

4.71- REQUIREMENTS FOR PARTICIPATION IN ATHLETIC/SPIRIT GROUPS/BAND

The Benton School Board hereby adopts a drug screening policy for all athletic/spirit groups/ band in grades 8-12 who represent the Benton Public Schools.

The board believes that the policy is necessary for the health and safety of the individuals involved.

OBJECTIVES

The objectives of this program are to:

1. Provide students an avenue to combat drug and alcohol use by arming them with a well-developed, firm, and consistent policy that discourages the use of illicit drugs and alcohol.
2. Provide drug education programs for students who test positive for drug use.
3. Ensure the health and safety of participating students during performances.
4. Allow student participants an opportunity to say "no" to drugs.
5. Provide a deterrent to drug use for all participating students in athletic/spirit groups/band.
6. Help maintain a drug-free school environment.

DEFINITIONS

The following definitions are for the purposes of the drug-testing program in this policy.

1. Testing regime: the random scheduling of drug test dates.
2. GC/MS: Gas Chromatography/Mass Spectroscopy; a scientific process to identify specific chemical compounds. A molecular fingerprint is obtained that identifies a chemical compound with 100 percent accuracy.
3. DOT: Department of Transportation
4. Chain of Custody Form: A preprinted form provided by the testing laboratory that records all contact with the provided specimen.
5. Participating students: All students in grades 8-12 who practice or participate in athletic/spirit groups/band.

DRUGS ELIGIBLE FOR TESTING

The drugs eligible for testing may include but are not limited to the following:

Amphetamines	Barbiturates	Benzodiazepine	Cannabinoids
Phencyclidine (PCP)	Cocaine	Methaqualone	Opiates
		Propoxyphene	Alcohol

THE PLAN

The drug testing program for participating students shall be administered as follows:

1. All student participants will be required to have an Informed Consent Form signed by the student and his/her parent/guardian before the student will be eligible to practice or participate in any athletic/spirit group/band activities, including off season training. This form shall be filed with the Athletic Director.
2. Informed Consent Forms will remain valid until a parent/guardian requests removal in writing or until the student no longer participates in athletic/spirit group/band activities. Any student returning to athletic/spirit groups/band will be required to have a current Informed Consent Form on file.
3. All student participants' names will be placed in a testing pool. Participants shall be subject to random urinalysis testing throughout the school year.
4. The vendor shall arrange with the Athletic Director a day and time to do the collection of specimens.
5. Participating students selected for random testing shall be chosen from a pool that includes all participating students. For each testing regime a computer program shall be used to randomly select:
 - a. A minimum of 10 % students from the junior high pool.
 - b. A minimum of 10 % students from the high school pool.
6. After student names are drawn, they will be placed back into the pool.
8. Participating students shall be required to provide a urine sample for the designated laboratory supervisor. Testing shall be administered by qualified laboratory personnel and professional staff.
9. Any eligible participating student selected randomly for testing who is not in school on the day of the testing shall be tested at the next testing regime.
10. Any student failing to produce an adequate specimen of urine will be subject to retesting at the next testing regime.
11. Students not able to produce an adequate urine specimen at the next testing shall be considered as refusing to test and subject to this policy's sanctions.
12. No participating student shall be penalized academically for testing positive for alcohol, illegal drugs or banned substances.
13. The results of drug tests, pursuant to this policy, shall not be documented in any student's academic record. Information regarding the results of drug tests shall not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process. In the event of service of any such subpoena or legal process, the

student and the student's custodial parent, legal guardian, or custodian shall be notified per subpoena requirements before response is made by the Superintendent/or designee to the extent permitted by such subpoena or legal process.

