

Baldwin County Board of Education Drug Free School Policy

Overview

The Baldwin County Board of Education (the “Board”) has adopted the Baldwin County Board of Education Drug Free School Policy, (the “Policy”), a random alcohol and drug testing policy to promote the safety considerations noted herein and to deter the use of alcohol and drugs among high school students.

This policy will apply to three categories of students: (1) Activity students, consisting of students participating in (a) athletics or cheerleading (defined as any student, male or female, in grades seven through twelve, who is a member of any Board sponsored school sports team or cheerleading/dance squads), and (b) other school related extra-curricular activities (defined as any student male or female, in grades seven through twelve, who is a participant of a Board sponsored extra-curricular activity during the school day or after school); (2) Parking students, consisting of students operating or parking of a motor vehicle on campus (defined as any student grades nine through twelve who operates or parks a motor vehicle “at school” as defined herein); and volunteer students who have been voluntarily added to the random pool with the consent of his or her parents.

Participation in extra-curricular activities or operating/parking a motor vehicle on campus are privileges, not rights. Students in these activities represent the school and the school system in interscholastic competition, public performances and various other activities. They are role models for other students. Their use or abstinence from the use of alcohol or illegal drugs is likely to influence the choices of other high school students. In addition, the use or abuse of alcohol and/or illegal drugs by athletes or cheerleaders is likely to increase student injuries to the user or others with whom he or she is playing. Student drivers are inexperienced and pose a substantial risk to the safety of themselves and others should they operate a motor vehicle on campus or elsewhere while under the influence of alcohol or illegal drugs.

Statement of Need

The Board expects all students to remain alcohol and drug free. However, the Baldwin County School System’s “Pride Survey” test results indicate that students in grades 7-12 unlawfully use alcohol at rates above state and national norms. Please see the following chart.

Drug/Alcohol Use	Pride National	Alabama	Baldwin County
Any Alcohol	62.3	59.0	69.3
Any Illicit Drug	31.4	28.3	36.6

In addition, the needs assessment conducted by the “Drug Task Force” (A committee appointed by the School Board) indicates that law enforcement personnel, the judicial system and mental health professionals have expressed concerns about alcohol and illegal drug use by Baldwin County School System students.

Drug use interferes with a student's education which is the primary goal of the school. Practical experience, research, and the Baldwin County School System's "Needs Assessment" have established that even small quantities of alcohol, illegal drugs or abused prescription drugs can impair judgment and reflexes, which can create unsafe conditions for students. Students using prohibited substances are a threat to other students and themselves and may make injurious errors.

Policy Objectives

1. To create and maintain a safe, drug free environment for all students in Baldwin County Schools.
2. To encourage students with a dependence on or addiction to alcohol or other drugs to seek help in overcoming the problem.
3. To reduce the likelihood of incidents of accidental personal injury and/or damage to property.
4. To minimize the likelihood that school board property will be used for illicit drug activities.
5. To educate parents and students to the warning signs and dangers of alcohol and illegal drugs.
6. To reduce behavioral problems in the classroom and promote general health and well being of all students.

Substance abuse can be a serious threat to the school system, its students, visitors and employees. It is the belief of the Baldwin County Board of Education that the benefits derived from the policy objectives outweigh the potential inconvenience to the students who will be subject to this Policy. The Board earnestly solicits the understanding and cooperation of all school staff, students and parents, in implementing this policy.

Enforcement

In an effort to achieve the policy objectives described herein, the Board reserves the right to require all Activity, Parking and Volunteer students to submit to random drug tests to maintain safety and security. The Board has developed this student testing program to follow, as appropriate, the process outlined in the drug testing guidelines provided by the Federal Substance Abuse and Mental Health Services Administration (SAMHSA).

Pursuant to Board Policy and regulations, students subject to this Policy may be tested prior to beginning a seasonal activity, during the season of the activity, or prior to granting parking privileges on a random basis without advance notice. Once a student is placed in the Random testing pool the student is subject to testing for the remainder of the year.

Any student with a positive test, including a no-contact positive (as defined herein) for alcohol or drugs which is confirmed by the Board's Medical Review Officer (MRO) will be subject to certain consequences, which include immediate suspension from student activities. Refusal

to submit to testing or to cooperate with the Board in any test investigation will result in immediate suspension from participating in extra-curricular activities or parking for 365 calendar days. A student's privileges will be reinstated pursuant to the Consequences section of this Policy.

