

**SHELBY COUNTY BOARD OF EDUCATION
COMPETITIVE EXTRACURRICULAR SUBSTANCE ABUSE PROGRAM
Procedures**

I. OVERVIEW

The Shelby County Board of Education (the Board) recognizes participants in competitive extracurricular activities as present and future assets to our academic and leadership education process. Students who participate in competitive extracurricular activities serve as role models for other students and are a key to our goal of providing the best possible education program for all students. To achieve our goal, and to maximize the skills and talents of our students, it is important that every student, as well as employees, of our school system understand the dangers of drug and alcohol abuse.

Substance abuse can be a serious threat to the school system, its students, visitors and employees. While the percentage of substance abusing students may be relatively small in absolute terms, any substance abuse may significantly affect the health and safety of the abusing student or the student's classmates. Moreover, practical experience and research indicate that appropriate precautions are necessary. It is the belief of the Board that the benefits derived from the policy objectives outweigh the potential inconvenience to students. The Board earnestly solicits the understanding and cooperation of all students and parents, especially those participating in competitive extracurricular activities, in implementing this policy.

The Board requires that all students report to school, practices and competitive events without prohibited substances in their system. No student shall use or be under the influence of prohibited substances while participating in any practices or competitive events or otherwise while under the care and supervision of the school system.

Participating in competitive extracurricular activities is a privilege, not a right, and the student must be willing to conform to the guidelines of the Competitive Extracurricular Activities Substance Abuse Policy in order to be given the privilege to participate in these events.

Students must inform their coach or sponsor when they are legitimately possessing and taking medications which may affect their ability to practice or compete, in order to avoid creating safety problems and to remain in compliance with this policy.

In order to enforce these rules, the Board reserves the right to require all students who desire to participate in competitive extracurricular activities to submit, at any time prior to, during or following a practice, competitive event, or otherwise while under the supervision or care of this school system, to drug tests to determine the presence of prohibited substances.

Students applying to participate in competitive extracurricular activities may also be screened as a condition for participation in the activity of their choice. Students may also be required to undergo screening in conjunction with any scheduled physical examinations, where the Board has reasonable suspicion to believe a student has violated its Competitive Extracurricular Activities Substance Abuse Program and/or in a random basis without advance notice.

Violation of these rules, including testing positive and/or refusal to undergo screening will subject the student to suspension from competitive extracurricular activities in accordance with the penalty structure set forth herein. Refusal to cooperate in any test investigation may also result in immediate suspension from participating in competitive extracurricular activities.

No student testing positive, refusing to test, refusing to cooperate with testing or being in violation of this policy will be penalized academically. Information, including testing positive, shall be held in the strictest confidence and will not be released to criminal or juvenile authorities, absent compulsion by law or consent of the student.

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the Board, through its drug and alcohol screening program, are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceeding, except in the following (a) as directed by the specific, written consent of the student and the students parents or legal guardian authorizing release of the information to an identified person; or, (b) to the trier of fact(s) in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, or otherwise under compulsion of law.

The Board reserves the right to amend these policies and procedures where it deems it is appropriate. Except where specifically prohibited by law, the guidelines contained within this document, may be changed by the Board at any time. Students covered by these policies and procedures will be informed of changes.

II. OBJECTIVES

- A. To create and maintain a safe, drug-free environment for all students participating in competitive extracurricular activities.
- B. To encourage any student with a dependence on, or addiction to, alcohol or other drugs to seek help in overcoming the problem.
- C. To reduce the likelihood of incidents of accidental personal injury to students and/or damage to property.
- D. To minimize the likelihood that school property will be used for illicit drug activities.
- E. To protect the reputation of the school system and its students.
- F. Undermine the efforts of peer pressure by providing a legitimate reason for students to refuse the use of prohibited substances.

III. DEFINITIONS

A. Competitive Extracurricular Activities - any middle school or high school sanctioned or sponsored extracurricular activity in any way involving competition, comparison or judging of the individuals or groups with other individuals or groups. Competitive extracurricular activities include, but are not limited to, programs such as football, basketball, cheerleading, dance team, band, academic teams, FFA, choir, scholar bowl, debate teams, drama teams.

