

4.3602 DRUG SCREENING FOR HIGH SCHOOL STUDENT-ATHLETES

Legal Reference G.S. 115c-47(4)

The Falls Lake Academy School Board has a strong commitment to maintaining a safe environment for all student-athletes. In recognition of the increase in the amount of student-athletes consuming illicit drugs, the Board authorizes the Executive Director or Designee to establish a random drug testing program at Falls Lake Academy for all student-athletes. Please see the administrative guidelines for specific instructions and procedures.

STATEMENT OF PURPOSE

The primary purpose of the drug testing policy is to provide a healthy and safe environment for all interscholastic athletic activity participants and help provide parents and student-athletes with the tools and support to remain drug-free and healthy. The Board encourages student-athletes to resist peer pressure, remain drug-free and receive education and counseling about drug abuse.

AUTHORITY

The US Supreme Court established the authority of public schools to test students for illegal drugs. In *Pottawatomie County Board of Education v. Earls*, 536 US 822 (2002), the Court held that students participating in competitive extracurricular activities can be subjected to random drug testing. Subsequent cases have expanded that right.

Student participation in interscholastic extracurricular competitive activities is a privilege not a right, and this policy is intended to protect the health and safety of students; therefore the Board is authorized to implement this policy.

The Goals of the Random Student Drug Testing Policy are to:

- identify a student with drugs present in his/her body
- provide notification to the custodial parent/guardian
- educate, assist, and direct students away from drug and alcohol use and toward healthy, safe and drug-free participation in activities leading toward a healthy lifestyle
- partner with parents and provide tools and supports for students to be drug free
- develop a drug free athletic program that produces student athletes who can serve as role models and influence their peers to lead healthy and responsible lives.

PARTICIPANTS & REQUIREMENTS

A. Policy Participants

- FLA Student-athletes

B. All records generated pursuant to this policy are confidential student records under the Family Educational Rights and Privacy Act (FERPA) and will be securely stored separate from the student's permanent academic cumulative file. Such records shall be disclosed only to school personnel who have a need to know and will not be turned over or disclosed to any law enforcement personnel or authorities.

C. Prior to participating in extracurricular activities at FLA, the student-athlete and the student-athlete's parent/guardian shall sign and deliver a Consent to Random Student-Athlete Drug Testing Form. The consent will be valid for twelve months from the date of signature. A student who does not have a current consent on file will not be allowed to participate, which includes attendance at practices, tryouts, games, contests, or competitions.

SELECTION AND TESTING PROCESS

A. Random drug testing of the defined student-athlete population may be conducted at various times throughout the school year, and at least once per season at the direction of the High School Director and Athletic Director. Accurate and complete student rosters shall be used.

B. Random selection will be handled by a third party administrator and will be conducted by a lottery using a numeric selection process. Student names will remain unknown until the random selections are completed.

- a. If the student is absent that day, the sample shall be provided on the first day the student returns to school.

b. If the student is unable to produce a sample when requested, the student will be allowed to return within one hour the same day to provide the sample.

c. Students who are not in regular attendance at school, such as virtual school students shall provide a sample on the first day the student is present at school. All students providing samples shall do so under the supervision of the Coordinator in a manner which will minimize intrusiveness and embarrassment to the student while ensuring there is no tampering with the sample. Students shall be required to produce a sample while the Coordinator remains outside the restroom entry door. Each sample container shall be checked for appropriate temperature and will be sealed and labeled with a number for identification purposes.

C. The sample will be tested for the presence of one or more of the following illegal substances:

- i. Cocaine
- ii. Amphetamine
- iii. Methamphetamine
- iv. Marijuana
- v. Opiates
- vi. Alcohol

Samples will not be screened for the presence of any other substance or the existence of any physical condition other than drug intoxication.

