

Extracurricular Activities Drug-Testing Program for Athletics

This policy is effective beginning the 1st day of fall practice to the last day of the school year or final competition or practice for spring sports, whichever is later

The District has a strong commitment to the health, safety, and welfare of its students. Results of studies throughout the United States indicate that education alone, as a preventive measure, is not effective in combating substance abuse. Our commitment to maintaining the extracurricular athletics in the District as a safe and secure educational environment requires a clear policy and supportive programs relating to detection, treatment, and prevention of substance abuse by students involved in extracurricular athletics.

Purpose

The drug-testing program is not intended to be disciplinary or punitive in nature. Students involved in extracurricular activities need to be exemplary in the eyes of the community and other students. It is the purpose of this program to prevent students from participating in extracurricular activities while they have drug residues in their bodies, and it is the purpose of this program to educate, help, and direct students away from drug and alcohol abuse and toward a healthy and drug-free participation. No student shall be expelled or suspended from school as a result of any verified positive test conducted by his or her school under this program, other than as stated herein.

Scope

Participation in extracurricular activities is a privilege. This policy applies to all District students in grades 6-12 who wish to participate in extracurricular athletics.

DEFINITIONS:

Drug: Includes any alcohol or malt beverage, any tobacco product, any controlled substance, any illegal substance, any abused substance, and substance which is intended to alter mood, and any medication not prescribed by a physician for the student in possession of the medication.

Controlled substances: Include, but are not limited to: opiates, opium derivatives, hallucinogenic substances, including cocaine, and cannabis and synthetic equivalents of the substances contained in the pant, any material, compound, mixture or preparation with substances having a depressing effect on the central nervous system, and stimulants.

Student Participant: Any student, (including mangers, stats, or video people) participating interscholastic athletic programs sponsored by the Idaho High School Activities Association (IHSAA) and the North Gem School District, including Athletics and Co-Operative programs with other districts such as baseball. Student participants should also see policy 3390, Extra- and Co-Curricular Chemical Use Policy. Policy 3400 Extracurricular Athletics Drug-Testing Program, supersedes Policy 3390.

PROCEDURES FOR STUDENT PARTICPANTS

Guidelines and Procedures for Testing

At the beginning of each school year, as set by the Idaho High School Activities Association or North Gem School District, students who wish to participate in said activities will submit a signed consent form from their parents or legal guardian allowing drug testing to be done. Forty percent (40%) of all participants (consisting of 10% middle school and 30% high school) will be randomly tested during the sports seasons in which they participate in said activity. It is possible that a student participant could be drawn every time or possible that they may not be drawn at all.

If a student participant's test is confirmed positive his/her number will be removed from the pool until he/she has completed policy requirements at which time the number will return to the pool.

Consent

Each student wishing to participate in any interscholastic program sponsored by the IHSAA and SD 149 must obtain a signed consent from his/her custodial parent or guardian. Failure to comply will result in non-participation. It must be on file with the Athletic Director **prior to** participation in any extracurricular activity or practice, include 1st practice of the season.

Each extracurricular participant shall be provided with Consent Form (3400F), which shall be dated and signed by the participant and by the parent/guardian. In so doing, the student is agreeing to participate in the random drug-testing program at North Gem Middle and/or North Gem High School.

It is mandatory that each student who participates in extracurricular activities sign and return the Consent Form prior to participation in any extracurricular activity. Failure to comply will result in non-participation.

Each extracurricular participant shall be provided with the Consent Form (3350F), which shall be dated and signed by the participant and by the parent/guardian. In so doing, the student is agreeing to participate in the random drug-testing program at North Gem High School.

Testing Procedures

1. The selection of participants to be tested will be done randomly by the principal or administrative designee, and selections will be made from time to time throughout the school year. Names will be drawn from one large pool of those agreeing to be tested. Testing may occur on a different day, Monday through Saturday. This variable schedule will keep students conscious of the possibility of being tested at any time during the year. Each student will be assigned a number that will be placed in the drawing. The building principal or designee shall take all reasonable steps to ensure the integrity, confidentiality, and random nature of the selection process, including but not limited to: assuring that the names of all student participants are in the pool, assuring that any one sport is not excessively or minimally represented, assuring that the person drawing names has no way of knowingly choosing, or failing to choose, particular student for the test and assuring that the identity of students drawn for testing is not known to those involved in the selection process.
2. A coach or the athletic director who have reasonable cause for concluding that the student participant is using drugs, may request that the principal require that the student participant, who is participating in an activity under his/her supervision, to take a test any time during that season/activity.
3. No student will be given advance notice or early warning of the testing. In addition, a strict chain of custody will be enforced to eliminate invalid tests or outside influences.
4. When selected either by random draw, reasonable suspicion, request of a parent/guardian, or a follow-up test, participants will then be pulled from class and must remain at the testing location with supervision until a sample can be provided. The student should bring all materials with him or her to the collection site and should not be allowed to go to his or her locker.
5. No student is allowed access to a cellphone at any time during the testing process, testing administration will collect cellphones when notifying students that they have been selected for testing and cell phone will be return upon completion of the testing process.
6. Athletes may be called after school, including during practice time.
7. Each student will be given a sample collector and will go to a stall where they will produce a sample. He/she may do so behind closed door and in private. All excess clothing, coats, extra shirts will be removed before entering the bathroom stall. Student participants may be asked to empty pockets to assure the validity of the test. The tester will color the water in the commode before the student participant enters. After the same is give it will be checked for

temperature and signs of tampering. If the test same is shown to be positive or inconclusive, it will be sealed with the number of the student participant clearly printed on it.

