

BRISTOL VIRGINIA PUBLIC SCHOOLS
COMPREHENSIVE DRUG AND ALCOHOL POLICY

I. FINDINGS

Based upon the reported observations of school staff at Virginia High School and Virginia Middle School; based upon the evidence taken at School Board disciplinary hearings involving drug violations and other violations of School Board policy; based upon the semi-annual results of the Youth Risk Behavior Survey conducted under the auspices of the Bristol Virginia Office of Youth and with the assistance of the Bristol Virginia Public Schools; based upon the report and recommendation of the Bristol Virginia Public Schools Health Advisory Committee; based upon the statements of speakers consisting of members of the public and of governmental and police authorities; and based upon the recognition that alcohol and drug abuse present significant and difficult problems for the community of Bristol, Virginia, its citizens and families; and recognizing that the use by our students of alcohol and drugs seriously interferes with the educational attainment of our students and their emotional and physical health; based upon the reported observations of school staff at Virginia High School and Virginia Middle School; based upon the evidence taken at School Board disciplinary hearings, the Bristol Virginia School Board finds that it is advisable to adopt and implement the following comprehensive drug and alcohol prevention, enforcement and intervention policy.

II. DEFINITIONS

- A. Drugs – Drugs shall mean and include any controlled substance, imitation controlled substance or marijuana as defined in Chapter 34 of Title 54.1 and Section 18.2-247 of the Code of Virginia and any drug equipment or paraphernalia. This definition shall not apply, however, to any such substance as may be prescribed for a particular student as a medication and used by the particular student for whom it is prescribed in the manner intended. This definition shall include any non-prescription inhalants or other

substances which may be used and are commonly understood to produce physical, mental or psychological stimulant or depressive effects when consumed and abused.

- B. Alcohol – Alcohol shall mean and include any alcoholic beverage, beer, wine or distilled spirit and/or any beverage containing any of the same as a component.

III. PREVENTION

In order to prevent the use of alcohol or drugs by students, the Superintendent, with the assistance of the administrator of the program, and with the approval of the School Board, shall implement the following programs:

- A. Recognizing that alcohol and drug use or dependency can have their origin in unhealthful and disruptive behaviors arising out of early social, family, and educational environments, there shall be adopted as part of the program and curriculum the behavior conditioning and modification program known in the elementary schools as “Second Step,” and in the middle school as “Life Skills,” or equivalent programs, which are based on scientific research.
- B. In the high school, the program “Reconnecting Youth” or equivalent program, based on scientific research, shall be adopted and implemented.
- C. DARE (Drug and Alcohol Resistance Education) shall be continued.
- D. Parental Awareness Program – Within the first two weeks of school each year, each parent or guardian of a student at the middle school and high school shall be furnished with an informational pamphlet describing the kinds of drugs and alcohol that are subject to use and abuse by their children, the physical, emotional and educational signs of such alcohol or drug usage, a brief discussion of ways to talk with their child about alcohol and drug abuse, a brief synopsis of the laws of the Commonwealth concerning the furnishing of drugs or alcohol to a minor, and of

the laws of the Commonwealth concerning the effects of a conviction for a drug-or-alcohol-related offense on the driving privileges of their children and providing a brief description of the persons and agencies available to provide help.

- E. Student Awareness Program – Within the first two weeks of each semester during the school year, each student shall be provided with written materials and one hour of instruction on the health risks, educational risks and legal consequences of alcohol and drug use, both on school grounds and at school events, and at other locations and times. Without limitation, the instruction and materials shall include a description of the circumstances under which a student can lose his privilege to drive and to operate a vehicle on school property. The instruction shall also advise the student that the student does not have a right or expectation of privacy in student lockers, gym lockers, storage areas on campus and automobiles parked on campus.
- F. Student Action Plan – Within the first two weeks of school each year, the principal of the high school and middle school shall form a committee of students who shall be vested with the responsibility of discussing and preparing an action plan for alcohol and drug abuse education and prevention. The plan shall attempt to involve as many students as possible in the discussion, formulation and implementation of the plan. Prior to implementation, the plan shall be approved by the principal and the administrator of this program.
- G. In-Service Training – During each school year, each teacher and other staff member, including bus drivers and cafeteria workers, shall receive one hour of in-service training on the subject of drug and alcohol recognition, drug-and-alcohol-use recognition, and the legal authority and protections of the staff to report and act.
- H. Mandatory Drug Testing Policy for Students Participating in Extracurricular Activities –
 - A. Policy Statement and Purpose

