U.S. 2386 (1995), 702 KAR 7:065; KRS 156.070; KHSAA Rules and Regulations*

#### **9090.1 ELIGIBILITY FOR TESTING**

Participation in the Student Drug Testing Program shall include all athletes and competitive extra-curricular activities. Participation in athletics and extra-curricular activities is a privilege. Student participants, by virtue of their voluntary decision to participate in these athletic and extra-curricular activities, and because of their position as school leader and role models in the school community, have a heightened responsibility to be drug and alcohol free. Eligibility for testing shall apply to the entire calendar year.

#### **9090.2 DRUG TESTING PROGRAM**

The Oldham County School District (the "District") has established a drug testing program for students because it recognizes that the problem of illegal drug and alcohol use presents a continuing challenge in its schools and is a clear danger to the student population as a whole. The District's commitment to maintaining athletics and extra-curricular programs in a safe, healthy, and secure educational environment requires a clear policy and supportive programs relating to the detection and prevention of substance use by the students involved in athletics and extra-curricular activities.

Each student who plans to participate in athletics or extra-curricular activities at the high school level and his/her parent or guardian shall be required to sign a written consent for drug testing at the beginning of the school year as a prerequisite to the student's participation in a program.

Additionally, the District encourages any other student not participating in athletics or extra-curricular activities to voluntarily participate in the drug testing program. Both the parent and student voluntarily participating shall sign a written consent to be drug tested. Any such student will have her/his name included in the "pool" to be randomly selected for testing. The cost for any test performed on a student voluntarily participating shall be borne by the student's parent. Results of any re-test that is positive shall be reported to the parent.

The Superintendent shall develop procedures 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 only to those persons designated by the Superintendent.

The District shall endeavor to locate free and low-cost counseling/assistance program options for the consideration of parents whose child tests positive.

#### **9090.3 DEFINITIONS**

"Drug" means any illegal substance or any substance controlled by federal regulation.

"Alcohol" means beer, wine, distilled liquors and any other liquid containing alcohol.

"Student Athlete" means any student participating in athletic practices and/or contests under the control and jurisdiction of the District, including cheerleaders and dance team members.

"Extra-curricular Activity" means any activities which are sponsored or approved by the District but are not offered for credit toward graduation.

#### **9090.4 CONSEQUENCES/PENALTIES**

A student will be considered to have violated this policy if (1) the student attempts to alter or substitute a testing sample or (2) if a testing sample is determined to be "positive". A test is "positive" if (1) a urinalysis performed in conjunction with the random drug testing under the policy produces a positive result or (2) if a student whose athletic activity is in season is determined by a school administrator or school resource officer to be under the influence of alcohol or drugs, as set forth in OCBE 9085, by any means of determination described in that policy.

If a student's urinalysis tests positive, a second, more specific urinalysis test shall be administered on the original sample as soon as possible to confirm the results. If the second urinalysis is negative, no further action shall be taken. If the second analysis is positive, the district coordinator shall notify the parents either in person, or by certified mail, within 48 hours of his receipt of the results. The coordinator, at that time, will provide the parent/guardian and the student with an opportunity to be heard before penalties are imposed.

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Students who test positive for any prescription drug must have a prescription in “their name” for the drug. It is illegal and a violation of this policy for a student to take a drug prescribed to another person, including a parent or other family member. Students whose urinalysis tests “non-negative” will be retested within 48 hours of the coordinator receiving the test results.

For first offenses, the student athlete or extra-curricular participant shall choose one (1) of the following options:

1. Be suspended from participation for a minimum of 1 week; Participate in a drug assistance program acceptable to the District (with costs to be paid by the student or student’s family); and undergo weekly drug testing for a period of times as designated in administrative procedures, or
2. Be suspended from participation in all athletics and extra-curriculars activities for a period of one (1) month from the date of the first test that yielded positive results, or in the event that the student challenges the results the date the positive results are confirmed.

For a second offense, the student athlete or extra-curricular participant shall choose one (1) of the following options:

1. Be suspended from participation for a minimum of 1 month; participate in a substance abuse evaluation and follow any recommendations made by the evaluator, this evaluation must be performed by a state certified chemical dependency counselor (with cost to be paid by the student or student’s family); and undergo weekly drug testing for a period of time as designated in administrative procedures; or
2. Be suspended from participation in all athletics and extra-curricular activities for a period of one (1) year from the date of the most recent test which yielded positive results or in the event that the student challenges the results, one year from the date the positive results are confirmed.

For a third offense, the student shall be suspended from all high school athletics or extra-curricular activities for a period of one (1) year from the date of the most recent test which yielded positive results.

For a fourth offense, the student shall be suspended from all high school athletics or extra-curricular activities for the remainder of his/her high school career.

Any student refusing a test or refusing permission is not eligible to participate in athletics or extra-curricular activities. In addition, the student may be subject to disciplinary action under OCBE Policy 9068 for defiance of authority.

After completing a period of suspension from an athletic program or extra-curricular activity, the student shall submit a negative drug test prior to being reinstated into the program.

Any offense by a voluntary participant shall be reported to his/her parent, but no discipline may occur through school.

Offenses shall be cumulative over a student’s entire period of participation in all high school athletics and shall accumulate regardless of the sport season in which they occur.

Positive test results shall not be turned over to law enforcement authorities or used to suspend or expel students from school.

Individual schools may impose additional sanctions based on their athletic code of conduct.

#### **9090.5 APPEALS**

The Superintendent shall adopt procedures for appeals of a decision to penalize a student under this policy, and those procedures shall afford the student proper due process.