

## **DRUG TESTING OF STUDENTS IN INTERSCHOLASTIC ATHLETICS**

### **Purpose**

The Board believes that athletic and other extracurricular activities can be an important aspect of a student's overall educational experience. The Board believes that the experiences gained while involved in athletic or other extracurricular activities can have lifelong impact. Student participation in athletic and other extracurricular activities; however, is a privilege and not a right.

The Board is certainly aware of the pressure that the youth of today face especially in the area of drugs and alcohol. It also realizes that due to the nature of athletic or other extracurricular activities the use of drugs and/or alcohol can lead to added risks including injury to the participant and others.

This policy governs participants in Required Testing Activities. "Required Testing Activities" (RTAs) are extracurricular activities that are subject to this testing policy and include football, girls soccer, boys soccer, girls cross country, boys cross country, girls tennis, girls golf, boys golf, cheerleading, girls basketball, boys basketball, swimming, wrestling, baseball, softball, girls track, boys track, crew, volleyball and boys tennis. The list of extracurricular activities included in the definition of "Required Testing Activities" may be amended by the Board.

The following expectations and consequences are in effect for participants in RTAs and are enforced for twelve (12) months of the year. The consequences in certain situations may carry over to the next season of participation.

This policy outlines the procedure for mandatory and random testing of all participants in RTAs in the Marietta City School District. This policy is not intended to affect or restrict Marietta City School District's authority to perform drug tests to determine use of prohibited substances upon individualized "reasonable suspicion" for any student, regardless of whether they participate in a performance activity.

### **Overview**

The Board of Education realizes that the use of illegal drugs and alcohol by a student poses a threat to their own health and safety, as well as to that of other students. The purpose of this program is as follows:

1. To promote the health and safety of all students.
2. To undermine the effects of negative peer pressure by providing a legitimate reason for students to refuse the use of illegal drugs and alcohol.
3. To encourage students who use illegal drugs and/or alcohol to participate in applicable treatment programs.

4. To prevent the negative impact illegal drugs and alcohol have on the learning centers of the brain and allow students to achieve their full academic potential.

### **Students Tested**

All students who wish to participate in the Required Testing Activities in the Marietta City School District are subject to mandatory urine drug testing. Participants must take one (1) mandatory test at the beginning of the first RTA in which they participate in each academic year.

Following the initial test, participants may be tested on a random selection basis, or may be tested based on reasonable suspicion. Random urine drug testing continues throughout the academic year.

Any student moving into the District or any participant joining a Required Testing Activity who was not previously tested by the district during the academic year shall be tested as a prerequisite to participating in a Required Testing Activity.

[Adoption date: June 28, 2010]

LEGAL REF: ORC 3313.20

CROSS REFS: IGD, Cocurricular and Extracurricular Activities  
IGDJ, Interscholastic Athletics  
JFCH, Alcohol Use By Students  
JFCI, Student Drug Abuse  
JO, Student Records  
Athletic Handbook

## **DRUG TESTING OF STUDENTS IN INTERSCHOLASTIC ATHLETICS**

### **Consent and Procedures**

Prior to participating in any Required Testing Activity (“RTA”), the participant and, if the participant is a minor, his/her parent or guardian must sign a waiver consenting to the drug/alcohol testing procedure described within this policy. The participant and his/her parent or guardian must read, sign and date the informed consent agreement as a condition of eligibility prior to participation in interscholastic practices or competition. The participant and the designated parents/ guardian shall also sign the "Student and Parent/ Guardian Form" before the participant may engage in interscholastic practices or competition. Consent for the testing must be received by the District prior to any participation in the RTA. Once a participant and parent(s)/guardian(s) sign the waiver of consent form for testing, the participant will continue to be a part of the participant pool for random testing for one calendar year from the date of the most recent mandatory test or until one of the following conditions applies:

1. The participant formally withdraws from any RTA. Students exercising this option will not be subject to random testing but must agree that they can not participate in that RTA during the following school year. If, after submitting a formal withdrawal form to the Athletic Director, the student wishes to participate in a different RTA, the student must take a mandatory pre-season test, even if the student has already completed a mandatory pre-season test during that academic year,
2. The participant moves from the district,
3. The participant graduates from high school,
4. A parent/guardian or adult student delivers a written request rescinding “consent to be tested” for their student to the building Principal. This act will be considered a “refusal to test” and will have the effect of immediately rendering the participant “ineligible” to participate in any RTA covered by the Policy for (1) one calendar year.