In view of the findings set forth above, and making the additional findings that drug and/or alcohol use present

physical and mental dangers to students participating in athletic activities and other extracurricular activities conducted under the sanction of the Virginia High School League; and that the participants in these activities are often held to be leaders of other students; and that the opportunity to participate in these activities is a special privilege warranting the regulation and drug testing prescribed in this policy, the Board finds that it is necessary and advisable to require participants in these activities to agree to participate in the random drug testing program described below.

B. Definitions –

1. “Illegal Drug” shall have the same meaning as “drugs” as defined in Section IIA and IIB of this policy and shall include alcohol as defined herein.

2. “Activity” shall mean any school-sponsored extracurricular activity engaged in by students in grades 9-12, and by eighth graders participating in VHSL junior varsity or varsity sports, including athletic and academic activities, that meets the guidelines, and is under the control and jurisdiction, of the Virginia High School League occurring during the regular school year or during regularly-scheduled times for team practice or participation that may occur before or after the regular school year.

C. Procedures --

1. Consent. Before being eligible to participate in an activity a student and the student’s custodial parent or guardian must consent in writing to drug testing pursuant to this policy. Written consent shall be in the form adopted by the Superintendent pursuant to Section VIII E. The consent form shall authorize such disclosures of information in the event of a positive test as shall be necessary to carry out the provisions of this policy. In the instance of a consent form signed by a student who is over the age of eighteen years, the form shall request the permission of the student to disclose information to the parent or guardian of the student. If the student who is

over the age of eighteen years does not consent to the disclosure of information to his or her parent or guardian, then no such disclosure shall be made, notwithstanding any other provisions of this policy.

2. Pre-Season Testing and Student Selection.

a. Pre-Season Testing – Before a student shall be permitted to participate in any activity, he or she shall first submit to a drug test conducted in accordance with Section VI of this policy. Should the test be positive, the student shall be ineligible to participate for a period of thirty (30) days or until a negative test shall be reported.

b. Random Drug Testing -- Random drug testing will be conducted from time to time throughout the school year, provided that the random testing shall be made up of a sufficient number of students in activities and performed frequently enough to create a probability in favor of each student being randomly tested during the school year. Selection for random testing will be by lottery drawing from a “pool” of all students in activities at the time of the drawing. A single test of a student or students can be required by a student’s head coach/sponsor for reasonable suspicion. The process of random selection shall be adopted by the Superintendent by regulation in consultation and with agreement of the medical testing facility selected in accordance with Section VI of this policy. The Superintendent shall take all reasonable steps to assure the integrity, confidentiality, and random nature of the selection process, including, but not necessarily limited to, the pool, assuring that the identity of students drawn for testing is not known to those involved in the selection process and assuring direct observations of the process by the least intrusive means possible while assuring brevity and privacy.

3. Use of Test Results.

a. If a test result is positive (the presence of illegal drugs), the Superintendent shall immediately notify the parents or guardian of the student of the positive test result, and only such school personnel as are required to implement the intervention provided for in this policy. No other persons shall be notified of the positive test results, including but necessarily limited to, law enforcement personnel. A meeting shall then be scheduled with the Coordinator, the student, the student's parents or guardian, the student's principal and the student's head coach/sponsor for the activity in which the student participates, provided, however, that in the event a student over the age of eighteen years has not consented to disclosure to the parent or guardian, then disclosure shall be made only to the student or such person as the student, in writing, may authorize.

b. **First Positive Test Result.** For the first positive test result, at the meeting, the student will be encouraged to seek treatment and/or counseling for drug/alcohol related problems. In addition, the student shall be referred to the student assistance counselor for completion of the program prescribed by the student assistance counselor. The school system will not assume or be responsible for any expense incurred for counseling service or attendance in a drug/alcohol rehabilitations program. The student will be placed on probation for a period of thirty (30) days (or such longer period as the testing agency establishes for the positive tested drug to clear from the student's body), commencing with the Superintendent's receipt of the positive test results. During the probationary period the student will not be allowed to participate in any extracurricular activity. After thirty (30) days (or such longer period as the testing agency establishes for the positive tested drug to clear from the student's body), the student will be tested again at his/her expense, and a written copy of the test results shall be given to the Superintendent. If the results of the second test are negative, the probation will be lifted. However, if the

results are positive, the student will be treated as a person who receives a second positive test in accordance with Paragraph III H C 3 c below. If the student refuses to take the second test, the student will remain on probation.

