

JESSAMINE COUNTY SCHOOLS

**Random Drug Testing
and Alcohol Breathalyzer
Procedures**



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County
Schools**

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Jessamine County Schools Random Drug Testing and Alcohol Breathalyzer Procedures Eligibility (Athletics)

Determination of athletic eligibility shall be made in compliance with applicable policies, administrative procedures, and Kentucky High School Athletic Association requirements.

Drug/Alcohol Testing Procedures

In order to accomplish the purpose of Policy 09.423, each student driver and/or student athlete on Jessamine County athletic teams shall be required to participate in a program of substance abuse testing.

For Drugs:

Testing shall be accomplished by the analysis of urine, hair or saliva specimens obtained from the student drivers or student athletes.

For Alcohol:

Testing shall be accomplished by the analysis of a breathalyzer sample obtained from the student drivers or student athletes.

COLLECTION AND TESTING

A collection and testing process shall be established, maintained and administered to ensure (a) randomness of selection procedures, (b) proper student identification, (c) that each specimen is identified with the appropriate student, (d) maintenance of the unadulterated integrity of the specimen, and (e) the integrity of the collection and test process as well as the confidentiality of test results.

- 1. Collection of Specimen** - Procedures for taking a urine specimen, in the event of a positive breath analysis for alcohol assay, will follow the same procedures as outlined for a drug specimen, and the specimen will be tightly sealed immediately to avoid loss of volatile constituents.
- 2. Test Methods and Levels** - The breath analysis test level to be considered positive will be any trace of alcohol, which would lead to a confirming test. The alcohol urine assay will be an EMIT screening followed by a confirmatory gas chromatography test on positive screens. Either test will be considered positive if there is confirmation of any trace of alcohol.

SUBSTANCES TESTED

For Drugs:

Student driver's or student athlete's urine, hair or saliva specimens shall be tested for the following but not limited to: (a) amphetamines, (b) marijuana (THC) (c) cocaine and its derivatives, (d) opiates, (e) phencyclidine (PCP) (f) benzodiazepine, (g) barbiturates, and (h) methadone, (i) methaqualone, (j) propoxyphene.

For Alcohol:

Student driver's or student athlete's breathalyzer sample shall be tested for any form of alcohol to include the following: (a) beer, (b) wine, (c) bourbon, (d) rum, (e) whiskey, (f) etc.

REASONABLE SUSPICION

Upon reasonable suspicion concerning a student athlete or student driver, the School Principal or Random Student Drug Testing (RSDT) Coordinator may recommend an immediate alcohol breathalyzer or drug test to include an evaluation of any illegal or banned drug.

TESTING PROCESS

The testing program shall be conducted as follows:

1. Prior to driving to school or attending tryouts for an athletic team, the student driver or student athlete and a parent or legal guardian must sign the required "Alcohol/Drug Testing Consent" form BEFORE THE STUDENT WILL BE PERMITTED TO DRIVE TO SCHOOL OR TRY OUT FOR ANY ATHLETIC TEAM.
2. Immediately prior to giving a urine specimen, hair sample, saliva swab or breathalyzer sample, each student driver/athlete shall complete a "Consent to Test and Chain of Custody Form". The form shall identify the student driver or student athlete only by a confidential number and shall be placed in a sealed package, which shall be taken to the drug-testing laboratory along with the urine, hair or saliva specimen.
3. Drug testing shall be done at the following times:
 - a. All student drivers and student athletes shall be subject to random testing at any time during the school year.
 - b. Scheduled times for random tests shall be selected by the Superintendent or RSDT Coordinator.
4. During each random drug test, approximately ten per cent (10%) of the student drivers and ten percent of the student athletes shall be tested.
5. A representative of the testing lab shall determine which student drivers or student athletes are to be tested by the random drawing of names from among all student drivers and student athletes at each school.

