STUDENT ATHLETE DRUG TESTING POLICY

I. General Policy Statement

The Macon County Board of Education (“Board”) recognizes the importance and special need of maintaining a drug-free environment for all students, but especially its student athletes. The use of illegal drugs and / or controlled substances by student athletes (including cheerleaders) that are not prescribed for medical conditions can be detrimental to the well-being and safety of those student athletes and others involved in athletics.

In order to maintain a drug-free and safe atmosphere for student athletes, the Board believes that drug testing is an effective way to deter students from using illegal drugs and / or controlled substances. The Board also views this as a way to detect recreational drug usage at an early stage so that intervention and counseling can be provided to deter future dependency upon the use of illegal drugs and / or controlled substances.

The purpose of this drug testing program is not to punish students; rather, this program’s primary objectives are to deter drug use among student athletes and to assist these students in receiving education and counseling about drug abuse.

II. Rationale for Drug Testing of Student Athletes

The Board enacts this program based on the following findings:

1. Drug and substance abuse by students is a significant problem throughout the United States.
2. Macon County, due to its demographics, is particularly susceptible to substance abuse problems.
3. There have been incidents of alcohol and drug abuse among Macon County students.
4. The primary responsibility for addressing substance abuse by students rests with parents / guardians / legal custodians, but this school system and county also have a responsibility to address substance abuse by its students.
5. The Macon County School system has implemented various prevention education and intervention programs to reduce substance abuse among its students, and is committed to continue addressing this problem in a proactive fashion.
6. The United States Supreme Court has authorized the use of suspicionless drug testing for students who voluntarily elect to participate in extracurricular activities, with these activities determined to be privileges rather than rights.
7. An increasing number of national and North Carolina school districts have enacted suspicion less drug testing policies for student athletes and have reported positive results in reducing drug use and discipline problems and fostering a school culture resistant to drug and alcohol abuse.
8. Students athletes are representatives of the school system and are often viewed by other students as role models.
9. A suspicion-less drug testing policy for student athletes is likely to be an effective tool in reducing substance abuse for all students.

III. Goals of Drug Testing Program

This drug testing program is not intended to punish student athletes but instead, help them and deter drug and alcohol abuse among the general student population. The goals of the program are as follows:

1. Educate students about the dangers and problems associated with drug and alcohol use and abuse;
2. Deter drug and alcohol use and abuse by students;
3. Identify student athletes who may be abusing drugs and alcohol;
4. Provide information to parents / guardians / legal custodians so they may take appropriate steps to assist their son or daughter;
5. Motivate student to resist negative peer pressure and have a good reason to “say no” to drugs and alcohol;
6. Provide opportunities for counseling and treatment for any student who is determined to be using or abusing drugs and alcohol;
7. Help to ensure the safety of student athletes;
8. Remove the stigma of drug use and abuse from those students who do not use drugs;
9. 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; and
10. Complement the school system’s overall drug education program.

IV. Students Subject to Drug Testing

All students in grades 9-12 who participate in interscholastic athletics must agree to participate in the Student Athlete Drug Testing program. The student athlete and his or her parents / guardians / legal custodian must sign a Consent Form and return the Form to the student athlete’s coach prior to the beginning of the sport’s season and the first athletic practice. The student athlete will not be allowed to practice with the team until the Consent Form has been signed and returned to the coach. The signed Consent Form shall be filed in the student athlete’s official student file and will be valid for all sports during that academic year.

The student athlete or his or her parents / guardians / legal custodian may revoke the student’s consent to drug testing at any time by completing a Withdrawal of Drug Testing Consent Form; however, once revoked, the student athlete will no longer be eligible to participate in any interscholastic athletic activities for the remainder of that school year.

The Student Athlete Drug Testing program is only one element of the Board’s mission to educate students on the dangers of alcohol and drug abuse and to maintain safe, drug-free schools. The consequences of testing positive under this policy may be different than a student would receive
from a positive test under a different testing program or for a student found possessing or using alcohol or drugs on a school campus or at a school event.

**STUDENT ATHLETE DRUG TESTING ADMINISTRATIVE REGULATIONS**

I. **Notification to Student Athletes**

Prior to or shortly after the beginning of each sports season, which begins on the first official practice date as set by the North Carolina High School Athletic Association, all participating student athletes will be given a copy of this Policy, a copy of these Administrative Regulations and a Consent Form. Each student athlete and his or her parents / guardians / legal custodian must sign and return the Form to the coach before being allowed to participate in any practices. The executed Form shall be filed in the student athlete’s official student file and will be valid for all sports during that academic year.