c. Second Positive Test Result. For a second positive test result reported in connection with any drug testing prescribed or permitted by this comprehensive drug and alcohol prevention policy, the student shall be suspended from participating in any extracurricular activity for the remainder of his attendance in the Bristol Virginia Public Schools. The student shall also be referred to the student assistance counselor for such counseling assistance and program referral as may be prescribed by the student assistance counselor.

d. Any student who shall have been suspended from participation in sports or extracurricular activity as a result of a second positive drug test may, at any time after eighteen months from the commencement of his suspension, make application for reinstatement to the School Board, which may, in its discretion, grant the application for good cause shown.

e. Notwithstanding any other provision of the policies of the Bristol Virginia School Board, a positive finding as a result of a preseason drug test or a random drug test shall not in and of itself be a violation of the Board's policies regarding the use or possession of illegal drugs or controlled substances or alcohol as set forth in Policies JFC, JFCR, JFG and JFCF.

- D. The refusal to submit to a test to be administered under Section III H of this policy shall be deemed to be a positive result.
- E. Appeal – An appeal may be instituted at any stage by the parent, and/or student if over the age of eighteen, to the Superintendent. Upon request, a retest of the original sample will be conducted by the testing agency, at the parent's

expense. Specimens are kept by the testing laboratory for a period of one year. The student may not practice or compete until the appeals process has been completed. The Superintendent shall be authorized in the exercise of his authority on appeal to make factual findings as to whether the results of the test, including the results of any retest of the original sample, are positive or not, and the Superintendent's findings shall not be overturned by the School Board unless they are shown to be clearly erroneous.

IV. ENFORCEMENT

- A. School Board policies JFCF, "Drugs in School;" JFC, "Student Conduct;" JFC-R, "Standards of Student Conduct;" and JFG, "Search and Seizure," shall not be affected by adoption of this policy and shall be incorporated herein by reference as the same currently exist and as they may be amended from time to time.
- B. The Superintendent is authorized to utilize passive canines whose reliability and accuracy for sniffing out contraband has been established to aid in the search for contraband on school-owned property and automobiles parked on school property. Canines shall not be used to search a student's person or personal effects, teacher, staff member, guidance counselor, administrator and employee of the BVSS. The canine must be accompanied by a qualified and authorized trainer who will be responsible for the dog's actions. An indication by the dog that contraband is present on school property or in an automobile shall be reasonable cause for a further search by school officials.
- C. In the exercise of authority under this policy and the implementation thereof, school personnel shall not serve as agents of police authority or be under the direction or supervision of police authority, but shall act only in their capacity as school officials.
- D. School officials shall comply with the policy of required reporting to parents and local law enforcement as required by policy CLA, "Reporting Acts of Violence and Substance Abuse."

- E. In imposing discipline for violations of School Board policies relating to drugs and alcohol, the Board may impose such penalties, conditions and discipline as it may deem appropriate under the circumstances of the individual case presented, while keeping in mind the principal of uniformity and fairness. When appropriate, the Board may employ the principal of progressive discipline to the end that the disciplined student's behavior may be corrected and improved. In imposing discipline, the safety of the school community and the student body shall always be considered.
- F. Without limitation, the disciplinary measures which may be employed for violations of policy regarding drugs and alcohol may include expulsion; suspension; imposition of probation on such terms and conditions as the Board and/or Superintendent may require; requirement of random drug testing, which shall be at the cost of the student or his parent; revocation of parking or driving privileges insofar as permitted by law; exclusion or limitation from participation in or attendance at extracurricular school activities, including proms, graduation ceremonies and other similar events; and required participation in instructional or remedial programs, provided, however, that referral of the disciplined student to the Student Assistance Counseling Program shall be required.
- G. Upon recommendation of the Superintendent, a disciplined student may be referred for Juvenile Court proceedings pursuant to Section 16.1-278.9 of the Code of Virginia for suspension or denial of the student's driving privileges.
- H. Unless specifically addressed in this policy, nothing in the policy shall be deemed to limit or restrict the authority under law of any school official, including the Superintendent, to suspend students, place students on homebound instruction during the pendency of charges pertaining to drugs or firearms.
- I. In the event that a student is charged with violation of School Board policies prohibiting the possession or use or distribution of drugs, alcohol, drug paraphernalia or imitation controlled substances, the student shall immediately, and after notice to the student's parent or guardian, be administered a test for illegal drugs and/or alcohol as provided in Section VI below.