6. The collection of urine, hair or saliva specimens shall be done by a trained nurse, and the scientific analysis of the potentially positive specimens shall be conducted by a drug-testing laboratory selected by the board.
7. Drug collection procedures for urine, hair and saliva specimens shall be maintained and administered by the trained nurse in an effort to minimize any intrusion or embarrassment for each student driver and student athlete, ensure the proper identification of the student driver and student athlete and the student driver and student athlete's specimen, minimize the likelihood of the adulteration of a urine, hair or saliva specimen and maintain complete confidentiality of test results. To that end, the following are required:
 - a. An administrator or athletic director shall be present.
 - b. The trained nurse shall provide each student driver and student athlete present for the collection process a receptacle for the collection of urine, hair or saliva. The student driver and student athlete shall be permitted privacy during the collection process. The student driver and student athlete will not be permitted to have any other individual present while producing a urine sample.
 - c. Immediately prior to entering the private bathroom facility utilized for the collection process, the student driver and student athlete shall be required to leave all personal belongings (including jackets, purses, book bags, pocket contents, etc.) in the custody of the Jessamine County Schools' representatives present for student identification.
 - d. Prior to entering the private bathroom facility utilized for the collection process, the trained nurse shall treat the water in the private bathroom facility with a coloring substance (frequently referred to by drug testing laboratories as "bluing the water") to prevent a student driver or student athlete from attempting to dilute or otherwise adulterate the urine specimen.
 - e. Within four (4) minutes following the collection of the urine specimen, a trained nurse shall utilize a thermometer device to test the temperature of the urine specimen. Urine specimens testing below a temperature of 90 degrees Fahrenheit shall be discarded and the student driver or student athlete shall be required to remain under supervision until able to produce another urine specimen. A student driver or student athlete producing a urine specimen testing above a temperature of 100 degrees Fahrenheit shall be subject to having the student driver or student athlete's body temperature taken (orally only) by a trained nurse. If the differential between the student driver or student athlete's body temperature and the temperature of the urine specimen is not within the acceptable range, as outlined in this section, the student driver or student athlete will be required to remain under supervision until able to produce another urine specimen. A student

driver or student athlete producing an altered urine specimen, i.e. mouthwash, soda or other liquid with the same color as urine will be considered as failure to take the drug test and will be treated as a positive drug test.

8. Alcohol breathalyzer tests shall be administered and evaluated by trained personnel in an effort to minimize any intrusion or embarrassment for each student athlete and to maintain complete confidentiality of samples. To that end, procedures require the presence of an administrator or athletic director. The student driver or student athlete shall take the breathalyzer in the privacy of the Principal's or school athletic director's office, and those results will be recorded and evaluated prior to the student driver or student athlete leaving the testing site.
9. The collection of urine, hair or saliva specimens and breathalyzer samples shall be conducted on Jessamine County School premises.
10. All scientific analyses of a potential positive collected urine, hair and saliva specimens for drug testing shall be conducted by the drug-testing laboratory. Each urine specimen shall initially be tested by the drug-testing laboratory 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.
11. A portion of each positive urine, hair or saliva specimen given by each student driver or student athlete shall be preserved by the drug testing laboratory for a minimum of six (6) months.
12. The testing laboratory shall forward written notice of all test results to a designated Medical Resource Officer (MRO), who shall be responsible for reviewing and interpreting each confirmed positive test to determine if there is an alternative medical explanation, before results are reported to the RSDT Coordinator.

Activities of the MRO may include, but are not limited to, the following:

- Requiring a retest of the original specimen if the MRO deems it necessary; and
- Verifying that the laboratory report and the specimen are correct.

If the MRO determines that there is a legitimate medical explanation for the positive test other than use of a prohibited drug, the MRO will conclude that the test is negative. If the MRO concludes that a particular test is scientifically insufficient, the MRO will conclude that the test is negative for that student. If the MRO determines that there is no legitimate explanation for the positive test other than use of a prohibited drug, the MRO will communicate the test results in writing as a positive to the RSDT Coordinator. The MRO also will communicate results of negative tests to the RSDT Coordinator.

13. The RSDT Coordinator shall provide the written notice of results (negative or positive) to the Principal and, where applicable, to the Head Coach, and to the student drivers/athletes tested and their parent(s) or legal guardian(s). The drug-testing laboratory shall not provide test results verbally. All test results are confidential and shall be maintained in the RSDT Coordinator's office under the strictest security. Tests results shall be kept separate from general student records and will be scheduled for destruction two years after the student graduates or otherwise is no longer enrolled in the District.
14. Student drivers and student athletes shall be subject to random drug testing throughout the school year. The cost of these random tests will be assumed by the Jessamine County Board of Education.
15. Student drivers and student athletes shall be subject to an alcohol breathalyzer test at any time throughout the school year.