B. Prohibited Substances - Alcohol, amphetamines, anabolic steroids, benzodiazepines, methadone, opiates, phencyclidine, propoxyphene, barbiturates, cocaine, cannabinoids, marijuana, hallucinogenic drugs, and all drugs which the narcotic and drug abuse laws of the United States, local municipalities, and/or the State of Alabama classify as illegal. Prohibited substances also include controlled or prescribed medications taken by a student, unless such medication has been prescribed for the specific student and is being taken in the dosages specified by the prescribing physician.

C. Trained Observer - A principal, coach, assistant coach, teacher or sponsor or other school official or designee

who has been trained for at least one hour on alcohol misuse and an additional one hour on controlled substance misuse. The training will cover the physical, behavioral, speech, and performance indicators of probable use and misuse of alcohol and other prohibited substances. Documentation of training attendance must be maintained by the Drug Program Coordinator.

D. Drug Testing Agent - The licensed and qualified independent agent testing agency or medical office selected by the Board to carry out the screening of students.

E. Drug Program Coordinator - An employee(s) of the Shelby County Board of Education appointed by the Board responsible for the overall implementation of the Competitive Extracurricular Activities Substance Abuse Program.

F. Medical Review Officer (MRO) - A licensed physician employed by the Drug Testing Agent responsible for interpreting and evaluating the data generated from drug screenings.

IV. GENERAL PROVISIONS

Practical experience and research have proven that even small quantities of narcotics, abused prescription drugs or alcohol can impair judgment and reflexes, which can create unsafe conditions for students. Even when not readily apparent, this impairment can have serious results for students engaged in competitive extracurricular activities. Drug-using students are a threat to co-participants, other students and themselves, and may make injurious errors. For these reasons, the Shelby County Board of Education has adopted the following guidelines, procedures and penalties to assure that all students participating in competitive extracurricular activities report to all practice and competitive events and, at all times, while under the care of the school system, completely free from the effects of alcohol and/or the presence of other prohibited substances.

A. Drug Use/Distribution/Impairment/Possession

All students participating in competitive extracurricular activities are prohibited from using, possessing, distributing, manufacturing, or having prohibited substances, abusing prescription drugs or any other mind-altering or intoxicating substances, or having any prohibited substance in their system while at practice, participating in competitive events or otherwise while under the care of the school system.

B. Alcohol Use/Possession/Impairment

All students participating in competitive extracurricular activities are prohibited from possessing, drinking, or being impaired or intoxicated by alcohol while at practice or participating in a competitive event or while under the care of the school system.

C. After School Hours Conduct

After school hours use of illegal drugs, alcohol, or any other prohibited substance which results in a positive drug test as outlined herein will result in the consequences as outlined herein. Students participating in competitive extracurricular activities should realize that these regulations test for substance abuse which may have occurred both during and away from school activities.

D. Prescription Drugs

A student may submit a confidential writing for consideration to the Drug Testing Agency and/or the Medical Review Officer detailing any prescription medication for which the student has a valid prescription or other over the counter medicine taken by the student.

V. SUBSTANCE SCREENING

The Board reserves the right to require students participating in any competitive extracurricular activities to go through three possible levels of substance screening. The first is a pre-participation screening which is a condition for participation in competitive extracurricular activities, the second is screening for the student once the student is a participant in competitive extracurricular activities, and the third is the screening required to return to competitive extracurricular activities after a student has been suspended under the policy.

A. Pre-participation Screening

Substance screening may be required for students as a condition to participating in competitive extracurricular activities. Such testing may be included with a pre-practice or pre-participation physical examination. Applicants will be required to sign the Competitive Extracurricular Activities Consent/Release Form before being submitted to screening. Students will not be allowed to participate in any competitive extracurricular activities if they refuse to submit to the substance screening or refuse to execute the required Competitive Extracurricular Activities Consent/Release Form.