V. INTERVENTION

- A. Whenever a student is found by the School Board, the Superintendent or a principal to have violated Board policy established for drug or alcohol, or whenever a student is found to have a positive drug screen, whether the same shall have been randomly or specifically administered, or whenever intervention or assistance for drugs or alcohol shall be requested by a student or a parent or legal guardian of a student, the student shall be referred to and shall participate in a Student Assistance Counseling Program.

- B. The Student Assistance Counseling Program shall be established and administered through Highlands Community Services Corporation (HCSC) in accordance with the protocols and procedures and protocols agreed upon in writing by HCSC and the Bristol Virginia School System (BVSS). Without limitation as to the scope and functions of the program, it shall consist of the assignment to the BVSS of one or more student assistance counselors, who shall have the training prescribed by HCSC to enable the counselor to provide services to students in drug and alcohol and behavioral intervention, counseling and referral for additional appropriate counseling, medical, psychological and intervention services. The professional qualifications of the student assistance counselor chosen by HCSC shall be subject to the approval of the Superintendent. Before performing the duties of student assistance counselor in the Bristol Virginia Schools, the counselor shall undergo and pass a criminal background check. The student assistance counselor shall not be an employee of the BVSS and shall retain professional independence in the performance of his or her duties. The communications between a student and the counselor shall remain confidential, except as otherwise required by law.

- C. A student referred to the student assistance counselor as result of disciplinary proceedings or referral following positive random drug screening shall complete the program prescribed by the student assistance counselor, and completion of this program, including all referrals resulting therefrom, shall be a condition of

any probation imposed by school authority, and it shall also be a condition for readmission to school following any suspension or expulsion.

- D. The cost of maintaining the Student Assistance Counseling Program shall be negotiated between HCSC and the BVSS and shall be incorporated in the annual School Board budget. The cost of any referral services, including medical, psychological and intervention treatments, shall be borne by the student and/or the parents or legal guardians of the student.
- E. Staff Involvement
1. Each teacher, staff member, guidance counselor, administrator and employee of the BVSS shall exercise vigilance and care based upon the training such person shall have received to observe and report any objective circumstances or facts he or she may encounter which suggest that any student is or may be using, selling, distributing or being under the influence of any drugs or alcohol. Report of such activities shall be made to the building principal or vice-principal so that appropriate action or intervention may be taken.
 2. In accordance with Section 8.01-47 of the Code of Virginia:

In addition to any other immunity he may have, any teacher, instructor, principal, school administrator, school coordinator, guidance counselor or any other professional, administrative or clerical staff member or other personnel of any elementary or secondary school, or institution of higher learning who, in good faith with reasonable cause and without malice, acts to report, investigate or cause any investigation to be made into the activities of any student or students or any other person or persons as they relate to conduct involving bomb threats, firebombs, explosive materials or other similar devices as described in clauses (v) and (vi) of Section 22.1-279.3:1A, or alcohol or drug use or abuse in or related to the school or institution or in connection with any school or institution activity shall be immune from all civil liability that might otherwise be incurred or imposed as the result of the making of such a report,

investigation or disclosure.

3. The BVSS shall indemnify and defend any teacher, staff member, guidance counselor, administrator and employee of the BVSS from any claims, suits or causes of action that may arise from the implementation of this policy by such person who acts in good faith, without malice, and based upon reasonable cause.