No Activity or Parking Student testing positive, refusing to test, refusing to cooperate with testing or being in violation of this policy will be penalized academically or for non-participation in after school extra-curricular activities.

Confidentially

All information, interviews, reports, statements, memoranda, and test results, either written or otherwise, received by the Board through its alcohol and drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public way or private proceedings except under the following circumstances:

1. As directed by the specific, written consent of the parent/guardian authorizing release of the information to an identified person.
2. To an Activity, Parking, or Volunteer Student decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the student.
3. When compelled to do so by valid federal or state laws, or order from a court of competent jurisdiction.

Any questions should be directed to the person(s) assigned as the Board's Drug Testing Coordinator(s).

Any employee responsible for a breach of the confidentiality provisions of this policy shall be subject to appropriate disciplinary measures, including termination if warranted by the circumstances.

Clarification

This policy neither circumvents nor is intended to be used in place of Board Disciplinary Policy and School Rules pertaining to the use, possession, distribution, manufacturing, of alcohol or other drugs at/or away from school, School Board property, or at school sponsored events.

If a student is in violation of such disciplinary policies and rules, disciplinary consequences will be through normal school channels associated with said policies and rules. The consequences under this Policy become secondary.

Alcohol and Drug Testing

An integral part of the overall substance abuse policy will be the use of drug and alcohol testing. Drug and alcohol testing have been demonstrated to be accurate methods of

determining the presence or absence of alcohol or illegal drugs in a person's body. Breath, oral fluid, hair or urine can be used for testing.

Definitions

1. **Activity Student.** Any student currently enrolled in the Baldwin County School System that participates in any extra-curricular activity as defined herein.
2. **Alcohol.** Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source produced.
3. **At School.** Means any school building, office or property, parking lots, owned or operated by the school, or being transported to and from a school activity or any other site off campus at which a student is engaging in any school activity.
4. **Chain of Custody.** The methodology of tracking specified materials, specimens, or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all of the materials, specimens, or substances and providing for accountability at each stage in handling, testing, and storing materials, specimens or substances and reporting tests results.
5. **Confirmation Test or Confirmed test.** A second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test shall be different in scientific principle from that of the initial test procedure. The confirmation method shall be capable of providing requisite specificity, sensitivity, and quantitative accuracy.
6. **Drug.** Any substance listed as a controlled substance pursuant to ALABAMA CODE 1975, § 20-2-20 through 20-2-32. This includes but is not limited to amphetamines, cannabinoids, cocaine, phencyclidine PCP, methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any of the substances.
7. **Drug Testing Agent.** The licensed and qualified independent agent, testing agency or medical office selected by the Board to carry out the screening of students.
8. **Drug Program Coordinator.** An employee(s) of the Baldwin County Board of Education appointed by the Board, responsible for overall implementation of the random drug and alcohol testing program as outlined in this Policy.
9. **Extra-Curricular Activities.** Any school or school related activity, which is not required as a part of a student's mandated basic educational curriculum.
10. **Initial test.** A sensitive, rapid and reliable procedure to identify negative and presumptive positive specimens. All initial tests shall use an immunoassay procedure or an equivalent procedure or shall use a more accurate scientifically accepted method approved by SAMSHA as more accurate technology becomes available in a cost effective form.

11. **Medical Review Officer (MRO).** A licensed physician who receives laboratory results, has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate a student's positive test result together with his or her medical history and any other relevant biomedical information. Only individuals holding either doctor of medicine (M.D.) or doctor of osteopathy (D.O.) degree may serve as an MRO.
12. **No Contact Positive Test.** A test shall be deemed positive if after a confirmation of the sample test indicates the sample is positive for drugs, the MRO is unable to reach the parent of the student, after diligent effort, to determine whether the drugs present were legally justified.
13. **Nonprescription Medication.** A drug or medication pursuant to federal and state law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.
14. **On-site test.** This is an alcohol or drug test that is easily portable and can be administered in a location outside a laboratory. An on-site alcohol test shall meet the federal Department of Transportation guidelines for an initial alcohol test. An on-site drug test shall meet the requirements of the Food and Drug Administration (FDA) for commercial distribution and the generally accepted cut off levels such as those in the SAMHSA Guidelines.
15. **Parent.** A person standing in parental relation including the custodial parent or a legal guardian or custodian.
16. **Parking Student.** Any student currently enrolled in the Baldwin County School System who drives or parks a motor vehicle "at school", as that term is defined herein.
17. **Positive Test Results.** A finding of the presence of alcohol or drugs, or the metabolites of drugs in the sample tested at or above the threshold detection levels set. This shall include a "no-contact positive" test.
18. **Prescription Medication.** A drug or medication lawfully prescribed by a physician for an individual and taken in accordance with the prescription.
19. **Random Selection.** A mechanism for selecting students for drug tests that (1) results in an equal probability that any student from a group of students subject to the selection mechanism will be selected, and (2) does not give the school discretion to waive the selection of any student selected under the mechanism. All Activity, Parking or Volunteer Students will be subjected to random selection testing.
20. **SAMSHA.** The Federal Substance Abuse and Mental Health Services Administration.
21. **Specimen.** Breath, oral fluid, hair, urine, or other product of the human body capable of revealing the presence of drugs or their metabolites or of alcohol.
22. **Substance.** Drugs or alcohol.

