

TOBACCO, ALCOHOL, AND DRUG POLICY (TAD) FOR STUDENT DRIVERS AND STUDENTS PARTICIPATING IN COMPETITIVE EXTRACURRICULAR ACTIVITIES

I. POLICY STATEMENT.

The Decatur City Board of Education (Board) values students and their participation in athletics and other extracurricular activities. These students, as role models for other students, are keys to the Board's goal of providing the best possible education program for all students. To achieve this goal and to maximize the skills and talents of all students, it is important that every student and employee of the school system understand the dangers of tobacco, alcohol, and drug abuse.

It is the objective of the Decatur City Board of Education to assure that all students who wish to take advantage of the privilege of driving or parking a motor vehicle on school property or any other site off campus during regular school hours at which a student is participating in or observing any school activity, be completely free of the effects of alcohol, and/or the presence of other illegal or controlled substances. In an effort to meet this objective, the Decatur City Board of Education reserves the right to require that any student desiring to drive or park a motor vehicle on school property be subject to and submit to random drug testing at any time while on school property, or attending school sponsored activities during regular school hours.

This policy statement clarifies the Board's position on student tobacco, alcohol, and drug use as it pertains to athletic and competitive extracurricular participation and student drivers. For the purposes of this policy, students who participate or intend to participate in high school athletic teams, cheerleading squads, and extracurricular organizations of a competitive nature as listed in Section VI are termed "competitive students." For the purposes of this policy, "student drivers" includes any student currently enrolled in the Decatur City School system who drives or parks a motor vehicle on school property or at any other site off campus during regular school hours at which a student is participating in or observing a school activity. Participation in competitive activities and driving or parking a motor vehicle on school property or at any other site off campus during regular school hours at which a student is participating in or observing any school activity, are privileges which can be taken away for failure to comply with this policy. The Board may change the provisions of this policy at any time in accordance with law. Students covered by this policy will be informed of any changes.

II. POLICY OBJECTIVES.

- A. To reduce the likelihood of incidents of accidental personal injury and/or damage to students or property.**
- B. To encourage any student who uses, is dependent upon, or is addicted to tobacco, alcohol or other drugs to seek help in overcoming the problem.**
- C. To create and maintain a safe, drug-free environment for all students.**
- D. To minimize the likelihood that school property will be used for illicit drug activities.**
- E. To protect the reputation of the school system and its students.**

Substance abuse is a serious threat to the school system, its students, visitors, and employees. The Board believes that benefits derived from this policy outweigh the potential inconvenience to competitive students and student drivers. The Board earnestly solicits the understanding and cooperation of all school staff, students, and parents, in implementing this policy.

III. REQUIREMENTS OF COMPETITIVE STUDENTS.

After October 1, 2002, no competitive student shall be permitted to participate in athletics, cheerleading, or any of the competitive extracurricular activities described in Section VI of this policy unless:

- 1. Such student and his parents or legal guardian agree in writing, in such form and at such times as the Superintendent may require, to be randomly tested and automatically retested for tobacco, alcohol, and drug use pursuant to the provisions of this policy.**
- 2. Such student duly and timely submits to each request by a Board employee that the student undergoes a tobacco, alcohol, and drug test pursuant to the requirements of this policy and fully cooperates in providing the testing specimen and abstains from adulterating the same.**

3. **The student abstains from using tobacco, alcohol, and drugs at or away from school. For purposes of this paragraph of this policy, the term “drugs” means any substance which an individual may not sell, possess, use, distribute, or purchase under either federal or Alabama law, including, but not limited to, all scheduled drugs defined in the Alabama Uniform Control Substances Act, all prescription drugs obtained without authorization, and all prescribed and over the counter drugs being used for an abusive purpose, whether or not such are tested for under this policy. Admitted use of tobacco, alcohol, or drugs, for purposes of this policy, shall be equivalent to an MRO verified confirmed positive test for the presence of tobacco, alcohol, or drugs, as the case may be, and subject the student to the consequences prescribed in Section VI.**

To avoid creating safety problems or violating this policy, competitive students must inform their coaches/assistant coaches/directors/sponsors when they are legitimately taking medication or have a medical condition which may affect their ability to practice or compete.

