Policy

**INTERSCHOLASTIC ATHLETICS/**

**DRUG TESTING**

*Code* **JJIE** *Issued* **DRAFT/19**

The board recognizes that a student’s school years are the time when the physical, psychological, and addictive effects of drugs are most severe. The effects of drug use and its related interruptions to the educational process by students affects not only the offending student, but the entire student body and faculty. While the board acknowledges that its power to restrict possession or use of illegal drugs by students off campus is limited, in an effort to safeguard the health and safety of all students, the district maintains a program of drug testing for students participating, or seeking the privilege of participating, in interscholastic athletics in grades (*option*: *seven through 12, eight through 12, or nine through 12*). The board believes its drug testing program allows for early identification of students who experiment with drugs by providing an opportunity to implement interventions and acts as a deterrent to drug use for other students.

Drug testing is limited to student athletes who elect to participate in interscholastic athletic programs in the district and who are at a higher risk of suffering or causing immediate physical harm during game play.

**Testing Program Goals**

The goals of the district interscholastic athletic drug testing program are to:

* deter student drug use
* encourage a 100% drug-free school environment
* educate the student population of the vast array of negative health and social consequences of drug use
* prevent student injury from occurring as a result of the use of illegal drugs

Due to the nature of these goals, students will not suffer academic or disciplinary sanctions for positive drug test results with the exception of losing eligibility to participate on district interscholastic athletic teams in accordance with this policy.

The superintendent will develop testing procedures consistent with this policy and, when applicable, with the recommendations of the Substance Abuse and Mental Health Services Administration (SAMHSA) of the United States Department of Health and Human Services (DHHS). All drug testing will be conducted by a DHHS/SAMHSA-certified laboratory, selected by the superintendent and approved by the board, which follows accepted standards of testing and chain-of-custody requirements.

**(*Drafter’s Note: The district’s contract with a certified drug testing laboratory should be closely reviewed to ensure the contractual provisions do not conflict with this policy or with any procedures in the associated administrative rule.*)**

**Distribution of Policy**

**(*Drafter’s Note: The district may wish to hold requisite periodic orientation meetings at the beginning of each school year, at the beginning of each semester, or at the beginning of each team season to explain the drug-testing policy and the consent form to parents/legal guardians. Alternatively, the head coach of each athletic team can be responsible for explaining the policy and consent form to all prospective student participants and their parents/legal guardians.*)**

The parent/legal guardian of each student who expresses an interest in participation on an interscholastic athletic team will be provided a copy of this policy and a Consent for Student Drug Testing form. The consent requires students to submit to urinalysis testing for the presence of illegal drugs, performance enhancing drugs, or other banned substances *(option: as a part of the student’s annual physical for eligibility or as part of an on-site test held at school during the first two weeks of the sports season)* and when the student is selected through the random selection process outlined in administrative rule JJIE-R *(option: and at any time when there is a reasonable suspicion to test for illegal drugs, performance enhancing drugs, or other banned substances)*.

**(*Drafter’s*** ***Note: The United States Supreme Court has not directly upheld student athlete drug testing based on random suspicion. The district should ensure it clearly and sufficiently documents the reasons it believes such testing may be justified in a given situation if it elects to test students on this basis.*)**

Consent forms are valid for the current school year only, and they must be signed by the student and the student’s parent/legal guardian prior to the student trying out, practicing, or otherwise participating in any interscholastic athletic program. Consent may be rescinded in writing at any time by the student or parent/legal guardian, however, the student will immediately be removed from any athletic teams and will not be eligible for participation in district interscholastic athletics for a period of one (1) semester.

If a parent/legal guardian or student refuses to sign a consent form, the student will be ineligible to participate in interscholastic athletics.

**Confidentiality of Results**

Drug test results will be reported directly to *(option: superintendent, athletic director, student services coordinator, etc.)*. Positive results should only be shared with the student, the student’s parent/legal guardian, and the head coach for all sports in which the student is an active participant at the time of the positive result.

Testing records will be maintained separately from a student’s permanent academic record and will be destroyed when the student graduates or is otherwise not enrolled in the district for a period of one year.

**Consequences of a Positive Result**

**(*Drafter’s*** ***Note*: *The United States Supreme Court has upheld those specific consequences marked with an asterisk (\*) as constitutional. The consequences the district selects should clearly further the stated goals of this policy. Students may not suffer any academic, disciplinary, or law enforcement consequences for positive drug test results.*)**

The results of any drug test administered for purposes of this policy will be solely used to determine eligibility for participation on interscholastic athletic teams and will not be used to impose academic or disciplinary sanctions. Results will under no circumstances be shared with law enforcement.However,this policy does not limit the application of any other district policy which allows for disciplinary sanctions or other consequences to be taken against a student who is using, in possession of, or distributing drugs or alcohol on school property or at school events.