TESTING PROCEDURES AND PROTOCOL

An independent laboratory shall be employed to use an accepted immunological urinalysis screening procedure. All drugs detected by the screen shall be confirmed by MS/GC at a DOT-certified laboratory before being reported. Testing procedures shall be as follows:

1. The vendor shall send qualified collectors to the school who shall oversee the collection of all specimens as outlined under the heading **VENDOR REQUIREMENTS**.
2. All specimens shall be identified by the student's social security number or student numbers and shall be taken to an independent lab for processing by lab personnel.
3. All positive screenings shall be confirmed by the participating student's admission and/or an additional test from a split specimen, which may include Gas Chromatography/Mass Spectrometry testing by an independent laboratory.
4. The testing lab shall submit final test results to the Athletic Director who shall notify the parent/guardian and the appropriate principal and coach of any positive test result or of any sample that has a presence of alcohol or an illegal substance.

CONFIDENTIALITY

All drug test results are considered confidential information and shall be handled according to the following guidelines:

1. A strict chain of custody shall be enforced regarding the collection and coding of specimen samples to ensure total confidentiality and proper identification.
2. Those persons having results reported to them as set forth by this policy must sign a confidentiality statement.
3. Positive test results shall be divulged only to the student, principal, parent/guardian, coach, and Superintendent. The parent/guardian shall also be notified of any sample that has a presence of an illegal substance.
4. When the student is no longer in school or his or her final year of eligibility to participate in extracurricular programs has expired, all test results shall be destroyed.

VENDOR REQUIREMENTS

At a minimum, the vendor must be able to provide the following services:

1. **Random Selection of Participating Students:** Once provided a list of participating students, the vendor shall select by computer the required number of students in a random and confidential manner. The vendor shall arrange with the Athletic Director a day and time to do the collection of specimens. The schedule shall not follow any recognizable pattern. Upon arrival at the school, the vendor shall give

the selected student names to the appropriate professional staff who shall arrange for these students to report to the collection area.

2. Collection of Specimens: The vendor shall provide chain of custody forms that meet the criteria of this policy and the testing laboratory. The vendor shall oversee the collection of specimens for drug testing of students, giving as much privacy as possible in obtaining the specimen.
3. Testing of Specimens: The vendor shall have all specimens tested for the specified illicit or banned substances by a qualified laboratory. The testing laboratory shall have experience in toxicology testing and chain of custody procedures. All specimens shall be initially tested using a highly accurate immunoassay technique, with all presumptive positive results then confirmed by a Gas Chromatography/Mass Spectroscopy (GC/MS) confirmatory test.
4. Statistical Reporting and Confidentiality of Drug Test Results: The vendor shall certify all drug screens as negative or positive and report the positive presence of illicit drugs in a confidential manner to the Athletic Director.

The vendor or testing laboratory shall not release any statistics on the rate of positive drug tests to any person, organization, news publication, or media without expressed written consent of the Board. However, the vendor shall provide the Athletic Director with a quarterly report showing the number of tests performed, rate of positive and Negative tests, and the types of substances found in the positive specimens.

SANCTIONS FOR POSITIVE TESTING

The following sanctions shall be imposed for any student testing positive to a drug test:

1. For the first positive test result:
 - a. The parent/guardian shall be notified and shall be requested to attend a conference to discuss the student's drug testing result.
 - b. Retesting shall be required at each subsequent random testing regime for a minimum of one calendar year from the date of receipt of the test result.
2. For the second positive test result within any two consecutive calendar years:
 - a. The parent/guardian shall receive notification and shall be requested to attend a conference to discuss the student's drug test results. This conference shall also include the student, principal, and the student's coach/director.
 - b. Upon receiving notice by the proper school official, the student shall immediately be suspended from practices, contests and/or activities in all competitive athletic/spirit group/band activities for a minimum of 30 calendar days. In the event a participating student's sanctions cannot be completed before the end of school year, the participating student shall complete his or her sanctions the following school year.
 - c. A letter of intent to remain in any athletic/spirit group/band activities shall be signed by the student and parent/guardian.
 - d. For reinstatement into athletic/spirit group/band activities, participating students shall:
 1. Be retested at the end of the 30-day suspension at the parent's/guardian's expense.
 2. Receive a negative test result.
 3. Complete a school drug counseling program approved by the Athletic Director.
 4. Have verification of all sanction requirements by the Athletic Director.
 - e. Retesting shall be required at each subsequent random testing regime for a minimum of one calendar year from the date of receipt of the test result.
3. For the third positive test result within any two consecutive calendar years:
 - a. The parent/guardian shall receive notification and shall be requested to attend a conference to discuss the student's drug test results. This conference shall also include the student, principal, and the student's coach/director.
 - b. Upon receiving notice by the proper school official, the student shall immediately be suspended from practices, contests and/or activities in all competitive extracurricular athletic/spirit group/band activities for one calendar year.
 - c. A letter of intent to remain in any athletic/spirit group/band activity shall be signed by the student and parent/guardian.
 - d. For reinstatement into athletic/spirit group/band activities, participating students shall:
 1. Participate in all testing regimes for a minimum of one year.
 2. Receive a negative test result at each testing.