B. Participation Screening

Once a student is a participant in the competitive extracurricular activities programs, the student will be subject to a reasonable suspicion screening and/or random substance screening.

1. Reasonable Suspicion

All students will be required to submit to screening whenever a trained observer observes circumstances, which provide reasonable suspicion to believe that the student has used alcohol or another prohibited substance, or has otherwise violated the Competitive Extracurricular Activities Substance Abuse Policy.

The trained observer's determination that reasonable suspicion exists to require the student to undergo an alcohol or drug screening must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the student.

The trained observer requesting a reasonable suspicion screening shall prepare and sign a written report explaining the circumstances and evidence upon which they have relied. This written documentation shall be prepared within 72 hours of the testing and in all circumstances before the results of the tests are released. While one trained observer may request a reasonable suspicion screening, when feasible, he or she is encouraged to obtain written confirmation of suspicion from a second trained observer.

2. Random Substance Screening

All students participating in competitive extracurricular activities will be subject to random unannounced substance screening at any time while present at school or participating in a school related program. The Drug Program Coordinator will provide a master list of current students participating in competitive extracurricular activities to the Drug Testing Agency. The Drug Testing Agency will produce from the master list random sample lists of students and present the random sample list to the Drug Program Coordinator. Students involved in competitive extracurricular activities who are present at school or participating in a school related program,

whose names appear on the random sample list will be notified and required to report to the designated collection sites for substance screening as soon as possible, but in no case later than four hours following notification. The fact that a student's name was selected for one random substance screening does not eliminate that student from the master list used in the next random substance screening.

3. Return to Participation Screening

All students who have been suspended from participation in competitive extracurricular activities for abuse of the Competitive Extracurricular Activities Substance Abuse Program will be subject to unannounced screenings for a period of time no less than 12 months and no more than 60 months following their reinstatement to competitive extracurricular activities. The length of time a student will be subject to the unannounced random screenings will be determined by the Drug Program Coordinator.

VI. SCREENING PROCEDURES

A. General Guidelines

The Board and the Drug Testing Agency shall rely on the guidance of the Federal Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs, 49 C.F.R. parts 40.1 through 40.39, and on the further guidance of the Omnibus Transportation Employee Testing Act provided in 49 C.F.R. parts 382, 391, 392 and 395 in assuring minimal intrusion and minimal invasion of the student's privacy.

1. Substances Subjected to Screening

Students may be screened for any Prohibited Substance including, but not limited to, amphetamines, cannabinoids, cocaine, opiates, and alcohol. Students may be tested for any other Prohibited Substances (such as, but not limited to, steroids, barbiturates and benzodiazepines) without advance notice as part of the screenings performed by the Board. Such additional Prohibited Substances to be screened for shall be determined by the Drug Program Coordinator.

2. Methods of Screening

The Board reserves the right to utilize, hair, breath, saliva or urinalysis testing procedures. All urine specimens that test positive for Prohibited Substances will be confirmed by gas chromatography/mass spectroscopy (GC/MS).

B. Collection Sites

The Drug Program Coordinator will designate collection sites for students to provide specimens. The selection of the collection sites shall be made with the intent and purpose of providing privacy to the students. Collection sites shall be conducted on school property and on-site at the student's home school, when feasible.

C. Collection Procedure

The Drug Testing Agency, and its laboratory will develop and maintain a documented procedure for collecting, shipping and accessing specimens. A tamper-proof sealing system, identifying numbers, labels, and seal shipping containers will also be used for specimen transportation. The Drug Testing Agency, and its laboratory will utilize a standard Custody and Control Form for all student screenings. The Drug Testing Agency, and the laboratory will utilize a Breath Alcohol Testing Form for all alcohol testing.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain a proper collection procedure. All alcohol testing

will be performed by a certified Breath Alcohol Technician (BAT) and using equipment approved by the Alabama Department of Forensic Sciences.