The student athlete or his or her parents / guardians / legal custodian may revoke the student’s consent to drug testing at any time by completing a Withdrawal of Drug Testing Consent Form; however, once revoked, the student athlete will no longer be eligible to participate in any interscholastic athletic activities for the remainder of that school year.

II. **Initial Test and Random Selection**

A. **Initial, Mandatory Test**

Around the beginning of each athletic season (i.e. fall, winter, spring), all student athletes participating in a sport that season shall be tested. The Principal for each school shall decide the date for the test. If a student is absent on the day of the test or must leave school before the test is administered for a valid reason, he or she shall be tested as soon as practical. A student that is present at school on the day of testing and avoids testing by leaving campus without a valid reason shall be considered having refused the test. A refusal to be tested or an attempt to alter, substitute, adulterate or otherwise tamper with a test sample shall result in a declaration of a positive test and result in the requisite Offense.

B. **Random Selection**

After the initial, mandatory test, students will be randomly selected for testing by the Principal. The number of random students to be tested and the frequency of testing dates shall be determined by the Principal and may change during the course of the year. The Principal shall devise a selection method which is totally random.

There shall be no advance notification of which students will be tested or when the test will occur. The Principal shall maintain documentation of the selection process. A selected student
that is absent on the day of testing or must leave school before the test is administered for a valid reason shall be excused from testing but shall be added to the pool to be tested on the next testing date. A student that is present at school on the day of testing and avoids testing by leaving campus without a valid reason shall be considered having refused the test. A refusal to be tested or an attempt to alter, substitute, adulterate or otherwise tamper with a test sample shall result in a declaration of a positive test and result in the requisite Offense.

III. Method of Collecting Urine Samples

The following procedures shall be used for the collection of urine samples at the individual schools.

1. Notice of Collection. The Principal and / or their designee will notify each selected student individually and immediately prior to the test. The student shall not be allowed to go to his or her locker for any reason. The student may not leave the testing area until he or she has provided a urine sample.

2. Cooperation. If the student refuses to cooperate, such refusal shall be declared a positive result.

3. Collection Location. At each school, the Principal / and or their designee shall designate two restrooms, one for females and one for males, which shall be used for collecting samples.

4. Protection of Student Privacy. The student may produce the urine sample inside a stall in the designated restroom. The Principal and / or their designee shall designate an individual to monitor each student while providing a sample in a non-intrusive but controlled manner to detect any attempt to provide a false sample. If it appears to the monitor that the student is attempting to produce a false sample, the monitor shall report the student to the Principal and / or their designee. The Principal and / or their designee may require the student to produce a second sample. Immediately upon receipt of the sample, it shall be tested to determine its temperature. All samples outside of a normal temperature limits will be considered invalid and the student shall be required to provide another urine sample.

5. Chain of Custody. The Principal and / or their designee shall implement procedures to ensure that each student’s urine sample is appropriately labeled and secured to prevent it from being lost, misplaced or contaminated. At a minimum, the Principal and / or their designee shall:
   a. Provide each student with a sanitized kit containing a sample bottle. The bottle will remain in the student’s possession until a seal is placed on the bottle by the collection staff. The student will sign a form certifying that the bottle contains his or her urine sample and that it has been sealed. The seal may be broken only by the Principal and / or their designee testing the sample.
   b. After the bottle has been sealed, it shall be transmitted to the Principal and / or their designee.
c. In order to maintain confidentiality, the bottle shall be labeled with a number that corresponds to the student. The Principal and / or their designee shall maintain a list of all students and their corresponding number.

6. Refusal or Inability to Provide a Sample. A refusal to be tested or an attempt to alter, substitute, adulterate or otherwise tamper with a test sample shall result in a declaration of a positive test. If a student has a “shy bladder,” eight (8) ounces of water will be given to the student every thirty (30) minutes for up to three (3) hours. If, after three (3) hours a student is unable to produce a specimen, it will be considered a refusal to be tested and result in a declaration of a positive test and result in the requisite Offense.

7. Right to Retest for a Refusal. Any refusal by the student to perform the test shall be considered a positive test and the consequences in section V shall apply.

IV. Testing and Results

Each student’s sample will be split into two samples.

1. The Principal and / or their designee will test one of the student’s samples using an approved testing system. If the results are negative, the matter will be considered closed. If the results are positive, the second sample shall be sent to a licensed laboratory approved by the state of North Carolina and accredited to conduct testing in this state and tested by a certified Medical Review Officer (“MRO”).

2. The MRO shall test the sample. If the results are negative, the Principal or their designee shall be contacted and the matter will be considered closed. If the results are positive, the Principal or their designee shall be contacted.