23. **Substance Abuse Test or Test.** Any chemical biological or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites or of alcohol.
24. **Trained Observer.** Employee who is knowledgeable of the school, teachers, students, and the school drug testing policy and procedures. These individuals will be trained by the designated drug testing company.
25. **Volunteer Student.** Any student who is not an activity student or parking student but who chooses voluntarily, along with his or her parents' consent, to participate in the Policy.

**Baldwin County Board of Education
Drug/Alcohol Free School Policy**

Procedures

I. General Policy

Practical experience and research have proven that even small quantities of illegal drugs, abused prescription drugs or alcohol can impair judgment and reflexes which can create unsafe conditions for students. Even when not readily apparent, this impairment can have serious results for students engaged in sports or other extra-curricular activities. Drug and alcohol-using students are a threat to other students and themselves, and may make injurious errors. For these reasons, the Baldwin County Board of Education has adopted a policy that all Activity Students, Parking Students and Volunteer Students be subjected to random drug testing to ensure that they are free from the effects of alcohol and/or the presence of drugs, unless used as prescribed by a physician.

II. Drug Use/Distribution/Impairment/Possession

All Activity Students, Parking Students and Volunteer Students are prohibited from using, possessing, distributing, manufacturing, or having controlled substances, abused prescription drugs, inhalants or any other mind altering or intoxicating substances present in their system while participating in extra-curricular activities or while driving or parking at school.

III. Alcohol Use/Possession/Impairment

All Activity Students, Parking Students and Volunteer Students are prohibited from possessing, drinking or being impaired or intoxicated by alcohol while participating in extra-curricular activities or while driving or parking at school.

IV. After School Hours Conduct

After school hours use of drugs, alcohol or any other prohibited substances, including inhalants by a student is unlawful and may result in a positive test, in violation of this policy.

V. Prescription Drugs

The proper use of medication prescribed by a physician is not prohibited; however, the Baldwin County Public School System prohibits the misuse of prescribed (or over the counter) medications and requires all Activity Students using drugs at the direction of a

physician to notify their school nurse where these drugs may affect their performance, such as by causing drowsiness.

VI. Pre-Participation Substance Screening

- A. Extra-curricular Activities Applicants:** Substance screening may be required for all extra-curricular activities applicants. If testing is conducted, a negative result must be recorded prior to a student participating in an extra-curricular activity. Such testing may be required either alone or as part of a pre-practice or pre-participation physical examination. Applicants are required to sign a Student Consent and Release form before submitting to screening. **Applicants will not be allowed to participate in any extra-curricular activity when they test positive for alcohol, drugs or adulterants, refuse to submit to a test, or refuse to execute the required consent/release form.**

- B. Parking Applicants:** Substance screening may be required for all on campus parking applicants. If testing is conducted, a negative result must be recorded prior to a student receiving an on-campus parking permit. Such testing may be required either prior to or after receiving the parking permit. Applicants are required to sign a Student Consent and Release form before submitting to screening. **Applicants will not be allowed to drive or park on campus when they test positive for alcohol, drugs or adulterants, refuse to submit to a test, or refuse to execute the required consent/release form.**

VII. Procedure for Current Extra-curricular Students and Parking Students and Volunteer Students

A. Random Testing

The Board will conduct random unannounced screening of Activity Students, Parking Students and Volunteer Students. A randomizer computer program will be utilized to provide computerized random sample lists to the Drug Program Coordinator. The Activity Students, Parking Students and Volunteer Students randomly selected will be required to report to the Board-designated collection site for testing.

B. Return to Participation Testing

All Activity Students and Parking Students referred through administrative channels to undergo a counseling or rehabilitation program or who are suspended from the extra-curricular activity or parking for abuse of substances covered under this policy will be subject to monthly unannounced testing following return to extra-curricular activities or parking for no less than 12 months.