IV. REQUIREMENTS OF STUDENT DRIVERS.

After August 1, 2008, no student driver shall be permitted to operate or park a motor vehicle on school property or any other site off campus during regular school hours at which a student is participating in or observing any school activity, unless:

1. **Such student and his parents or legal guardian agree in writing, in such form and at such times as the Superintendent may require, to be randomly tested and automatically retested for alcohol and drug use pursuant to the provisions of this policy.**
2. **Such student duly and timely submits to each request by a Board employee that the student undergoes an alcohol and drug test pursuant to the requirements of this policy and fully cooperates in providing the testing specimen and abstains from adulterating the same.**

3. **The student abstains from using alcohol and drugs at or away from school. For purposes of this paragraph of this policy, the term “drugs” means any substance which an individual may not sell, possess, use, distribute, or purchase under either federal or Alabama law, including, but not limited to, all scheduled drugs defined in the Alabama Uniform Control Substances Act, all prescription drugs obtained without authorization, and all prescribed and over the counter drugs being used for an abusive purpose, whether or not such are tested for under this policy. Admitted use of alcohol or drugs, for purposes of this policy, shall be equivalent to an MRO verified confirmed positive test for the presence of alcohol or drugs, as the case may be, and subject the student to the consequences prescribed in Section VI.**

V. ENFORCEMENT.

The Board requires all competitive students to submit to tobacco, alcohol, and drug tests and student drivers to submit to alcohol and drug tests to maintain safety and security. The Board has developed this student testing program to follow, as the Superintendent deems appropriate and practicable, the process of 49 CFR Part 40 and the Omnibus Transportation Employee Testing Act of 1991. The Board encourages, and may require, its employees to be trained in tobacco, alcohol, and drug usage recognition skills.

Pursuant to this policy and procedures to be developed by the Superintendent, competitive students and student drivers with appropriate parental consent may be tested on a random basis throughout the school year. In addition, when Board employees have reasonable suspicion to believe a competitive student has used or is using tobacco, alcohol, or drugs, or a student driver has used or is using alcohol or drugs the student may be required to undergo drug testing.

A competitive student or student driver who has a confirmed positive test verified by the Board’s medical review officer (MRO) will be subject to the consequences outlined in Section VI of this policy. Refusal to comply with the testing requirements of this policy (including refusal to test or to cooperate in testing) will result in the same consequences as apply to the Third Occurrence of Positive Test Results (Other Than Tobacco).

VI. CONSEQUENCES.

Consequences are cumulative for a period of one calendar year from the date of a positive test. After one calendar year, if no other positive tests have occurred, the student will begin with a clean record. All automatic split sample and private retests will be at parent's or student's expense.

Newly enrolled competitive students and student drivers will be placed into the random pool. These students will begin with a clean record, except that a student moving into the district who has not completed consequences for a positive test in his previous district must complete such consequences either in that district or in the Decatur City Schools according to this policy.

Consequences for a confirmed positive test (mandatory, random, or reasonable suspicion) and for admitted tobacco, alcohol, or drug use at or away from school are as follows:

First Occurrence of Positive Test Results – Tobacco Only

The competitive student, student's parents or legal guardians, principal, and sponsor shall be notified of the positive test. The student will be enrolled in Decatur City Schools' tobacco education program and shall automatically be retested on the next regular drug testing date and at every subsequent random drug test for a calendar year from the date of the First Occurrence of Positive Test Results.

The student driver receives no consequences for a positive test for tobacco.

Second, Third, and Subsequent Occurrences of Positive Test Results – Tobacco Only

The competitive student, student's parents or legal guardians, principal, and sponsor shall be notified of the positive test.

The competitive student will be suspended from all competitive extracurricular activities for 21 calendar days from the Second Occurrence of Positive Test Results for Tobacco and thereafter until a negative retest. A test earlier than the next scheduled test and all private retests will be administered at the parent's or student's expense. A third positive test will result in the same consequences as apply to the second occurrences of positive test results under the TAD policy

regarding substances other than tobacco. Subsequent positive tests will result in the same consequences as apply to occurrences two and three of the TAD policy regarding substances other than tobacco. The competitive student shall automatically be retested on the next regular drug testing date and all subsequent dates for a calendar year from the date of the first occurrence of positive test results.

The student driver receives no consequences for a positive test for tobacco.