CONSEQUENCES/PENALTIES

If a student driver or student athlete's drug specimen tests positive as provided above, the Principal or a designee shall provide the parent/guardian and the student driver or student athlete with an opportunity to be heard before penalties are imposed.

If a student driver or student athlete refuses to participate in the testing process, as defined on page 4 and following, the student driver shall lose parking privileges for a one (1) calendar year period and/or the student athlete shall be excluded from participation in any interscholastic-curricular activity for one (1) calendar year to begin from the date of the test refusal.

The following consequences/penalties will be imposed on student drivers and student athletes who test positive for a drug or alcohol violation:

1. First Violation

- A. The student driver's parking privileges shall be suspended for the next four (4) weeks. The student athlete shall be suspended for the next four (4) consecutive interscholastic events or the next four (4) weeks of the season, whichever is greater. The student athlete will be encouraged to attend practices and games. The suspension may carry over to the student athlete's subsequent participation on another interscholastic activity and/or to the following season. The District may provide information to students and their parent/guardian regarding community resources, including treatment and/or counseling options. At the discretion of the principal a first-time offender who has not sold, distributed or given to others such alcohol, drugs or look-alike items may be offered an intervention contract. To be eligible for consideration of an intervention contract a student must undergo a chemical dependency evaluation at the parent expense. If the evaluation cannot be conducted within five (5) days of the positive test,

the parent must contact the principal to request an extension. The principal will review the evaluation and may reduce the student driver or athlete suspension to two (2) weeks. If suspension is reduced, the student and his/her parents must agree in writing to abide by an intervention contract. The contract will include the recommendations of the dependency evaluation and any other limitations the principal may choose to include. Continued driving privileges and athletic participation is contingent on the student and parent abiding by the intervention contract. Violation of the contract may lead to immediate suspension for (1) calendar year.

- B. If a student athlete is reinstated to the interscholastic activity following a first violation, the student athlete's participation in another interscholastic activity shall not be restricted solely because of the existence of the first violation, as long as the student athlete has completed the period of suspension and was appropriately reinstated to the prior interscholastic activity.

If the student athlete elects not to seek reinstatement to an interscholastic activity after a first violation (either because of the student athlete's own election or because the season concluded prior to the expiration of the student athlete's period of suspension), the student athlete is still required to serve the unexpired portion of the suspension before the student athlete can be eligible for any other interscholastic activity.

A student athlete serving a suspension for one (1) sport may try out for a second sport if the student athlete provides a negative breathalyzer or drug test result from the trained nurse at the student athlete's expense. If the student athlete successfully makes the team, prior to participation, the student athlete must serve the unexpired portion of the previous suspension.

The student athlete must complete all forms required for participation on another interscholastic activity and must submit to a new drug/alcohol test administered in accordance with the same procedures utilized for random drug or breathalyzer testing. The cost of this test will be the responsibility of the student athlete. A positive result shall be treated as a second violation.

- C. Should the student driver or student athlete not comply with sections A and B, the student driver or student athlete will either lose his/her parking privilege or be suspended from all athletics for a period of one (1) year from the date of the most recent positive drug or alcohol test. Before a student driver or student athlete is eligible for reinstatement, he/she must comply with sections A and B.

2. Second Violation

- A. The student driver's parking privilege shall be suspended for the next 18 consecutive weeks. The student athlete shall be suspended from interscholastic activity for the next 18 consecutive weeks. If necessary, the suspension shall carry over to the student

athlete's subsequent participation on another interscholastic activity and/or to the following season. The District may provide information to students and their parent/guardian regarding community resources, including treatment and/or counseling options.

- B. If a student athlete is reinstated to the interscholastic activity following a second violation, the student's participation in another interscholastic activity shall not be restricted solely because of the existence of the second violation, as long as the student athlete has completed the period of suspension and was appropriately reinstated to the prior interscholastic activity. If the student athlete elects not to seek reinstatement to an interscholastic activity after the second violation (either because of the student athlete's own election or because the season concluded prior to the expiration of the student athlete's period of suspension) the student athlete is still required to serve the unexpired portion of the suspension before the student athlete can be eligible for any other interscholastic activity. A student athlete serving a suspension for one (1) sport may try out for a second sport if the student athlete provides a negative breathalyzer or drug test result from the trained nurse at the student athlete's expense.