D. The initial drug test of the sample will be a sensitive, rapid, and reliable immunoassay procedure (also referred to as a point of collection test) performed at the school. If the initial drug test renders a negative result, then no further analysis will be conducted. If the initial drug test renders a positive result, the Coordinator and High School Director shall immediately contact the student's parent/guardian by phone to discuss the positive initial drug test result. The parent/guardian and student shall have the opportunity to confidentially discuss the test results with the Coordinator and provide any relevant medical information to the Coordinator that would assist the testing coordinator in verifying the confirmation drug test as positive or negative, such as a properly prescribed medication.

E. The student's parent/guardian has the right to appeal the initial drug test's positive result on the day of the random drug testing. In the event that the parent/guardian requests an appeal, the Coordinator shall immediately deliver the sealed sample container to a testing laboratory for a confirmation drug test at the expense of the parent. The confirmation drug test must be a more rigorous procedure and must be different in scientific principle from the initial drug test. If the confirmation drug test renders a negative result, then the drug test will be deemed negative, no further analysis or action will be taken. If the confirmation drug test renders a positive result, the positive drug test results shall be provided to the testing laboratory's medical review officer (MRO). An MRO is a licensed physician employed by the testing laboratory, and knowledgeable in the interpretation and evaluation of a student's positive confirmation drug test. The parent/guardian and student shall have the opportunity to confidentially discuss the test results with the MRO and provide any relevant medical information to the MRO that would assist the MRO in verifying the confirmation drug test as positive or negative, such as a properly prescribed medication. If the MRO determines the test results should be negative, then no further action shall be taken and the negative test result will be reported to the parent/guardian and Coordinator. If the MRO verifies a positive drug test result, the MRO shall submit a report of such result to the student's parent/guardian and the Coordinator which will be forwarded to the High School Director and Athletic Director..

- a. During the appeal period of any positive drug test, the student's eligibility to participate in extracurricular athletic competitive activities shall be suspended.

F. The failure or refusal of a student to provide a urine sample pursuant to this policy shall be treated as a positive confirmation drug test. The failure of the Coordinator to follow the selection and testing process shall render the random drug test invalid and no consequences shall apply to any affected student.

G. The results of drug tests pursuant to this policy will not be documented in any student academic records and information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities, without a valid, binding subpoena or other legal process, which the school will not solicit. Positive drug test results will be reported to the High School Director and Athletic Director and will be recorded in the student-athletes athletic file housed with the athletic director.

CONSEQUENCES

1st positive result - The student-athlete will be suspended for a total of 45 full calendar days from the scheduled try-outs, competitions and practices in the sport they are currently participating. If the suspension is not completely served in that season or post-season, the remainder of the defined suspension will carry over to the next season in which the athlete participates. All suspensions start immediately following a positive test result. Students and parents will be provided a list of resources for education and drug treatment counseling.

2nd positive result- The student athlete will be suspended from participating in try-outs, competitions and practices for an entire calendar year from the date of the second positive test. All suspensions start immediately following a positive test result. Students and parents will be provided a list of resources for education and drug treatment counseling.

3rd positive result- The student athlete will be permanently suspended from participation in all athletic programs at Falls Lake Academy for the remainder of their tenure. Students and parents will be provided a list of resources for education and drug treatment counseling.

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REVIEW

The Administration shall annually evaluate the implementation and effectiveness of this policy and shall recommend any changes to the Board.

STUDENT CODE OF CONDUCT

A. Nothing in this policy shall be construed to limit the applicability or enforcement of the student code of conduct, including all of its provisions pertaining to drugs.

B. In the event the student is on a behavior contract or stipulated order which includes a requirement for random drug testing, a positive drug test under this policy shall also be considered a positive drug test under the behavior contract or stipulated order.

CONSENT FORM

It is MANDATORY that each student who participates in athletics sign and return the consent form prior to participation in any activity. Failure to comply will result in non-participation in athletics at Falls Lake Academy.