3. The Principal and their designee and / or the MRO shall inform the student and his or her parents / guardians / legal custodian of the result and further inform the student and his or her parents / guardians legal custodian that they have up to three (3) days to present a signed physician’s note to the MRO and / or the Principal or their designee of any lawful prescription or non-prescription drugs that the student was taking at the time of the test that would result in a positive test. The student shall not participate in athletics during this three day period. If the physician’s note is not presented to the MRO within the proscribed period, the matter will result in the appropriate consequence as listed below. If the student and / or his or her parents / guardians / legal custodian does present a physician’s note to the MRO within the proscribed time period, the MRO will analyze the sample to make sure the result was not a false positive based on the student’s use of any substances contained in the physician’s note. The MRO will contact the Principal or their designee with his or her final decision. If the results remain positive, the Principal will implement the requisite consequence.

4. The Superintendent and their designee and the Principal and their designee are the only school officials that will be informed of positive test results. The Principal may, in their discretion, inform the athletic director or the student’s coach.
5. Any written information of a positive test result will be kept in a separate student file and will not be maintained in a student’s cumulative education record.

V. Consequences of Positive Tests

A. First Offense

At maximum, the student will be ineligible to participate for the remainder of that sport’s season. The Principal may shorten this athletic suspension based on the following mitigating factors:

1. The student agrees to professional counseling outside of school.
2. The student and his / her parents / guardians / legal custodian have agreed that the student undergo a drug and alcohol assessment provided at a state-approved alcohol and drug agency by a qualified alcoholism or drug counselor prior to participating in another sport; and
3. The student and his / her parents / guardians / legal custodian agree to sign a release for the purpose of sharing the student’s pertinent information between agencies.
4. The student agrees to undergo future tests.

B. Second Offense

At maximum, the student will be ineligible to participate in interscholastic athletics for a period of 365 days or some shorter time as determined by the Principal. In making his or her determination, the Principal may consider the following:

1. The fact that the student has agreed to professional counseling outside of school; and
2. The fact that the student and his parents / guardians / legal custodian have agreed that the student have a drug and alcohol assessment provided at a state-approved alcohol and drug agency in the community by a qualified alcoholism or drug counselor prior to participating in another sport.
3. The student agrees to undergo future tests.

C. Third Offense

The student will be ineligible to participate in interscholastic athletics indefinitely.
Consent Form for Drug Testing

The reputation of a school and its athletes is dependent upon the performance of each participant. As a student-athlete, I understand that the use of illegal drugs and / or controlled substances that have not been prescribed for my use is not only detrimental to my team and individual performance, but can also present a safety hazard for myself and others.

In order to participate as a student athlete, I hereby give my consent to be tested for the presence of certain illegal drugs and controlled substances. In addition, I consent to giving a urine specimen for testing under the Student Athlete Drug Testing program, if there is reasonable suspicion or cause that I have consumed alcohol or drugs, or a follow-up test is required for participation in the athletic program.

I further authorize the medical facility conducting the drug testing to release the results of my test to the athletic director and / or the principal of Franklin High School and to my parent / guardian / legal custodian. In addition, I waive any privilege I may have in connection with such information.

I understand that if my name is chosen for testing, if there is reasonable suspicion or cause for a test, or a follow-up test is required for participation in the athletic program, I will be responsible for following the procedure that has been set forth at my school for collecting urine specimens and providing a urine specimen at the time it is requested.

I am aware that the tests will be conducted by a certified medical laboratory designated by Franklin High School and that Franklin High School and the Medical Review Officer and his / her technicians will be responsible for ensuring a secure chain of custody for the urine specimen I provide.

I have read the policy and related consequences and by signing this form, my parent / guardian / legal custodian and I consent to testing under the Student Athlete Drug Testing policy as well as reasonable suspicion or cause / follow-up drug testing and understand that the Macon County Board of Education and its officers, administrators, employees, and agents are hereby released from legal responsibility or liability for the release of such information and records as authorized by this form.

_________________________________________  ___________________________________________  __________
Printed Name of Student                        Student Signature                           Date

_________________________________________  ___________________________________________  __________
Printed Name of Parent / Guardian              Parent / Guardian Signature              Date
Withdrawal of Consent for Drug Testing

I hereby withdraw consent for ___________________________ to participate in the Student Athlete Drug Testing program. I understand that participation in the Drug Testing Program is mandatory for all student athletes, including cheerleaders. Withdrawal from the program will disqualify a student from participating in sports for the entire academic year.

Printed Name of Student ___________________________ Student Signature ___________________________ Date __________

Printed Name of Parent / Guardian ___________________________ Parent / Guardian Signature ___________________________ Date __________

** Students may withdraw themselves from this program. If a student signs this form, the principal or his