

CHAPTER 5.00 - CURRICULUM AND INSTRUCTION

DRUG FREE POLICY FOR STUDENT ATHLETES

5.81.1

Daleville High School and its athletic department (hereinafter DHS) are committed to providing a safe environment and to fostering the well being and health of its student athletes, students, and the general public. That commitment is jeopardized when any student athlete illegally uses drugs, abuses prescription drugs, or uses alcohol; comes to practice or participates in an athletic activity under the influence; or possesses, distributes, or sells drugs. For these reasons DHS has decided to implement this drug and alcohol policy in regard to students participating in or applying for athletic activities. Adherence to this policy is a condition of participating in athletic activities. A student athlete whose conduct violates the policy will be subject to discipline, up to and including suspension from the activity and/or school and/or expulsion from both. The policy is not contractual in any nature.

As a means of maintaining our drug-free policy for student athletes, DHS may implement active student athlete substance screening or testing as further described in this policy. Testing may begin as early as January 1, 2006. Copies of this policy statement will be available to all parents, guardians, and student athletes. Notice of this policy will be posted at the weight room and/or locker rooms. All students and their parents/guardian consent to this policy by requesting participation in athletics.

Students will also comply with all applicable Daleville City Board of Education policies and student codes of conduct.

I. Introduction

DHS provides a variety of athletic programs and activities for students. The health and safety of students are of great importance to DHS. Drug and alcohol abuse is a problem of serious concern and one which affects all segments of the community.

- A. The use of any alcohol or illegal drugs, including narcotics or hallucinogenic drugs, marijuana, or other non-prescribed controlled substances is prohibited when participating in athletic events. That includes their use, possession, distribution, sale, purchase, trade, manufacture, offer to buy, or make arrangements to distribute, or reporting under the influence of intoxicants or illegal drugs (including narcotic or hallucinogenic drugs, products, and materials which are used, intended for use, or designed for use with non-prescribed controlled substances.

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- B. Reporting for practice or attending or participating in athletic events on behalf of DHS, with the presence of alcohol, other intoxicants, non-prescribed narcotics, hallucinogenic drugs, marijuana or other non-prescribed controlled substances in blood or urine is prohibited.
- C. Reporting to or being at practice or attending or participating in an athletic event on behalf of DHS, where the presence of prescribed or over-the-counter narcotics or drugs are in blood or urine, or the use of prescribed or over-the-counter narcotics or drugs, where in the opinion of DHS, such use prevents the student athlete from performing his or her duties or poses a risk to the safety of the student athlete or other persons is prohibited. (Any student athlete taking a prescribed drug or narcotic or over-the-counter medication must advise his or her coach duties. Over-the-counter medications and prescription drugs should remain in the original labeled container and prescription drugs should show both the prescribing doctor's name and the prescription's expiration date or discard date. A student athlete using such prescribed or over-the-counter substances may participate in said athletic activity or may be required to take a leave of absence or other appropriate action as determined by supervision based upon the student athlete's ability to perform said sport related activity.)
- D. Adherence to DHS's policy on drugs and alcohol is a condition of participation for all student athletes. All student athletes and their parents/guardians will be required to sign the applicable acknowledgment form to affirm their consent to this policy.
- E. Student athletes must notify DHS of any arrest or conviction on drug-related charges within five (5) school days of such arrest or conviction.
- F. Violations of this policy, including (but not limited to) a positive confirmed laboratory test result for drugs or alcohol; refusal to sign a consent or chain of custody form; refusal to submit to or cooperate with a substance screening by blood, urine, hair, or saliva, including DHS's initial screening, as required in this policy; knowingly submitting an adulterated, diluted, or otherwise altered blood or urine specimen; or submitting a specimen from another person are subject to disciplinary action by DHS, up to and including suspension/expulsion. All refusals will be classified as a positive test.
- G. DHS reserves the sole right to interpret all provisions of this policy and take all appropriate actions within its sole discretion and judgment. When not on the premises of the Daleville City School System or participating in an athletic activity for the benefit of DHS, usage of drugs, alcohol, or any

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other prohibited substances which results in impaired athletic performance, such as absenteeism, tardiness, poor athletic coordination, or harm to DHS's image is prohibited. Student athletes should realize that these regulations prohibit all illicit or illegal use wherever or whenever occurring.

