

Decatur City Schools
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

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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.

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TOBACCO—Employees

The board prohibits all persons from smoking and use of tobacco products on school property including vehicles or at any school activity. Employees shall not smoke or otherwise use any tobacco product at any time while on duty. Violations may result in disciplinary action to include written reprimand, suspension, and/or termination.

REVISED: November 13, 2007 LEGAL REF: 21 U.S.C. 812; 41 U.S.C.701, et seq.; 49 C.F.R. §382.101, et seq.; Code of Alabama, 1975, §§20-2-1, et seq., 13A-12-201 to 13A-12-294, and 16-11-9; Skinner v. Railway Labor Executive Association, 489 U.S. 602 (1989); National Treasury Employees Union v. Von Raab, 489 U.S. 656 (1989); Vernonia School District v. Action, 132 L.Ed.2d 564 (1995)