- e. Any positive results during suspension shall require a conference with the student, parent/guardian, principal, and the student's director or sponsor, to establish appropriate action.

REFUSAL TO TEST

Students refusing to be tested shall not be permitted to represent the District in any athletic/spirit group/band activity. After a 30-day waiting period, the student may be reinstated for participation if:

1. The student is tested at the end of the 30-day suspension at the parent's guardian expense by and independent laboratory.
2. A negative test result is received.

Consequence Regarding the Involvement of Alcohol or Controlled Substances During School or School Activities

Disciplinary action taken toward student athletes who are involved with controlled substances at school or while participating in school activities:

- A. First violation: The student athlete will be disciplined by the school (per student handbook). When the student athlete returns, he/she will be suspended from 40% of contests or performances scheduled (Practice/intersquad scrimmages do not count). To become eligible, the student athlete must have a negative drug screening test administered by an independent laboratory (at the expense of the parents/guardians).
- B. Second violation: The student athlete will be disciplined by the school (per student handbook). The student athlete will not be allowed to participate in any athletic/spirit group for the remainder of the school calendar year. To become eligible for the next school year, student athletes must have a negative drug screening test administered by an independent laboratory (at the expense of the parents/guardians).

Consequence Regarding the Involvement of Alcohol or Controlled Substances Away from School or School Activities

Disciplinary action taken toward student athletes who are involved with alcohol or drugs away from school or school activities:

- A. First violation: The student athlete will be suspended from 20% of the contests or performances scheduled (Practice/intersquad scrimmages do not count). Parents will be notified. There must be substantial proof of wrong doings as determined by the Athletic Director. The student athlete will be required to pass a drug test administered by an independent laboratory (at the expense of the parents/guardians). Also, the student athlete will get counseling which will be selected by the Athletic Director.
- B. Second Violation: The student athlete will be suspended from 50% of contests or performances scheduled (Practice/intersquad scrimmages do not count). Parents will be notified. There must be substantial proof of wrong doings as determined by the Athletic Director. Student athletes will also be required to pass a drug test administered by an independent laboratory (at the expense of the parents/guardians) and attend an alcohol/drug

abuse awareness program approved by the Athletic Director.

- C. Third Violation: The student athlete will not be allowed to participate in any extra-curricular activities for the remainder of the school year. To become eligible for the next school year, student athletes must have a negative screening test administered by an independent laboratory (at the expense of the parents/guardians).

In all cases of suspensions from participation, if the student athlete is participating in a sport in- season, the suspension will take place immediately. If a one sport student athlete is not in- season, the suspension will begin at the start of his/her next season. If the student athlete participates in more than one sport or activity, and the number of games remaining is under the percentage of games suspended, the suspension will carry over to the next sport. If another violation occurs during the second sport/activity season, this would count as their second violation.

If a student athlete loses eligibility due to a controlled substance violation, to become eligible for the next school year, the student athlete must have a negative drug screening test administered by an independent laboratory (at the expense of the parents/guardians). The student athlete may participate in tryouts for the following school calendar year during his/her suspension but must have negative drug screening results prior to trying out.

FERPA

Benton School District will adhere to the Family Educational Rights and Privacy Act.