VIII. Testing Procedures

A. General Guidelines

The School Board and its laboratory shall refer, when prudent, to the guidelines of the Federal Department of Transportation, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, 49 C.F.R. Part 40 when a particular topic or subject is not specifically covered by the policy or procedures adopted by the Board. Relative to the protocols for determining diluted, substituted or adulterated specimens, the Board will refer to Part 40 for guidance.

B. Substances Tested

Activity Students, Parking Students and Volunteer Students may regularly be tested for: alcohol, amphetamines, methamphetamines, cannabinoids, cocaine, opiates, phencyclidine, barbiturates, benzodiazepines, methadone, methaqualone and propoxyphene. Students may be tested for any other substances listed as a controlled substance under ALABAMA CODE 1975, § 20-2-20 through 20-2-32 and listed under schedules I through V without advance notice as part of a test performed by the Board for safety purposes. Such tests will be coordinated with the Coordinator.

IX. Collection Sites

The School Board will designate collection sites where students may provide specimens. Collections primarily will be conducted on-site at the appropriate designated school.

X. Collection Procedures

The Baldwin County School System and the laboratory have developed and will maintain a documented procedure for collecting, shipping and accessing specimens. The collection process shall be conducted so as to protect the privacy of the student. The Board and the laboratory will utilize a standard Custody and Control Form for all student testing. The Company will utilize a standard Breath Alcohol Testing Form for all student alcohol testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will be used for specimen transportation.

Collection sites will maintain instructions and training protocol that emphasize the responsibility of collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure as reasonable under the particular circumstances. Where the Board has an employee collect the specimen, the Board will ensure that instruction and training are provided to that employee.

All students selected for testing will also be required to execute a Student Consent and Release Form.

XI. Evaluations and Return of Results to the Board

The laboratory will transmit directly (by fax, mail, or computer, but not normally over the telephone) the results of all tests to the Board's MRO. The MRO will be responsible for reviewing test results of students and confirm that the individuals testing positive have used drugs or adulterated the specimen in violation of the School Policy. Prior to advising the Board of the test result, the MRO shall give the student and his or her parent(s) an opportunity to discuss the result either in person or over the telephone and provide evidence that the student was taking a prescription medication that could also have produced a positive drug test result, or if for some other reason in accordance with Part 40 procedures allow the MRO to determine that the test result is not as the result of violation of this policy.

The MRO shall then promptly personally telephone and inform tell the Drug Program Coordinator which students had confirmed positive test results that had no legitimate medical explanation. The Baldwin County Public School Systems will then schedule a conference between the student and parent(s) or legal guardian(s) to discuss the positive test result and appropriate interventions and consequences.

XII. Release of Test Results

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the Board through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in accordance with this Policy and the Student Consent and Release Form.

However, all students selected for testing will be required to execute a Student Consent and Release form permitting the Board to release test results and related information to the school officials who have a need to know.

Parents or guardians will be informed of confirmed positive test results by the School Assistant Principal or Board designee.

XIII. Consequences

For any violation of the Policy, including testing positive in a confirmation test, testing positive for adulteration, refusing to submit to screening, refusing to execute a release, or refusing to cooperate with an investigation by the administration, the consequences for said violations are as follows (These consequences are applicable to all students who volunteer to be drug tested):

Violations	Interventions
<p>First Violation:</p> <ul style="list-style-type: none"> • Activity student suspended from extra curricular activities for 30 days. • Student may not participate in extra-curricular activities or park on campus during the suspension. • Parking student suspended from parking on campus for 30 days. • Reinstatement requires a negative test. • Reinstatement requires a completion of Level I interventions. 	<p>Level I Interventions:</p> <ul style="list-style-type: none"> • Parent and student must attend conference with a school drug coordinator. • Student and parent must attend prevention counseling session with a prevention counselor. • Student and parent must attend one AA/NA meeting. • Student must report to a designated school counselor each week for four weeks.
<p>Second Violation:</p> <ul style="list-style-type: none"> • Activity student suspended from extra curricular activities for 40 days. • Student may not participate in extra-curricular activities or park on campus during the suspension. • Parking student suspended from parking on campus for 40 days. • Reinstatement requires a negative test. • Reinstatement requires a completion of Level II interventions. 	<p>Level II Interventions:</p> <ul style="list-style-type: none"> • Parent and student must attend conference with a school drug coordinator. • Student must attend one of the prevention programs indicated on the list of approved programs. Parents are responsible for tuition for programs that require tuition. • Student must report to a designated school counselor each week for six weeks.
<p>Third Violation:</p> <ul style="list-style-type: none"> • Activity student suspended from extra curricular activities for 365 days. • Student may not participate in extra-curricular activities or park on campus during the suspension. • Parking student suspended from parking on campus for 365 days. • Reinstatement requires a negative test. • Reinstatement requires a completion of Level III interventions. 	<p>Level III Interventions</p> <ul style="list-style-type: none"> • Parent and student must attend conference with a school drug coordinator. • Student will be required to attend a prevention program indicated or a program approved by the school system.