8. Upon being selected for a urinalysis test under this policy, either by random draw, reasonable suspicion, request of a parent/guardian, or a follow-up test, a student will be required to provide a sample of fresh urine, according to the quality control standards and policy of the laboratory conducting the urinalysis.
9. All students will remain under school supervision until they have produced an adequate urine specimen. If unable to produce a specimen, the student will be given up to 24 ounces of fluid. If still unable to produce a specimen within two hours, the test will be considered positive.
10. The District will utilize iCUP urine drug test kits, or similar tests, for the initial collection and testing of the urine samples. The District will contract with a testing agency that will oversee the training for sample collection, perform testing of samples, safeguard samples, perform retesting and analysis, and reporting of test results. The testing agency will utilize an appropriate testing protocol to insure accuracy of testing and reporting, as well as safeguarding confidentiality of test results.
11. The validity of the urine specimen will be checked by temperature. All specimens registering below 90.5 degrees Fahrenheit will be invalid. If this occurs, another specimen must be given by the student.
12. If it is proven that tampering or cheating has occurred during the collection, the student will become ineligible for all the extracurricular activities for the remainder of the school year. This will be reported to the parent/guardian.
13. Immediately after the specimen is taken, the student may return to class with an admit slip or pass with the time he or she left the collection site. The principal or administrative designee must note the time and sign the pass.
14. In order to maintain confidentiality, the container which contains the urine specimen to be tested will not have the name of the student on the container. Instead, the student's random identification number will appear on the container.
15. The specimens will not be screened for the presence of any substances other than a drug or for the existence of any physical condition other than drug intoxication.
16. The testing agency will be authorized to report result only to the superintendent, principal or his/her designee. In order to maintain confidentiality, the results sheet for the urinalysis will be given to the principal/administrative designee with no name attached; only the student's random identification number will appear on the results sheet.

Test Results

1. The principal or administrative designee will be notified of a student testing positive. The principal or administrative designee will notify the student and his or her parent/guardian. The student or his or her parent/guardian may submit any documented prescription, explanation, or information that will be considered in determining whether a positive test has been satisfactorily explained.
2. The Student and his/her parents or legal guardian have the option of requesting that the urine sample be tested by a certified testing laboratory authorized by SD 149. This will be done at the expense of the student or parent/guardian. Or they may accept the first test result.
3. If the retested same is negative, no further action will be taken. If the retested sample is positive or the results of the first test goes unchallenged, the parent or legal guardian and the building principal shall be notified, and a meeting will be scheduled with the building principal or designee, the student, and the parent or legal guardian.
4. Information on a verified positive test result will be shared on a need-to-know basis with the student's coach or sponsor. The results of negative tests will be kept confidential to protect the identity of all students being tested.
5. Drug testing result sheets will be returned to the principal or administrative designee, identifying students by number and not by name. Names of students tested will not be kept in open files or on any computer. Result sheets will be locked and secured in a location to which only the principal and/or administrative designee has access.

Positive Test Result or Violation of Policy

The following protocol is arranged to address the students' athletic career with the North Gem School District.

First Offense: If the student participant's test result is positive, or the student is determined to have violated the policy, a committee will be formed consisting of the student, parents/guardians, principal, coach, counselor/behavior specialist, teacher/staff and athletic director. The student is

1. placed on probation for a minimum of four participation weeks, allowed to participate in practice and be suspended for a minimum of 1 game or meet.
2. required to complete 20-hours of service. This service must be approved by the building principal, athletic director and the coach.
3. required to complete a meaningful research project related to the particular offense. This project will be assigned by the principal.
4. participate in counseling with the school counselor or behavior specialist as determined by the counselor/behavior specialist. If the student participates in counseling outside the school system, the student is responsible for the cost.
5. requires to serve lunch detention during the probationary period. The student will be on probation until a subsequent test is negative.
6. Once they test positive they are placed in a 70% random pool for testing, and they will remain in that pool for the remainder of their North Gem educational years. If the

student tests positive during the first offense probation period, they will be moved to the second offense protocol.