- H. In the least, any student athlete who tests positive for substance or alcohol use in a confirmatory test shall be reprimanded as follows:
1. First Offense: conference with parent/guardian and subject to re-test on demand.
 2. Second Offense: game(s) or season suspension and subject to re-test on demand.
 3. Third Offense: dismissal.

In addition, the student athlete will be subject to all discipline that any non-athlete or other student will be subject to. Counseling may be offered and/or required.

- I. DHS reserves the right to alter, amend, or supplement the terms and conditions of this policy to accommodate changes in current state and federal regulations, insurance requirements, testing technologies or circumstances which impact DHS's practices and policies.

II. Definitions

As used in the policy, terms referred to shall have the following definitions:

- A. Accident: any mishap or occurrence resulting in injury to people, property, or equipment.
- B. Alcohol: the intoxicating agent in beverage alcohol, spirits or wine.
- C. Alcohol Concentration (or Breath Alcohol Concentration): the alcohol in a volume of breath as indicated by a breath test.
- D. Student Athlete: a student who attends schools in the Daleville City School System and participates or applies to participate in an athletic activity for the Daleville City School System.

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- E. Chain of Custody: the procedure established by the testing laboratory and followed by DHS, the specimen collector and the courier to account for the identification and integrity of each such specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.
- F. Contact Person: high school principal. The contact person shall designate the MRO and the laboratory.
- G. Confirmation test or confirmed test: for alcohol testing, means a second test, following a screening test with a result that provides quantitative data of alcohol concentration. For controlled substances, means a second analytical procedure to identify the presence of a specific drug or metabolite. Any second test should be paid for by the student/athlete or his/her parent/guardian.
- H. Controlled substance: controlled substances include the following and any other controlled substances subject to testing by the United States Department of Transportation as set forth in 49 C. F. R §40.21:
 - 1. marijuana, cocaine, heroin, hallucinogens, methaqualone, benzodiazepines, opiates, amphetamines, methamphetamine, barbiturates, phencyclidine (PCP), any other substance, and all derivatives thereof, whose manufacture, sale, possession, or use is prohibited or controlled by state or federal law in this country;
 - 2. any prescription substance;
 - 3. any so called designer drug, look alike, synthetic drug and similar substance, even if not specifically prohibited by state or federal law;
 - 4. any other substance which may be abused, whether available legally over-the-counter (such as cough syrup) or naturally occurring (such as hallucinogenic mushrooms) or which was never intended for human consumption (such as glue); and
 - 5. a metabolite of any substance described in paragraphs I and II above.
- I. Department of Health and Human Services (DHHS): federal administrative body which oversees, among other things, the certification of drug and alcohol testing laboratories and technicians, and research in

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connection with drug use and alcohol abuse; current successor to the National Institute for Drug Abuse (NIDA).

- J. Drug: includes, but is not limited to, amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, or propoxyphene.
- K. Effective date: January 1, 2006
- L. Employee: for purposes of this policy, any person who is paid through the Daleville City Schools payroll system or volunteers.
- M. Employer: Daleville City Board of Education.
- N. Laboratory (Lab): is a Daleville City Board of Education designated facility and is certified.
- O. Medical Review Officer (MRO): is a DHS-designated licensed physician or assistant responsible for receiving laboratory results generated by a testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information. The MRO shall be responsible for compliance with the applicable statutory and regulation requirements.
- P. Pass a drug test: a drug test reported by the laboratory that the MRO finds:
 - 1. Showed no evidence or insufficient evidence of a prohibited drug; or,
 - 2. Showed evidence of a prohibited drug but there was a legitimate medical explanation for the result; and its use did not impair the ability of the student athlete to perform his or her duties safely and appropriately;
 - 3. Was scientifically insufficient to warrant further action.
- Q. Positive alcohol test: a breath alcohol test using an Evidential Breath Testing (EBT) device which shows the presence of alcohol.
- R. Positive drug test: a drug test reported positive by the laboratory and subsequently verified after review by the Medical Review Officer (MRO) as evidence of the illegal or illicit use of a prohibited drug.