Baldwin County Board of Education Drug Free School Policy

Student Consent and Release Form

I, _____ have read the above statement of policy and agree to abide by the Board's drug and alcohol rules. I understand that no Activity or Parking Student testing positive, refusing to test, refusing to cooperate with testing or being in violation of this policy will be penalized academically.

(initials) I agree to submit to drug and/or alcohol tests in accordance with the Policy as a condition of my initial or continued participation in extra-curricular activities or to have the privilege of driving or parking on campus.

(initials) I agree to voluntarily submit to drug and/or alcohol tests at any time.

***Students, you are only required to sign this release if you: Park on Campus; Are a member of a Club; Are a Class Officer; Are involved in any other extracurricular activity, Band and/or Athletics.**

I do hereby give my consent to the School Board to collect a specimen from me, and I further give my consent to the Board to forward the sample(s) to the testing laboratory for its performance of appropriate tests thereon to identify the presence of drugs and/or alcohol and then to transmit the results to the Board's Medical Review Officer (MRO).

I authorize any laboratory or MRO to release test results to the Baldwin County School System. I authorize the MRO to release final test results to the Board.

I also expressly authorize the Board or its MRO to release any test-related information, including positive results:

- (a) As directed by my specific, written consent authorizing release of the information to an identified person.
- (b) To my decision maker in a lawsuit, grievance, or other proceeding initiated by me or on my behalf.

I understand that the refusal to submit to testing or a positive or adulterated test result will affect my initial or continued participation in extra-curricular programs or driving or parking on campus for Baldwin County Schools and result in consequences as described in the Baldwin County School System Drug Free School Policy.

Student

Date

Parent or Guardian

Date

Witness

Date

*Copies of the above-mentioned policy are available on request.

List of Approved Drug Programs

Level I

1. One counseling session with a Baldwin County Mental Health Counselor.
2. One AA/NA meeting.

Level II

1. Attendance at AA/NA five week program.
2. TEEN Program – 5 weeks (offered by BCMHC at parent expense).
3. J.O.P. (offered by BCMHC at parent expense).

Level III

All Programs at Level III are at parent expense.

1. Teen Program – 18 weeks
2. Programs approved by the school system

Baldwin County Mental Health Center

To the parents of

BCMHC and the School Board have joined together to support the war against drugs in our school system among students. The BCMHC Teen Program will work together with the students of Baldwin County to develop a drug program meeting the requirements of the drug free school system policy.

The BCMHC Teen program is a 12 to 18 week drug program. The program is located at 201 East Camphor, Foley, AL 36535. 251-943-2818 Fax# 251-943-2144. The program meets three nights a week, 4:30p.m. to 7:30 p.m. Monday, Wednesday, and Thursday, with Thursday being a family night. The students will be randomly drug tested while in the program. The TEEN Program is not just a drug program. Other issues addressed are Anger Management, Peer Pressure, Self Esteem, Goals, Job Interviews, Communication Skills, Social Skills, Getting Along at Home with Family, Relationships and other Life Skills.

As mentioned in the Baldwin County School System Drug Free School Policy for student's second violation of the policy, a student will be suspended for 40 days from a sport, an activity, or parking privilege. Since the TEEN program is longer than the 40 days, we are willing to open doors for these students to attend for the 40 days (5 weeks) for treatment. After the 40 days the student and parent have the option of continuing with the program to the full term of 12 or 18 weeks.

The amount of the program is \$240 for the 18 weeks and \$10 for the initial assessment. Insurance, All Kids, Medicaid, accepted. Therefore for the 40 days (5 weeks) the cost would be approximately \$67.00, plus \$10.00 for the initial assessment.

If you have any questions, please call 251-943-2818.

Wanda Fox-Pierre MS
Substance Abuse Coordinator TEEN Program