Second Offense: If the student participant's test result is positive, or the student is determined to have violated the policy for a second time, the students committee will reconvene to discuss the 2nd probationary period. The student is

1. placed on probation for a minimum of four participation weeks, allowed to participate in practice but will not be allowed to participate in games or meets for the entire probation period..
2. required to complete an additional 20-hours of service. This service must be approved by the building principal, athletic director and the coach.
3. required to complete an online education class (5-6 hours) pertaining to his/her specific infraction. The student is responsible for the cost (\$50.00 -\$60.00) The course will be arranged through the high school principal.
4. participate in counseling with the school counselor or behavior specialist as determined by the counselor/behavior specialist. If the student participates in counseling outside the school system, the student is responsible for the cost.
5. requires to serve lunch detention during the probationary period. The student will be on probation until a subsequent test is negative.
6. The student remains in a 70% random pool for testing, and they will remain and they will remain in that pool for the remainder of their North Gem educational years.

Third Offense: If the student participant's test result is positive, or the student is determined to have violated the policy for a third time, he/she will be dismissed from all athletic activities for the remainder of their high school career.

Upon dismissal, student may opt to participate in a voluntary last chance program which is a special arrange between parent/guardians, the school district, and local probation officials. Probation officials will be involved only as a venue for voluntary drug testing. Not in any other official capacity.

Then student will not be able to practice or participate in the games or meets for six (6) participation weeks. Student in this program will be required to maintain a 2.5 GPA, submit to weekly supervised drug testing at a cost of \$50.00 per month (paid by the student directly to probation), and continue appointment with the school district counselor or behavior specialist. In addition, the student must appear before the board for re-admittance to the athletic program.

If the student in any manner does not cooperate, has a diluted test, fails to give a sample in a timely manner as determined by Probation, or fails a test, the results would be immediately forwarded to the school. All interaction with the student and school would cease and testing would no longer be continued. The student would be permanently removed from all athletic programs for the remainder of his/her North Gem career.

Financial Responsibility

1. Under this policy, the District will pay for all initial random drug tests, all initial reasonable suspicion drug tests, and all initial follow-up drug tests. Once a student has a verified positive test result and has subsequently tested negative from a follow-up test, any future follow-up drug test that must be conducted will be paid for by the student or his or her parent/guardian.
2. A request on appeal for another test of a positive urine specimen is the financial responsibility of the student or his or her parent/guardian.
3. Counseling and subsequent treatment by non-school agencies are the financial responsibility of the student or his or her parent/guardian.

Confidentiality

Under this drug-testing program, any staff, coach, or sponsor of the District who may have knowledge of the results of a drug test will not divulge to anyone the results of the test or the disposition of the student involved, other than in the case of a legal subpoena being made upon that person in the course of a legal investigation. Once again, this will underscore the District's commitment to confidentiality with regard to the program.

Other Rules

Apart from this drug-testing program, the Idaho High School Activities Association and the coaching staff/sponsor of each sport/activity have their own training rules and requirements. Coaches/sponsors have the necessary authority to enforce those rules. Any student who violates a rule or requirement as a member of a team or activity will be subject to the consequences as defined in those rules and requirements.

Non-Punitive Nature of Policy

No student participant shall be penalized academically for testing positive for drugs. The results of drug tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process.

Prescription Medication

Students who are taking prescription medication may provide a copy of the prescription or a doctor's verification in a sealed envelope to the high school principal or athletic director. The student will have 72 hours from the time of testing to submit the prescription drug verification in a sealed envelope, unopened, to the testing agency for consideration in making any analysis. Such information provided by the student will not be disclosed to any school official. Students who refuse to provide verification and test positive will be subject to the actions specified for "positive" tests.

Voluntary Testing Program

To assist in the ultimate goal of drug free schools and drug free students, the district will provide drug testing to any student whose parents request the testing be done. The nature of the testing is a urine sample with immediate on-site results. The testing is provided at no cost to parent and is absolutely confidential in nature with only the parent, student, and testing agency knowing the results. School officials will not be notified of the results and no records of the testing will be kept. There are no legal or criminal actions taken and no discipline from district will result from the testing. This service is offered solely for the information of the parent it is ultimately their decision what to do with the results and information.

Substances

Every sample will be tested for the following substances: Cocaine (COC), Amphetamine (AMP), Methamphetamine (M-AMP), Tetrahydrocannabinol (THC), Methadone (MTD), Opiates (OPT), Phencyclidine (PCP), Barbiturates (BAR), Benzodiazepines (BZD), Tricyclic Antidepressants (TCA).

IDAHO STATUTE GOVERNANCE OF SCHOOLS The board of trustee of each school district shall have the following powers and duties:

33-512.12 To supervise and regulate , including by contract with established entities, those extracurricular activities which are by definition outside of or in addition to the regular academic courses or curriculum of a public school, and which extracurricular activities shall not be considered to be a property, liberty or contract right of any student, and such extracurricular activities shall not be deemed a necessary element of a public school education, but shall be considered to be a privilege.

Legal Reference: *Vernonia School District 47J v. Acton*, 515 U.S. 646 (1995).

Todd v. Rush County, 139 F.3d 571 (7th Cir.), cert. Denied, 119 S.Ct. 68 (1998).

Idaho Code Section 37-2701

Policy History:

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