Dear Falls Lake Academy High School Parents:

As part of our overall effort to reduce drug usage among teens, the Falls Lake Academy Board of Directors will be implementing a formalized random drug testing program for our student-athletes in January. As some of you are aware, we have seen an increase in the amount of student drug use, which has contributed to an increase in trauma, mental health, and other problems seen throughout our society, community and school. Although, Falls Lake Academy is no different than any other high school in the nation, we strongly feel that we need to be proactive in helping our students make better decisions. We are committed to creating a fair and healthy program for our student-athletes with the following goals of our policy in mind:

1. Deter drug use among students
2. Motivate students to resist peer pressure
3. Identify students participating in extracurricular athletic activities that are using drugs
4. Help reduce the stigma of “everybody does it”
5. Provide education and an opportunity for student-athletes to help quit using/abusing drugs
6. Make FLA a leader in the area for drug prevention
7. Partner with parents and provide tools and supports for student-athletes to be drug free

Students that would be subjected to participate in the random drug testing program include for Phase 1:

- 1) Interscholastic Athletics - 9th, JV, and Varsity Levels

Participation in the program is mandatory for any student participating in any of the above activities. There is no opt-out. Student-athletes would be selected by a random number generation from an outside third party with a minimum of one test being conducted each season. Upon failing a drug test, student athletes would be subjected to the consequences as outlined in the athletic website provided below:

<https://fallslakeacademyathletics.bigteams.com/main/filesLinks/>

Sincerely,

Falls Lake Academy Board

FLA DRUG TESTING CONSENT FORM

Random Drug Testing Consent Form

Participation in school-sponsored extracurricular activities at Falls Lake Academy is a privilege. Students who participate in athletic activities at FLA represent the school within the community and have a responsibility to conduct themselves at all times in a manner befitting their positions, which includes avoiding the use of illegal and performance-enhancing drugs.

The Board has implemented this random drug testing program for students in grade nine (9) through twelve (12) who voluntarily participate in athletic activities at FLA as one way to prevent, deter, and detect drug use among students.

Participation in Athletic Activities

ATHLETIC ACTIVITIES COVERED UNDER THIS CONSENT FORM INCLUDE: BASEBALL; CROSS COUNTY; GOLF; SOCCER; TENNIS; VOLLEYBALL; SOFTBALL; BASKETBALL; CHEERLEADING; TEAM MANAGERS.

In order for a student to participate in the school-sponsored athletic activities listed above, the student's parent/guardian must consent to their student-athlete's participation in the random drug testing program. There is no opt-out option. A student-athlete's name will remain in the random pool for twelve months beginning the first day of their signed consent form. Therefore, a student participating in competitive athletics may be selected for a random drug test during his/her "off season." Students are randomly selected from among other student-athlete participants at the same school. As a result, a particular student might be selected more than once, while another student may not be selected at all. A student who is randomly selected will be privately notified to report to a designated site at his/her school to provide a urine sample for drug testing. Testing protocol is defined in the Board Policies: 4.3602 DRUG SCREENING FOR HS STUDENT-ATHLETE

Results of Positive Testing

If a student refuses to provide a sample at the time of collection, or provides an adulterated or fraudulent sample, it will be counted as a positive test. Parents/guardians will not be contacted if testing results are negative. The student athlete and his or her parents or guardians will be notified immediately by the High School Director and Test Coordinator if a test result is positive.

1st positive result - The student-athlete will be suspended for a total of 45 full calendar days from the scheduled try-outs, competitions and practices in the sport they are currently participating. If the suspension is not completely served in that season or post-season, the remainder of the defined suspension will carry over to the next season in which the athlete participates. All suspensions start immediately following a positive test result. Students and parents will be provided a list of resources for education and drug treatment counseling.

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Consent of Parent/Legal Guardian: *I confirm that I have read and understand the information contained herein.*

Parent/Legal Guardian's Name (Print)

Parent/Legal Guardian's Signature

Date

Student: *I understand and agree to abide by this policy.*

Student's Name (Print)

Student Signature

Date