First Occurrence of Positive Test Results (Other than Tobacco)

1. The competitive student, student's parents or legal guardians, principal, and sponsor shall be notified of the positive test. The student driver, student's parents or legal guardians and principal shall be notified of the positive tests.
2. The competitive student will be suspended from all competitive activities for 21 calendar days from the First Occurrence of Positive Test Results (Other Than Tobacco) and thereafter until a negative retest. The student driver will be suspended from driving or parking on school property or any other site off campus during regular school hours at which a student is participating in or observing any school activity for 21 calendar days from the First Occurrence of Positive Test Results (Other than Tobacco) and thereafter until a negative re-test. A test earlier than the next scheduled test and all automatic retests will be administered at the parent's or student's expense. All testing other than the school's next random testing must have prior approval from the DTC and MRO. The student shall automatically be retested on the next regular drug testing date and at every subsequent random drug test for a calendar year from the date of the First Occurrence of Positive Test Results.
3. The student or the student's parents or legal guardians may request a retest of a portion of the sample taken from the student within 72 hours of notification of test results. Any such retest shall be at a facility approved by the Superintendent or his designee. The student, parent, or guardian requesting a retest shall pay the cost for any such retest.

4. The student shall attend Mandatory Substance Abuse Counseling as approved by the Superintendent. Mandatory Substance Abuse Counseling shall be conducted at an off campus location and at such times as the Superintendent shall determine.
5. With DTC approval, the student may complete an Alternative Substance Abuse Counseling program other than the Mandatory Substance Abuse Program approved by the Board. The Board is not responsible for costs of any Alternative Substance Abuse Counseling.

Second Occurrence of Positive Test Results (Other Than Tobacco)

1. The competitive student, student's parents or legal guardians, principal, and sponsor shall be notified of the positive test. The student driver, student's parents or legal guardians and principal shall be notified of the positive test.
2. Upon the second violation, the competitive student will be suspended from all competitive activities for the remainder of the school year. Upon the second violation, the student driver will be suspended for the remainder of the school year from driving a motor vehicle on school property or at any other site off campus during regular school hours at which a student is participating in or observing any school activity. The duration of the suspension shall be a minimum of eight weeks occurring during the regular school year and, if not completed in the current year, shall be completed in the ensuing school year.
3. The student or the student's parents or guardians may request a retest of a portion of the sample taken from the student within 72 hours of notification of test results. Any such retest shall be at a facility approved by the Superintendent or his designee. The student, parent or guardian requesting a retest shall pay the cost for any such retest in advance.
4. Upon completion of suspension, the competitive student must test negative before the student is allowed to participate in competitive extracurricular activities. Upon completion of suspension, the student driver must test negative before the student is allowed to drive or park on campus or at any other site off campus during regular school hours at which a student is participating in or observing any school activity.

5. The student shall attend Mandatory Substance Abuse Counseling as approved by the Superintendent.
6. The student's suspension shall automatically terminate if the student tests negative on four consecutive tests, each of which occurs at least 30 days after or before the others.

Third Occurrence of Positive Test Results (Other Than Tobacco)

1. The competitive student, student's parents or guardians, principal, and sponsor shall be notified of the positive test. The student driver, student's parents or legal guardians and principal, shall be notified of the positive test.
2. The competitive student shall be suspended from participation in all competitive activities for one calendar year from the date of the Third Occurrence of Positive Test Results. The student driver shall be suspended from driving or parking a motor vehicle on school property or at any other site off campus during regular school hours in which a student is participating in or observing any school activity for one calendar year from the date of the Third Occurrence of Positive Test Results.
3. The student or the student's parents or guardians may request a retest of a portion of the sample taken from the student within 72 hours of notification of test results. Any such retest shall be at a facility approved by the Superintendent or his designee. The parent or guardian requesting a retest shall pay the cost for any such retest in advance.
4. The student shall attend Mandatory Substance Abuse Counseling as approved by the Superintendent.
5. The competitive student's suspension shall automatically terminate at the end of one calendar year, but the student must test negative before the student is allowed to participate in competitive extracurricular activities. The student driver's suspension shall automatically terminate at the end of one calendar year, but the student must test negative before the student is allowed to drive or park on school property or any other site during regular school hours at which a student is participating in or observing any school activity.