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- S. Prescription medication: a drug or medication lawfully prescribed by a physician for an individual and taken by that individual in accordance with the prescription.
- T. Prohibited drug: one of the drugs authorized by the DOT to be tested for under 49 CFR Part 40, and under Code of Alabama (1975) § 25-5-331(4) or otherwise restricted by law. The term *prohibited drug* includes, but is not limited to, amphetamines, cocaine, cannabinoids, opiates, phencyclidine (PCP), barbiturates, benzodiazepines, or propoxyphene, unless the substance was prescribed by licensed medical practitioner who is familiar with the student athlete's medical history and assigned duties.
- U. Reasonable suspicion testing: substance abuse testing based on a belief that a student athlete is using or has used drugs or alcohol in violation of this policy drawn from specific objective and articulable facts and reasonable inferences drawn from the facts in light of experience or training. The facts and inferences used in this determination may be based upon, but not limited to, the following criteria:
1. Observable phenomena, such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse.
 2. Abnormal conduct or erratic behavior or a significant deterioration in performance.
 3. A report of substance abuse provided by a third party.
 4. Evidence that an individual has tampered with any substance abuse test.
 5. Information that a student athlete has caused or contributed to an accident.
 6. Evidence that a student athlete has used, possessed, sold, solicited or transferred drugs.
- V. Refusal of a test: a verbal or written refusal by a student athlete to provide a specimen, or to sign the testing form or otherwise to cooperate with the testing process in a way that prevents the completion of the test required under this policy. Also, a written conclusion by a licensed physician acceptable to DHS that the student athlete's apparent inability to provide an adequate amount for the test was not, with a high degree of probability, caused by a medical condition that precluded the student

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athlete from providing an adequate amount. Unless express permission is given, failure to report for screening or testing in one (1) hour is also refusal to test and classified as a positive test.

- W. Specimen: tissue, blood, hair, saliva, sweat, breath, urine or other product of the human body capable of revealing the presence of drugs or of alcohol.
- X. Substance: drugs or alcohol.
- Y. Substance abuse test or test: any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence of a drug or of alcohol.

III. Drug/Alcohol Screening and Testing

Under this policy, all students potentially or actively participating in athletics on behalf of DHS, may be requested to undergo an initial screen, urinalysis, blood, saliva or other diagnostic test performed by a laboratory, to detect the presence of drugs and/or alcohol.

DHS may arrange transportation for student athletes to be tested to the collection agency. If a student athlete refuses to accept transportation arranged by DHS, the student athlete shall be subject to disciplinary action, up to and including suspension and/or expulsion. If supervisory or management personnel believe that the student athlete is impaired by alcohol or a controlled substance, DHS will notify law enforcement authorities if the student athlete attempts to drive.

If a student athlete is seriously injured, unconscious or otherwise unable to sign a release or provide a sample, the student athlete or parent/guardian shall provide all necessary authorization for obtaining hospital or medical records and any other documents that would indicate whether there was alcohol or any controlled substance in the student athlete's body.

Student athletes will be subject to screening and/or testing for alcohol or drugs. The following are the four circumstances when DHS may screen or test for drugs or alcohol:

- A. Initial screening before each season begins for all potential and current student athletes;
 - 1. DHS reserves the right to pretest all athletes. Any student participation in the DHS athletic program is contingent upon such

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student testing negative. No student may be permitted to participate in athletic activities until the test results have been obtained and verified by the MRO and transmitted to DHS, if/when such testing is implemented.