D. Evaluations and Return of Results

The Drug Testing Agency will transmit, in writing, the results of the test to the Medical Review Officer. The Medical Review Officer will be responsible for reviewing test results of the student for those students who have tested positive for prohibited substances. Upon confirmation of a positive test, the Medical Review Officer shall notify the student and the student's parents / legal guardian and give them an opportunity to discuss the results, including, but not limited to, whether or not the student was taking a prescribed controlled substance. Any unreasonable delay by the student and/or the student's parent / legal guardian, could be viewed as a waiver of this meeting. After reasonable attempts to reach the student and/or the student's parents having not been successful, the Medical Review Officer may notify the Drug Program Coordinator to continue the reporting process.

If, after examination of the results and conferring with the student and the student's parent and/or legal guardian, the Medical Review Officer is of the opinion that the student has violated the Competitive Extracurricular Activities Abuse Policy, the Medical Review Officer will promptly report to the Drug Program Coordinator the names of the student and the results of their tests.

The Drug Program Coordinator (or his/her designee) will then schedule a conference with the student, the student's parent or legal guardian, and the principal of the school to discuss the Medical Review Officer's report and the disciplinary action to be taken.

The Drug Program Coordinator's determination of the appropriate disciplinary action and rehabilitation program to be instituted shall be reported in detail and with particularity to the Superintendent. The Superintendent shall review the Drug Program Coordinator's determination and issue a written approval or return the determination to the Drug Program Coordinator with the Superintendent's recommendations. Upon the Superintendent's final approval of the Drug Program Coordinator's determination, the Superintendent shall maintain a written report for Board review, if such is requested, which report shall include the facts and circumstances, both mitigating and aggravating, upon the which the Drug Program Coordinator's determination is predicated.

E. Request for Retest

The parent/legal guardian or the student may request a retest of any specimen or split specimen within 72 hours of notification of the screening results. Any request for a retest must be submitted in writing to the Medical Review Officer and such retest shall take place as soon as possible. The parent/legal guardian of the student may request the retest at a lab of their choosing, as long as it meets the criteria outlined herein. If a separate lab is requested, the Drug Testing Agency and/or the Medical Review Officer will arrange for transportation of the specimen.

F. Release of Screening Results

All information, interviews, reports, statements, memoranda, and test results, written or otherwise, received by the Board through its Competitive Extracurricular Activities Substance Abuse Program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceeding, except in accordance with the Competitive Extracurricular Activities Consent/Release Form and as provided by applicable law.

It is the responsibility of the Drug Program Coordinator to maintain the confidentiality of all documents relating to student screenings and to implement procedures to prevent the unauthorized release of such information. The

information regarding any positive drug test shall be kept in confidential files, separate from other educational records of the student.

The Medical Review Officer and the Drug Program Coordinator shall maintain individual student test results for one year.

VII. CONSEQUENCES

Any student who violates this policy shall be subject to the penalties set forth herein.

A. First Violation

Upon the first violation of the Competitive Extracurricular Activities Substance Abuse Policy, the student who tests positive, refuses to take the drug test, or compromises/circumvents the drug testing procedure in any way, will be suspended from competitive extracurricular activities for the remainder of that extracurricular activity season or seven weeks whichever is greater. Violations of the Student Code of Conduct, regarding drugs and alcohol, that take place either during the school day or at a school sponsored event will also result in a violation of this policy. If the infraction occurs on school premises or during a school sponsored event, the student will serve consequences as outlined in the Student Code of Conduct in addition to the suspension. If an Alternative School assignment is warranted it is understood that the student will be suspended from participation in any competitive extracurricular activities for the length of the Alternative School term.

Before participation can resume, the students participating in competitive extracurricular activities must (i.) test negative for any prohibited substances and (ii.) participate in substance abuse counseling approved by the Drug Program Coordinator. The student will also be subject to random tests during the suspension and subject to random tests during remainder of time he or she participates in competitive extracurricular activities. If the student elects to participate in substance abuse counseling the cost for the substance abuse counseling is to be borne by the student. The Drug Program Coordinator will assist the student in locating substance abuse counseling.