6. The student's suspension shall automatically terminate if the student tests negative on six consecutive tests, each of which occurs at least 30 days after or before the others.

Competitive students or student drivers will not be penalized academically if they test positive, refuse to test, refuse to cooperate with testing, or for being in violation of this policy. All information, interviews, reports, statements, memoranda, and test results, either written or otherwise, received by the Board through its tobacco, alcohol, and drug testing program are confidential and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except as follows:

- (a) As directed by the specific, written consent of the parent/guardian and/or student authorizing release of the information to an identified person.
- (b) In a lawsuit, grievance, or other proceeding initiated by or on behalf of the competitive student or student driver.
- (c) As otherwise required by law or legal process.

Information, including test results, will not be released to criminal or juvenile authorities unless required by state or federal laws.

A student who is suspended from competitive extracurricular activities pursuant to this policy or who is ineligible to participate in such activities because of failure to comply with the terms and provisions of this policy shall not be permitted to engage in or enjoy the benefits of any game, competition, travel, award, reward, practice, tryout or other activity or event related to the team or other organizational activity, except for practice at the in-town customary site if permitted by the coach or sponsor of such team or activity. In addition, where the only opportunity to try out for a team or competitive activity occurs during the period of suspension, the student may be allowed to try out for such team or activity if the student otherwise qualifies to try out for such team or activity, but the student's selection for such team or activity shall be subject to the student fulfilling and completing the conditions of suspension and being in good standing under this policy prior to otherwise participating in such competitive extra-curricular activity.

VII. COMPETITIVE ACTIVITIES/ORGANIZATIONS.

The following are the competitive extracurricular activities/organizations in the Decatur City Schools affected by this policy:

1. All athletic activities recognized and/or sanctioned by the Alabama High School Athletic Association Eligibility Standards, including cheerleading
2. Band
3. Chorus
4. ROTC Drill Team, Rifle Team, Color Guard
5. Forensics
6. Drama-Trumbauer competition
7. Scholars Bowl
8. Math Team
9. Chess Team
10. TSA (Technology Team)
11. FBLA (district/state competition)
12. FCCLA (district/ state competition)
13. Foreign Language Teams (State competition)
14. SECME (district/ state competition)
15. DECA (district/ state competition)
16. Such other competitive extracurricular activities as the Superintendent or his designee may determine. The Superintendent shall notify the Board and the high school principals of such determinations.

VIII. IDENTIFICATION OF DRUGS.

In addition to being tested for tobacco* and alcohol, competitive students and student drivers will initially be subject to testing for the following drugs, to wit:

1. THC
2. Amphetamines (including Methamphetamine and Ecstasy)
3. Cocaine
4. Opiates
5. PCP

6. **Benzodiazepines**
7. **Propoxyphene**
8. **Methadone**
9. **Barbiturates**
10. **Methaqualone**

From time to time, the Superintendent, with reasonable notice to students and parents, may eliminate some of such drugs and may add others to the testing list.

* The student drivers receive no consequences for a positive test for tobacco.

VIII. PROCEDURES.

The Superintendent is requested to develop appropriate procedures and forms for the implementation of this policy and to cause one or more orientation sessions to be conducted to familiarize parents, students, and employees with the requirements of this policy.

IX. RELATIONSHIP TO OTHER POLICIES; EFFECTIVE DATE.

This policy is in addition to and is not intended to be used in place of Board Policy and School Rules pertaining to the use, possession, distribution, and manufacturing of tobacco, alcohol, or other drugs at or away from school, Board property, or at school sponsored events. If a competitive student or student driver violates such other policies and rules, disciplinary consequences will be through normal school channels and procedures associated with said policies and rules.

JJ – contd.

This policy shall become effective immediately, but no testing pursuant to this policy shall occur prior to October 1, 2002.

The July 8, 2008, revisions to this policy shall become effective immediately, but no testing for student drivers pursuant to this policy shall occur prior to October 1, 2008.

ADOPTED: August 13, 2002; Revised August 12, 2003, September 22, 2004, July 8, 2008

LEGAL REF: Board of Education of Independent School District No. 92 of Pottawatomie County, et al. vs. Earls, et al., _____ U.S. _____, 122 S. Ct. 2559 (2002)