2. Participation in athletics is conditional and may be withdrawn if the student tests positive in a lab test; refuses to submit to a test, including any initial screening performed by a DHS representative; refuses to execute the required consent/release form; or if the initial screening is not negative and the student withdraws from participating in DHS's athletic program.
 3. A student athlete who decides not to cooperate in the initial screening or testing or who is unwilling to acknowledge DHS's policy on drug and alcohol screening or testing may withdraw his/her application, and will not be considered for his/her desired athletic activity.
 4. If the DHS representative, physician, official or lab personnel have reasonable suspicion to believe that the student athlete has tampered with the specimen, the student athlete may not be considered for participation in his/her desired athletic activity.
 5. Positive and negative tests will be reported to DHS by the MRO.
- B. A student athlete where there is reasonable suspicion which would create the special need to test.

All student athletes may be screened or tested when there is reasonable suspicion to suspect that a student athlete has reported to practice or an athletic activity or is on DHS property under the influence of alcohol, other intoxicants, drugs or narcotics. Reasonable suspicion is a belief that a student athlete is using or has used drugs or alcohol in violation of this policy drawn from specific objective and articulatable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion may be based on a coach's observation of a student athlete's drug or alcohol use, a student athlete showing either physical or mental symptoms of drug or alcohol use, or a student athlete's personal behaviors that may indicate drug or alcohol use. Any student athlete who reports to practice or an athletic activity visibly impaired by drugs or alcohol will not be allowed to participate. If indicators of the need for a reasonable suspicion test are present, the student athlete may be screened or tested immediately, either in an initial screening performed by a DHS representative at the location, or using a lab test.

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- C. Post accident: Student athletes may be screened or tested after any athletic-related injury or accident where:
1. student athlete is injured beyond the need for simple first aid, or
 2. property or vehicles are damaged, or
 3. a student athlete has caused or contributed to an on-the-field injury which results in loss of participation time, or
 4. if there is reasonable suspicion of drug or alcohol use or other intoxicants.
- D. Random screening or testing of student athletes

DHS may require the random, unannounced testing for controlled substances of all student athletes. The list of student athletes in the random pool will be updated on a routine basis. Student athletes will be required to report to DHS's designated collection site immediately upon notification. DHS may arrange for transportation of student athlete(s) to be tested to the collection site. A student who is not on the premises may be notified by telephone and told where to report immediately for testing.

IV. Student Athlete Responsibilities

For any screening or testing, a student athlete is responsible for the following:

- A. Reporting to the collection site, or to report to a designated DHS representative for initial screening within one (1) hour of being ordered to report there by a coach or administrator. If the student athlete fails to report in the time specified, he/she must document a serious illness, injury, or other verifiable circumstance, or the documentation provided is unacceptable he/she will be considered to have refused to take the test (classified as a positive result), and will be subject to rules and regulations of said policy.
- B. Providing a specimen for screening or testing, whether it be breath, urine, hair, blood, or saliva, as the specific screen or test to be given may require. If the student athlete refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen of another person, sends an impostor, or will not sign the required forms, the student athlete will be subject to be treated as if the test were positive.

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- C. Cooperating with the MRO in providing specimen or medical information. The job of the MRO is to decide whether the student athlete has passed the laboratory drug or alcohol test. As part of the verification process, the MRO may:
1. Conduct a medical interview with the individual, if the individual consents to such an interview (this interview may be in person or by telephone);
 2. Review the individual's medical history and any relevant biomedical factors, if the individual consents to the review and cooperates with the MRO during the interview;
 3. Review all medical records made available by the individual tested to determine if a positive test resulted from legally prescribed medications;
 4. If necessary, re-analyze the original specimen taken at the lab to determine the accuracy of the test results;
 5. Verify that the lab report and assessment are correct. Based on available data, including other test results, the MRO may conclude that a particular drug test is scientifically insufficient for further action and would conclude that the test for that individual is negative.