B. Second Violation

Upon the second violation the student will be permanently barred from participating in any competitive extracurricular activities in the Shelby County School System.

No student testing positive or refusing to cooperate with the testing will be penalized academically

VIII. COSTS

All costs associated with the initial screening and any other costs associated with the implementation of this program, unless specifically outlined herein, shall be borne by the Board.

IX. APPEAL

If the student or the parent/legal guardian is dissatisfied with the findings of the Medical Review Officer or the punishment promulgated by the Drug Program Coordinator, they may apply in writing for a hearing before the Superintendent or his designee. The request for a hearing must be made in writing within 72 hours of notice of discipline. The student will be subject to the consequences as outlined in the Competitive Extracurricular Activities Substance Abuse Policy until such time as a hearing has been held and ruled upon.

X. INVESTIGATIONS/SEARCHES

Where a trained observer has reasonable cause to suspect that a student, based on individual suspicion, has violated the Competitive Extracurricular Activities Substance Abuse Policy, the trained observer may reasonably inspect vehicles, lockers, purses, book bags, or other belongings of the student, whether on Board property or not, without prior notice to the student in order to insure a sports environment free of prohibited substances. The student may be asked to be present and to remove a personal lock. Where the student is not present or refuses to remove a personal lock, a school official will be permitted to do so for the student. Results of such searches shall be immediately communicated to the Drug Program Coordinator.

ADDITIONAL REQUIREMENTS

In addition to the policies and procedures outlined herein, local school principals may designate such other and different requirements for the privilege of participating in competitive extracurricular activities including but not limited to academic standards, attendance standards, and other reasonable limitations. Such additional requirements shall not, however, in any way expand, change or alter the provisions of these Procedures as they related to student's use of, or being under the influence of, a Prohibited Substance.

Adopted by the Board, June 25, 1998.
Amended by the Board, July 27, 2000.
Amended by the Board, August 8, 2002.
Amended by the Board, June 26, 2003.
Amended by the Board, July 7, 2005.
Amended by the Board, July 10, 2008.
Amended by the Board, May 17, 2012.

**SHELBY COUNTY BOARD OF EDUCATION
STUDENT CONSENT/RELEASE FORM**

I have read and understand the Shelby County Competitive Extracurricular Substance Abuse Program policy procedures and penalties and agree to abide by these rules regarding the possession and use of prohibited substances. I agree to submit to prohibited substance screenings as outlined in the Shelby County Competitive Extracurricular Substance Abuse Program Policy and Procedures as a condition for my initial or continued participation in competitive extracurricular activities. I specifically consent to allow urine, breath, saliva, and/or hair samples to be taken in accordance with the Board's Drug Testing Agency for testing to determine the existence of prohibited substances. I authorize any laboratory or medical provider to release test results to the Board, the Medical Review Officer, the Drug Program Coordinator, and to local school officials who have a need to know.

I also expressly authorize the Board and/or the MRO to release any test-related information, including positive results (a) as directed by my specific, written consent authorizing release of the information to an identified person, (b) to the finder of fact in any lawsuit, grievance, or other proceeding initiated by or on behalf of myself, and/or (c) under compulsion of law.

I understand that the refusal to submit to testing for the use of prohibited substances will prohibit me from my initial and continued participation in the competitive extracurricular programs offered by the Shelby County Board of Education.

I understand that it is a privilege, not a right, to participate in the competitive extracurricular programs offered by the Shelby County Board of Education, and that I must comply with the Competitive Extracurricular Substance Abuse Policy in order to be given the privilege to participate in these events.

If I choose not to participate in competitive extracurricular programs in the Shelby County School System, then my parent/guardian must contact the drug testing coordinator and make a formal request (in writing) to have my name and social security number removed from the testing pool. If I am removed from a competitive extracurricular program by a coach or sponsor for any reason, my name will continue to be in the testing pool. This will allow me to be eligible if I participate in the next seasonal sport.

Student _____

Date _____

Parent/Legal Guardian _____

Date _____