

## **Drug Testing Pilot Program for Student Athletes**

### **STATEMENT OF NEED**

All athletic team coaches/sponsors and the administration of Shelby County Public Schools recognize that the unlawful use of alcohol and other drugs seriously impairs the health, safety, education, and future success of high school students engaged in that use. It is also recognized that the unlawful use of alcohol and other drugs is a potential problem for all high school students.

Students engaged in interscholastic athletics are often viewed by fellow students as holding or enjoying positions of notoriety and are confronted by unique pressures and risks that make them particularly vulnerable to the harms presented by drug use. Due to the potential notoriety derived from athletics, student athletes also potentially impact or influence the attitudes and actions of other members of the student body. Finally, in order to deal effectively with drug and alcohol pressures and health risks, we believe that it is imperative to implement a mandatory Drug Testing Pilot Program governing the illegal use of drugs by student athletes on our high school athletic teams for the 2019-2020 school year.

### **STATEMENT OF PURPOSE**

This Drug Testing Pilot Program is intended to support the comprehensive educational policies and programs of the District in educating students and their parents/guardians as to the dangers inherent in the unlawful use of drugs. The program is further intended to provide encouragement to all students who voluntarily choose to participate on athletic teams to avoid such use and to strive to benefit from effective rehabilitation when such use has occurred.

Administrators shall not use information obtained in the course of administering this program for disciplinary purposes other than those set forth herein. This program is not designed to be used, nor shall it voluntarily be used in any manner, to provide a source of information for law-enforcement agencies or for the prosecution of the student or to limit the student's participation in the school activities, other than the limitations imposed by this program. Without a specific written authorization from the tested student or parent/guardian, if the student is under eighteen (18) years of age, the administrator shall not release any student's test results to any person other than those described within this pilot program (Superintendent or his/her designee, Principal, Associate Principal, Assistant Principal, Counselor, Director of Student Services, Student Activities Coordinator and the coaches/sponsors of athletic activities). Nothing in this Drug Testing Pilot Program will prevent the District from releasing any information as may otherwise be required by law or a lawfully issued subpoena or court order.

In order to accomplish its purposes, this pilot establishes a program for procedures to deter the unlawful use of drugs and alcohol and to provide for suspension and termination of participation in athletic activities when deterrence is unsuccessful. To determine compliance with the terms

and conditions of this pilot, it provides a Drug Testing Program to identify student athletes who are unlawfully using drugs. This Drug Testing Program provides incentives for rehabilitation through possible reinstatement to the specific athletic team involved. Consistent with its purposes, this program also seeks to achieve the following objectives:

1. To protect Shelby County student athletes from impairing their health, safety, education, and future success through the unlawful use of alcohol and other drugs;
2. To protect Shelby County student athletes and their opponents from potential injury during competition resulting from the unlawful use of alcohol and other drugs;
3. To protect Shelby County student athletes from the potential stigma of unsubstantiated allegations of unlawful use of alcohol and other drugs; and
4. To assure students, parents, teachers, and the community that the health, safety, education, and future success of student athletes are the primary concerns of Shelby County.

#### **IMPLEMENTATION, REVIEW, AND EVALUATION**

All student athletes and their parents/guardians (if the student is under the age of eighteen (18) must sign the “Student and Parent/Guardian Consent to Perform Urinalysis for Drug Testing” form before the student athlete shall be permitted to participate (practice or contest) on an athletic team. After selection to an athletic team (tryouts), all student athletes shall be subject to random drug testing. When selected from the “pool” of participants, student athletes shall follow collection procedures of the collecting agency and submit a urine specimen within 3 hours. The Superintendent’s designee (Director of Student Services) shall have the responsibility for implementing this drug testing program.

The Superintendent’s designee shall devise procedures to implement the Drug Testing Program fairly and efficiently and shall review and evaluate the effectiveness of the program at the end of the 2019-2020 school year. The evaluation shall include, but not be limited to, the effectiveness of the comprehensive educational and counseling program, substance testing program, procedural safeguards, and the list of drug substances tested. In devising procedures to implement this Drug Testing Pilot Program, the Superintendent may incorporate the policies and procedures of the collecting and testing agencies and the language in any contract(s) with such agencies.

#### **PARTICIPANTS**

This drug testing pilot program applies to all high school students (grades 8 through 12) choosing to participate in athletic practices and /or contest under the control and jurisdiction of the District, including dance teams and cheer teams. All students in grades 8 through 12 engaging in athletics, varsity and sub varsity levels, shall participate in the Drug Testing Pilot Program. Athletic teams covered by this program include, but not limited to, baseball, basketball, cheerleading, dance teams, cross country, soccer, football, softball, tennis, track, golf, lacrosse, swimming, and volleyball. In the event that a student athlete refuses to be tested, he or she shall be excluded

from participation on all athletic teams, including cheer and dance, for the remainder of the school year.

The District encourages students not participating in athletics to voluntarily participate in the in the Drug Testing Program. Students and their parents/guardians shall sign the “Student and Parent/Guardian Consent to Perform Urinalysis for Drug Testing” form before being tested. Any such student shall have his or her name included in the pool to be randomly tested. The drug testing of a student not participating in athletics and voluntarily participating in the drug testing program shall be done at the parent’s expense. The cost of a drug test for those voluntarily participating in the program shall not exceed the cost for student athletes.