If the student athlete successfully makes the team, prior to participation, the student athlete must serve the unexpired portion of the previous suspension. The student athlete must complete all forms required for participation on another interscholastic activity and submit to a new drug/alcohol test administered in accordance with the same procedures utilized for random drug or breathalyzer testing. The cost of this test will be the responsibility of the student athlete. A positive result shall be treated as a third violation.

- C. Should the student driver or student athlete not comply with section A and B, the student driver will lose parking privileges for a period of one (1) year from the date of the most recent drug test. The student athlete will be suspended from all athletics for a period of one (1) year from the date of the most recent positive drug test. Before a student athlete is eligible for reinstatement, he/she must comply with sections A and B.

3. Third Violation and Each Subsequent Violation:

The student driver shall lose parking privileges for a one (1) calendar year period and the student athlete shall be excluded from participation in any interscholastic-curricular activity for a one (1) calendar year period to begin from the date of the most recent positive test.

Student drivers and student athletes are not exempt from current school rules and policies as they relate to the selling, possession, and/or use of drugs and alcohol during school hours or while participating in school related activities.

APPEALS PROCESS

All violations may be appealed to the Drug Advisory Committee. This committee shall consist of at least one (1) administrator, one (1) counselor, one (1) teacher, and the school athletic director. The RSDT Coordinator will chair the committee. The Superintendent or a designee will determine the membership of the committee on an annual basis.

If an appeal is made disputing a positive result, the parent or guardian may elect to get a follow-up test for their child at their expense. However, the test must be performed on the original specimen.

NON-PUNITIVE NATURE OF POLICY

After completing a period of suspension from driving privileges for student drivers or the athletic program for the student athletes they shall be retested before the beginning of the next school year.

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

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

Offenses shall be cumulative over a student driver's entire high school experience and shall accumulate regardless of what school year they start driving.

The District shall provide program assistance for student drivers and student athletes who receive free or reduced price meals. Positive test results shall not be turned over to law enforcement authorities or used to suspend or expel student athletes from school.

Consent Form

STUDENT AND PARENT/GUARDIAN CONSENT TO PERFORM URINALYSIS FOR DRUG TESTING AND BREATHALYZER FOR ALCOHOL TESTING FORM.

All student drivers/athletes and at least one parent or legal guardian are to sign the following:

THE UNDERSIGNED STUDENT DRIVER OR STUDENT ATHLETE AND HIS/HER PARENT OR LEGAL GUARDIAN HEREBY ACKNOWLEDGE THAT THEY HAVE READ AND UNDERSTAND THE FOREGOING POLICY AND AGREE TO BE BOUND BY THE TERMS AND CONDITIONS CONTAINED IN THE POLICY. THE UNDERSIGNED HEREBY PERMIT THE TRAINED NURSE SELECTED BY THE JESSAMINE COUNTY BOARD OF EDUCATION TO PERFORM DRUG TESTING OF THE STUDENT DRIVER OR STUDENT ATHLETE'S URINE, HAIR OR SALIVA. THESE RESULTS ARE TO BE RELEASED TO THE JESSAMINE COUNTY DISTRICT RSDT COORDINATOR. THE RSDT COORDINATOR WILL THEN RELEASE ALL DRUG TESTING RESULTS AND ALL ALCOHOL BREATHALYZER RESULTS TO THE PRINCIPAL AND WHERE APPLICABLE, THE SCHOOL ATHLETIC DIRECTOR, ATHLETIC COACHES ON TEAMS FOR WHICH THE STUDENT TRIES OUT FOR PARTICIPATION ON AS WELL AS THE STUDENT DRIVER OR STUDENT ATHLETE'S PARENT OR LEGAL GUARDIAN WILL BE NOTIFIED.

Printed student name

x _____
Student signature

Date signed _____

Printed parent or guardian name

x _____
Parent or guardian signature

Date signed _____