The MRO will provide the student athlete with an opportunity to discuss the result of any apparently positive lab test. If the student athlete expressly declines the opportunity to discuss the test results with the MRO, the MRO may verify the test as positive without further discussion with the student athlete. If in the sole judgment of the MRO, there is a legitimate medical reason to question a positive lab test, the MRO will verify the test as negative. If there is no legitimate medical reason to question a positive lab test, the MRO will verify the test as positive and report the finding to the DHS's contact person. It is the student athlete's responsibility to return any phone calls from the MRO within a reasonable period of time not to exceed 36 hours. If the student athlete does not contact the MRO within 36 hours of notification to call the MRO, or if the student athlete refuses to talk to the MRO then the MRO may report the result of the test to DHS. A student athlete who receives a positive test result may contest or explain the result to DHS within five (5) working days after notification of the positive test results. A student athlete who tests positive for drugs or alcohol in a positive lab test will be subject to disciplinary action, up to and including suspension and/or expulsion.

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V. Testing Procedure

At the option of DHS, student athletes may be given a screening at a location designated by the DHS representative or at a designated collection site. All lab testing will be performed by a laboratory certified and qualified to perform drug and alcohol testing. All laboratory drug tests are to be conducted pursuant to regulations adopted for drug and alcohol testing.

A student athlete who receives a non-negative result on an initial screening for drugs may choose to have a test done by a certified lab chosen by DHS, provided the applicant pays for the cost of the second test.

A positive lab test for a controlled substance or alcohol is a conclusive presumption of impairment.

VI. Confidentiality

DHS is committed to a safe, productive environment that is free of substance abuse. DHS is also concerned about student athletes' privacy. All information received by DHS, its representatives, testing lab, or MRO concerning student athlete drug and alcohol testing, initial screening results, lab test results, and related medical information is confidential. Such information shall be released only upon the written consent of the student athlete, except:

- A. to local, state, or federal agencies with investigative or regulatory jurisdiction;
- B. by subpoena of a court of competent jurisdiction;
- C. to subsequent schools, upon receipt of a written request from the former student athlete
- D. when they are needed to implement disciplinary action.

Records shall be kept in a secure location, and only authorized personnel shall have access to the records. Release of information to parties other than DHS, its MRO, those falling within the categories as set forth above, or related entity shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless the release is compelled by an agency of the state or a court of competent jurisdiction, or unless deemed appropriate by a licensing board.

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VII. Investigations or Searches

When there is reason to believe that any student athlete may be in possession of a substance prohibited by this policy, the student athlete may be required, as a condition of participation in the DHS athletic program, to submit to a reasonable search of clothing, personal locker, purse, lunch box or other container, desk, tool box or personal vehicle. Searches on DHS property may be conducted without the student athlete present.

Searches shall be directly supervised by the coach or an administrator. Whenever practical and/or possible, searches of the person or clothing shall be conducted and witnessed by persons of the same gender as the person being searched. If present the student athlete shall be asked to consent to any search, asked to cooperate, and informed that submission to the search is a condition of participation. Failure to consent or cooperate may result in appropriate disciplinary action.

VIII. Disclaimer and Severability

This policy should not be construed as contractual in any nature. It represents DHS's current guidelines in dealing with a developing problem under evolving laws and facts. DHS reserves the right to alter, amend or supplement the terms and conditions of this policy to accommodate changes in current state and federal regulations, testing technologies, or circumstances which impact Daleville City Board of Education practices and policies or standards. If any portion of this policy is deemed invalid by a court of law, the remaining provisions shall remain in full force and effect. Student athletes remain subject to all other rules that apply to students.

STATUTORY AUTHORITY:

CODE OF ALABAMA
16-1-30

LAW(S) IMPLEMENTED:

CODE OF ALABAMA
16-8-8, 16-11-9, 16-12-3

ALABAMA ADMINISTRATIVE PROCEDURE ACT:

290-3-1-.02(17)

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