APPEAL PROCESS

Any student who has tested positive or the student's parents or guardians may appeal the test by informing the Athletic Director within 24 hours of notice of the positive test result. The student and parent shall be entitled to present any evidence they desire to defend the charge of violation of this policy prior to implementation of sanctions. The Athletic Director may require written documentation of any evidence the student may wish to present that may have affected the test result. Failure to present written documentation to support the student's defense of the case shall result in the student being subject to the sanctions provided in this procedure for a positive test result. Upon request by the student's parents or guardians, further laboratory analysis may be conducted with the student's remaining urine specimen preserved by the testing laboratory at the student's expense. The retest must be performed by a qualified laboratory that meets the lab requirements contained in this drug testing policy.

**BENTON SCHOOL DISTRICT INFORMED
CONSENT AGREEMENT**

I/We _____ hereby consent to allow _____
(Parent or Guardian) (Student) to undergo
drug testing for the presence of illicit drugs or banned substances in accordance with the Board Policy.

I/We understand that a qualified vendor will oversee the collection process.

I/We understand that any urine samples will be sent only to a certified medical laboratory for actual testing, and that the samples will be coded to provide confidentiality.

I/We hereby give my consent to the vendor selected by the Benton School Board, their laboratory, doctors, employees, or agents, together with any clinic, hospital, or laboratory designated by the selected vendor to perform drug testing for the detection of illicit drugs or banned substances.

I/We further give permission to the vendor selected by the Benton School Board, its doctors, employees, or agents to release all results of these test to the medical vendor. I understand these results will be forwarded to the athletic director and will also be made available to the parent or guardian, and in the case of a second positive test, the principal and coach/director.

I/We understand that consent pursuant to this Informed Consent Agreement will be effective for all athletic/spirit group/band activities in which this student might participate during the school year.

I/We hereby release the Benton School District, School Board, and its employees from any legal responsibility of liability for the release of such information and records (as detailed herein).

AS A PARENT / GUARDIAN / CUSTODIAN:

- I have read the drug testing policy and understand the responsibility of my son/daughter/ward as a participant in athletic/spirit group/band activities in the Benton School District.
- I understand that my son/daughter/ward, when participating in any athletic/spirit group/band activity, will be subjected to random drug testing. I have read the consent form and agree to its terms.
- I understand this is binding while my son/daughter/ward is a student participating in athletic/spirit group/band activities in the Benton School District.
- I understand that Informed Consent Forms will remain valid until a parent/guardian request removal in writing or until the student no longer participates in athletic/spirit group/band activities. Any student returning to competitive athletic/spirit group/band activities will be required to have a current Informed Consent Form on file.
- I understand the consequences regarding involvement with illegal drugs and alcohol.

Parent / Legal Guardian

Name: _____
Last First MI

Signature _____

Date: _____

PLEASE COMPLETE THE STUDENT INFORMATION ON THE BACK OF THIS

BENTON STUDENT PARTICIPATING IN ATHLETICS/SPIRIT GROUPS/BAND ACTIVITIES:

- I understand and agree that participating in athletic/spirit group/band activities is a privilege that may be withdrawn for violation of the Benton School District Drug Testing Policy.
- I have read and understand the Benton Drug Testing Policy and thoroughly understand the consequences that I will face if I do not honor my commitment to the drug testing policy.
- I understand that when I participate in any athletic/spirit group/band activity, I will be subjected to random drug testing, and if I refuse, there will be an immediate 30 day suspension.
- I understand this is binding while a student participating in any athletic/spirit group/band activity in the Benton School District.

STUDENT: (print)

Name _____
 Last First MI
 Address _____
 Campus _____ Grade _____ ID No. _____

STUDENT SIGNATURE: _____ Date _____

To be filled out by the student: (please print)

ORGANIZATION(S) YOU PARTICIPATE IN:

Athletics:

_____, Coach: _____

_____, Coach: _____

_____, Coach: _____

_____, Coach: _____

_____, Coach: _____

_____, Coach: _____

Band: _____, Director: _____

Coach:

If you are the coach that received this form from your participating student, please check the information and sign.

Signature of Coach

Date Adopted: 09/08/2003
Last Revised: 08/25/2014