#### **TESTING PROGRAM**

Testing shall be accomplished by the analysis of urine specimen obtained from the student participants. Collection and testing procedures shall be established, maintained, and administered to ensure:

1. Proper student identification;
2. Identification of each specimen with the appropriate student participant’ number;
3. Maintenance of the unadulterated integrity of the specimen; and
4. Integrity of the collection and testing process, as well as the confidentiality of test results.

#### **SUBSTANCES TESTED**

Student participants’ urine specimen shall be tested for the following, which include, but may not be limited to:

1. Amphetamines;
2. Marijuana (THC);
3. Cocaine and its derivatives;
4. Opiates;
5. Phencyclidine (PCP);
6. Benzodiazepine;
7. Blockers;
8. Methamphetamine;
9. Methadone;
10. Barbiturates; and
11. Other abused, illegal, or controlled substances as determined by the Superintendent or listed in Chapter 218A of the Kentucky Revised Statutes or any substance added by regulation under KRS 218A.010.

## **CONFIDENTIALITY**

The Superintendent's designee shall develop a process to reasonably ensure privacy during the taking of samples, security of samples once obtained, and designation of laboratory services that are accurate and reliable. Appropriate measures shall be taken to protect confidentiality throughout the testing process and in the handling of test results. Access to drug testing results shall be restricted on a need-to-know basis to those persons in positions designated by the Superintendent. The process to be developed by the Superintendent's designee under this section may be accomplished through the incorporation of the policies and procedures of the collecting and testing agencies, or by language in the contract(s) with such agencies.

## **Collection Procedures**

The collector shall do the following before each collection to deter potential tampering, adulteration, alteration, or substitution of the specimens:

1. Secure any water sources or otherwise make them unavailable to students (e.g., turn off water inlet, tape handles to prevent opening faucets); and
2. Ensure that the water in the toilet and tank (if applicable) has bluing (coloring) agent in it. Tape or otherwise secure shut any movable toilet tank top, or put bluing in the tank; and
3. Ensure that no soap, disinfectants, cleaning agents, or other possible adulterants are present; and
4. Inspect the site to ensure that no foreign or unauthorized substances are present; and
5. Ensure that undetected access (e.g., through a door not in your view) is not possible; and
6. Secure areas and items (e.g., ledges, trash receptacles, paper towel holders, under-sink areas) that appear suitable for concealing contaminants; and
7. Recheck items (1) through (6) following each collection to ensure the site's continued integrity.

The collector must also ensure the following:

1. Access to collection materials and specimens is effectively restricted; and
2. The facility is secured against access during the procedure to ensure privacy to the student and prevent distraction of the collector; and
3. Limited-access signs are to be posted; and
4. The presence of the school's Activities Coordinator or Designee prior to the collection process to ensure proper student identification; and
5. Absolute privacy for student athletes during the collection process; and
6. Each urine specimen is tested for a temperature above 90 degrees Fahrenheit. Urine tested below 90 degrees shall be discarded and the student will be required to produce another sample.

When a specific time for a student's test has been scheduled and the student does not appear at the collection site (school facility), the collector must contact the Principal or designee to determine the appropriate interval within the student is authorized to arrive. If the student's

arrival is delayed beyond that time, the collector must notify the Principal or designee that the student has not reported for testing. Students selected for testing shall report to the testing facility (school facility) within a reasonable time. The time allotted to submit a specimen shall not exceed 3 hours unless approved by the Principal or designee.

#### **SANCTIONS**

If a student's urinalysis is positive, a second, more specific, urinalysis shall be administered on the original sample to confirm results. If the second urinalysis on the original sample is negative, no further action will be taken. If the second analysis is positive, the Principal and/or his or her designee shall notify the student athlete and his or her parents/guardians upon receipt of the results. The Principal or designee, at that time, shall provide the student and parent/guardian an opportunity to be heard before explaining and imposing sanctions. The parent/guardian or student athlete (if eighteen) may decide to appeal and arrange for another test on the same day with an approved agency at their own expense. If the parent/ guardian and/ or student athlete chooses to submit to another test, results shall be submitted to the Principal or designee within 24 hours of notice. Only negative results will be considered.

It is illegal and a violation of this drug testing pilot program for a student athlete to take a drug prescribed to another person, including a parent or family member. Students who test positive for any prescription drug must have a prescription in "their name" for the drug. Verification of the prescription shall be presented to the Principal or designee.