VI. DRUG-TESTING PROCEDURE

- A. In the event that a drug test of a student is prescribed by this policy, whether the test is based upon random selection, reasonable individualized suspicion, enforcement action, consent, agreement or otherwise, the testing shall be done in accordance with the following procedures.
- B. The testing shall be done by a licensed medical facility selected by the Superintendent and approved by the School Board. The terms and conditions and manner in which the testing shall be done shall be embodied in a written agreement between the Bristol Virginia Public Schools and the licensed medical facility. The facility shall be certified by the Substance Abuse and Medical Health Services Administration (SAMHSA). Unless the Superintendent shall designate otherwise in a specific case, drug testing shall be by urinalysis. Administration of the tests shall be made by personnel of the licensed medical facility, and school personnel shall not be responsible for test administration. Sample collection, identification, chain of custody, recording and reporting of results and preservation of samples shall be the responsibility of the licensed testing facility and shall be done in accordance with generally-accepted testing procedures and protocols as embodied in US Department of Transportation drug test protocols. Unless the Superintendent shall designate otherwise in a specific case, the drugs or substances that shall be tested for are alcohol, marijuana, cocaine, phencyclidine (PCP), amphetamines and opiates, and shall also include those drugs or substances included in the Department of Transportation “10-panel test”. Positive cut-off levels shall be those established by the National Institute of Drug Abuse (NIDA), including the cut-

off of 50 mg/ml for marijuana. Any sample registering below 92 degrees Fahrenheit shall be rejected. Should the licensed medical facility report that a sample appears to have been tampered with or otherwise rendered unreliable, then a new sample shall be taken. Before reporting a positive finding, the licensed medical testing facility shall require a qualified medical review officer to review the findings, conduct necessary investigations to determine whether the findings may represent false positives or the presence of legitimately-prescribed medications.

- C. The licensed medical testing facility shall maintain confidentiality of the testing and test results at all times. It shall report its findings to the Superintendent, who shall then use the information in accordance with the terms of this policy and shall otherwise maintain confidentiality as prescribed in this policy. The test results and report of information shall be in accordance with the privacy regulations adopted by the US Department of Health and Human Services in accordance with HIPAA.
- D. Records of testing and reports thereof shall not be maintained in student permanent files.
- E. The cost of testing prescribed under this policy shall be borne by the Bristol Virginia School System in accordance with appropriations made by the School Board.

VII. APPOINTMENT OF ADMINISTRATOR

- A. Within forty-five (45) days of adoption of this policy by the School Board, the Superintendent, with the approval of the School Board, shall appoint an administrator for the program. The administrator may also otherwise be known in this policy as the “coordinator.”
- B. It shall be the duty of the administrator to oversee and implement the provisions of this policy. The administrator shall also bring to the attention of the Superintendent and School Board such information or recommendations that the administrator may have concerning the manner in which the policy should be implemented. The administrator shall submit a written report

detailing the implementation and results of the program not later than May 1st of each year.

- C. The administrator shall be entitled to such stipend or compensation as may be established and appropriated by the Board.
- D. The administrator shall report directly to the Superintendent.

VIII. IMPLEMENTATION

- A. Within forty-five (45) days of adoption of this policy by the School Board, the Superintendent shall submit to the Board a budget for implementation of the policy.
- B. This policy shall become effective upon adoption by the School Board of the budget for its implementation.
- C. Prior to the time of his submission of the proposed budget for implementation to the School Board, the Superintendent shall submit this policy to the School Board attorney for a legal review and shall submit the findings of the School Board attorney to the Board.
- D. The implementation and enforcement of this policy shall be consistent with the provisions of IDEA and Section 504 of the Rehabilitation Act.
- E. The implementation and enforcement of this policy shall be in accordance with the requirements of Title 20, Chapter 31, Section 1332g, of the United States Code, Family Educational and Privacy Rights (FERPA), and regulations thereunder; Section 22.1-287 of the Code of Virginia pertaining to “limitations on access to records” and in accordance with the requirements of the Federal Privacy Regulations adopted by the U.S. Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Superintendent is hereby granted authority to issue regulations and to adopt forms and documentation to implement the requirements of this section.

- F. The implementation and enforcement of this policy shall be in accordance with the requirements of the Virginia Public Procurement Act, Sections 2.2-4300, et seq, of the Code of Virginia in so far as said sections may be applicable.
- G. The provisions of this policy shall be severable, and in the event that one or more provisions of this policy should be found to be illegal or unenforceable, then the remainder of this policy shall nonetheless remain in full force and effect.

Adopted by: The Bristol Virginia School Board on March 1, 2004.

Cross Ref.:	JFC	Student Conduct
	JFC-R	Standards of Student Conduct
	JFCF	Drugs in School
	JFG	Search and Seizure