Positive test results will be cumulative over *(option: the student’s enrollment in the district or the school year)*.

The district drug testing program is not designed to detect medical conditions or the presence of authorized prescription medications; therefore, in the event of a positive result, the student’s parent/legal guardian is notified and is offered the opportunity to respond to the positive test by providing information regarding medications the student has been prescribed directly to the testing company. No such information should be requested by or given directly to district personnel.

If a student obtains a positive result, the sample will be retested to confirm the result. After the district has received a verified positive result following a retest of the initial specimen, the following consequences will apply.

*First positive result*

A meeting is convened with the district athletic director and/or coach, the student, and, if the student is under the age of 18, the parent/legal guardian. The student is given the option of *[option:\*participating for six (6) weeks in an assistance program that includes weekly urinalysis testing; providing proof within five school days that the student has received drug counseling from a qualified drug treatment program, therapist, or counselor and submit to a second drug test to be administered within ten (10) days of the meeting; participating in four (4) hours of substance abuse education/counseling provided by the district; any other appropriate option that may be available in the community or in the district directly focused on assisting the student and preventing further drug use, etc.*) or serving a suspension from athletics for *(option: \*the remainder of the current season and the next athletic season; the remainder of the current season; the next ninety (90) days; etc.*].

Following the meeting, the student may attend practices but may not participate in practices, travel to competitions with the team, or participate in competitions or other team activities until he/she has received a negative result on the follow-up drug test.

*Second positive result*

The student will be immediately suspended from the team for *(option: \*the remainder of the current season and the next athletic season; the remainder of the current season; a period of # days; etc.)*. He/She will also be required to complete *[option: \*six (6) weeks in an assistance program that includes weekly urinalysis; drug counseling from a qualified drug treatment program, therapist, or counselor; participate in four (4) hours of substance abuse education/counseling provided by the district; any other appropriate option that may be available in the community or in the district directly focused on assisting the student and preventing further drug use, etc.]*. During the period of suspension, the student may not attend practices, participate in any competitions, or affiliate with the team in any manner.

*Third positive result*

The student will be suspended for the remainder of the current season and ineligible for participation in interscholastic athletics for *(option: \*the next two (2) athletic seasons; the next athletic season; the remainder of their period of enrollment in the district; etc.*).

**Consequences of Non-Compliance**

*Refusal to test*

A student who refuses to submit to a drug test will be subject to the consequences of a first positive result.

A student who refuses to submit to a drug test for a second time during his/her enrollment in the district will be suspended from participation in interscholastic activities for the remainder of the school year, or ninety (90) days, whichever is longer.

If a student is absent on a day he/she is scheduled for a random drug test, he/she will be tested during the next random screening.

If a student is unable to produce a sample in accordance with administrative rule JJIE-R, it is deemed a refusal to test.

*Tampering or attempted tampering*

If a student tampers with or attempts to tamper with his/her own specimen, or the specimen of another student, or otherwise assists another student in tampering or attempting to tamper with any specimen, the student will be ineligible for participation in interscholastic activities for a period no less than one (1) calendar year.

**Student Self-Reporting**

If a student, on any day prior to the day on which the student receives notice that he/she will be submitted to a drug test, voluntarily notifies his/her coach or the district athletic director of the possibility of a positive test result, he/she will be allowed to continue participation in interscholastic athletics. The self-report will be otherwise treated as the first positive test result for purposes of assigning consequences. The student’s parent/legal guardian will be notified, and the student will be required to *(insert counseling option chosen in the “First positive result” section above)*.

Future instances of self-reporting will result in application of the consequences for the second and third positive test result, respectively.

**Appeals**

*Testing result*

A student may appeal a testing result to the superintendent. The request for appeal should be made in writing no later than three (3) school days following notice of the positive result. The student *(option: will/will not)* be permitted to participate in interscholastic athletics during the pendency of the appeal.

*Imposition of consequence*

A student may also appeal the imposition of a consequence pursuant to this policy. The request for appeal should be made in writing no later than five (5) school days following notice of imposition of the consequence. The student *(option: will/will not)* be permitted to participate in interscholastic athletics during the pendency of the appeal.

Adopted ^

Legal References:

A. Federal Cases:

1. *Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822 (2002).
2. *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).
3. *Veronia School District 47J v. Acton*, 515 U.S. 646 (1995).