#### **First Violation:**

1. A student testing positive will be suspended for 20% of regular season contests allowed by the KHSAA. If a violation occurs in the middle or end of a season, 20% of the regular season contests will be used to calculate the number of contests to be included in the suspension, not the remaining games. Student athletes shall be allowed to practice with their team during the period of suspension. The suspension will begin the date that the results are confirmed. If necessary, the suspension shall carry over to the student's subsequent participation on another athletic team and/or the following season. Before reinstatement after the first violation, the student must receive an assessment or evaluation for chemical dependency and follow all recommendation from a professional drug counselor. The parents/guardians are responsible for the cost of assessments and treatment recommendations. Prior to readmission to participation, the student must submit to a new drug test with an approved agency administered at the parent's expense and in accordance with the same procedures utilized for random drug testing. Student athletes who test positive shall be tested throughout the remainder of the athletic season (fall, winter, spring). A positive result on additional screenings shall be treated as a second violation.
2. If a student is reinstated to the athletic team following the first violation, the student's participation on another team shall not be restricted solely because of the existence of the first violation, as long as the student has completed the period of suspension and

was appropriately reinstated to the prior activity. If the student elects not to seek reinstatement to the activity after a first violation (either because of the student's own election or because the season has concluded prior to the expiration of the student's period of suspension), the student is still required to serve the unexpired portion of the previous suspension before participating on another team. If a student-athlete serving a suspension for one sport/ activity completes all forms and provides a negative drug screen from the agency under contract at the parent's expense, he or she may try out for a second activity. A positive result shall be treated as a second violation.

### **Second Violation:**

1. The student athlete shall be suspended for 40% of the regular season contests. If a violation occurs in the middle or end of a season, 40% of the regular season contests will be used to calculate the number of contests to be included in the suspension, not the remaining games. The student athlete shall be allowed to practice with the team during this period. If necessary, the suspension shall carry over to the student's subsequent participation on another athletic team and/or the following season. Before reinstatement to the sport/activity after a second violation, the student participant must successfully complete recommendations that resulted from the chemical dependency assessment as evidenced by a written statement to that effect issued by a treatment counselor. Prior to readmission to participation, the student must submit to a new drug test with an approved agency administered at the parent's expense and in accordance with the same procedures utilized for random drug testing. Student athletes who test positive shall be tested throughout the remainder of the athletic season. A positive result on additional screenings shall be treated as a third violation.
2. If a student is reinstated to the sport/activity following a second violation, the student's participation on another team shall not be restricted solely because of the existence of the second violation as long as the student has completed the period of suspension, the required chemical dependency program and was appropriately reinstated to the prior sport/activity. If the student elects not to seek reinstatement to the activity after the second violation (either because of the student's own election or because the season has concluded prior to the expiration of the student's period of suspension), the student is still required to serve the unexpired portion of the previous suspension before participating on another team. If a student-athlete serving a suspension for one sport/ activity completes all forms and provides a negative drug screen from the agency under contract at the parent's expense, he or she may try out for a second activity. A positive result shall be treated as a third violation.

### **THIRD VIOLATION**

The student athlete shall be excluded from participation from all athletic activities for a calendar year during which the student shall continue to obtain drug counseling. Additionally, the student shall submit to mandatory, ongoing, bi-monthly drug testing (at

the parents/guardians' expense) upon the student athlete's return the following school year.

**FOURTH VIOLATION**

The student participant shall be excluded from participation in athletics for the remainder of his or her high school career.

**NOTICE TO PARTICIPANTS**

Prior to participation on an athletic team, the head coach and/or sponsor shall provide all students choosing to participate and their parents/guardians with a written copy of this Drug Testing Pilot Program. Each student who chooses to participate and a parent/guardian of such students who are under the age of eighteen (18) shall be required to sign a statement indicating that they have received, read, understand and fully agree to be bound by the terms, conditions, and procedures under this program.

**Drug Testing Consent**

**STUDENT AND PARENT/GUARDIAN CONSENT TO PERFORM URINALYSIS FOR DRUG TESTING**

**ATHLETE/EXTRA-CURRICULAR ACTIVITY PARTICIPANT**

School (Please Print) \_\_\_\_\_

Student Athlete Name (Please Print) \_\_\_\_\_

Parent/Guardian Name (Please Print) \_\_\_\_\_

We have read and understand the Shelby County Board drug testing procedures for student athletes. I desire that \_\_\_\_\_ should be **designated as a**

(Student Athlete's Name)

**participant** in the following athletic activities: \_\_\_\_\_

(Name of Sport)(s)

for the \_\_\_\_\_ school year and I hereby voluntarily agree, individually and on behalf of the student athlete listed above that my student is subject to the terms of the Board's Drug Testing Pilot Program for athletes for as long as he or she participates in a covered activity. I understand by signing this consent form I agree to the procedures of the Drug Testing Pilot Program.

Student Athlete's Signature \_\_\_\_\_ Date \_\_\_\_\_

Parent/Guardian's Signature \_\_\_\_\_ Date \_\_\_\_\_

**In lieu of testing at the school site parents may have their child tested at an approved testing site off campus. Parents are responsible to pick up their child from school and transport them to the site for testing on the same day that their child was randomly picked. Parents also are responsible for the cost of this drug test. Testing facility must give the results to the school in a sealed envelope. Students will be ineligible until the results of the test are received by the school. Please sign below if you wish to use this option.**

**I want my child tested at an approved alternate testing facility. I know that I am responsible for all cost and transportation to the testing facility.**

Parent/Guardian's Signature \_\_\_\_\_ Date \_\_\_\_\_

Daytime Phone Number \_\_\_\_\_