The consent forms and results of the drug tests taken pursuant to this Policy will be maintained as a separate confidential student record which will not be disclosed to criminal or juvenile authorities unless otherwise required by law.

### **Testing Frequency**

The urine drug and alcohol tests are administered:

1. at the beginning of each RTA season as described above, with each participant being required to take one mandatory pre-season test per academic year at the start of their first participating season for that academic year;
2. when participants are chosen due to reasonable suspicion and/or
3. when participants are chosen by random selection.

### **Random Tests**

After the initial mandatory tests, all participants will be in one of two random testing pools. All off-season participants will reside in what will be called the general pool. During the time a RTA is in season (this includes preseason practices) the participant will reside in a random testing pool for that activity.

Once a participant has taken the mandatory test they will be subject to random testing through one of the two random testing pools for a calendar year beginning at the date of the most recent mandatory test. This period of time may cover parts of two school years. *Example: If a student participates only in a spring activity, that participant will be required to take a mandatory test at the start of that activity and will be placed in the random testing pool for that activity. At the close of that activity, the participant will be placed in the general pool and will reside there until the spring activity season begins the next school year.*

At the discretion of the principal, and at any given time, random tests may be required of a portion of the participants residing in any RTA pool that is in season at that time. The principal may also at his discretion at any time throughout the school year, require a random test per athletic season (fall, winter, and spring) for a portion of the participants residing in the general pool. Since these tests are random, a participant may be selected more than once for random testing.

### **Random Selection Guidelines**

Random selection of in-season and out-of-season participants for additional testing is conducted during the school year. Participants are randomly selected from a master list of identification numbers of all eligible participants maintained by the Athletic Director. The participants selected are notified by the Athletic Director/ designee and directed to report to the designated collection site and provide a urine sample for testing within the time parameters established by this policy.

1. The participants will be selected randomly.
2. Random testing is unannounced.
3. Participants will be tested at school.
4. Positive results of these random tests will be reported to the school district pursuant to the rules set forth in the section titled "Positive Test Results".

### **Reasonable Suspicion**

The procedures in this Policy are not intended to restrict the authority of the District to require any student to submit to a test when the school administration has a "reasonable suspicion" the student has violated the law or school rules regarding drugs or alcohol. Drug, or alcohol possession and/or use in violation of the Student Code of Conduct (i.e., discovered without the use of random drug testing) shall be subject to discipline under the Student Code of Conduct.

### **Confidentiality**

Because the selection and reporting process for the participant is confidential, the selection, collection, chain-of-custody documentation and reporting of results are accomplished using identification number codes. The Athletic Director/designee establishes a master list of athlete's names and unique code numbers. The list is maintained in a secure and locked location. The Principal and Athletic Director/designee are the only persons with access to the list. This code number is used to select the pool to be tested for random testing.

The Athletic Director/designee coordinates the scheduling of participants for the collection of urine samples.

The code number master list is then used by the Athletic Director/ designee to identify the participant when positive, confirmed results or when inconclusive adulterated or suspect results are reported by identification number by the testing laboratory in accordance with this policy.

### **Collection Procedures**

The testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the participant. The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure. In particular, the specimen must be collected in a restroom or other facility behind a closed stall or other divider. Facilities for female participants shall have private stalls with working closures.

The Principal/Athletic Director shall designate a coach, sponsor, or school employee of the same sex as the participant to accompany the participant to a restroom or other private facility. The monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall/divider to listen for normal sounds of urination in order to guard against tampered specimens.

Any participant unable to produce an adequate specimen of urine during the collection period, after consuming up to 16 ounces of water and waiting up to 60 minutes, may not be allowed to participate in any scheduled extracurricular activities until the required testing is complete.

At the time of collection, any participant who is taking, or has recently taken, medication that may affect the results of the test, must identify any prescription or over-the-counter drugs by listing the name of the drug on a piece of paper and placing that information in a sealed envelope which will be then be provided to the monitor. The envelope will be opened only in the event of a positive test result. In the event of a positive test for a prescription drug, the parent and student will be afforded 24 hours to provide either a current copy of the prescription, or the label from a current prescription container identifying that the said prescription drug has indeed been prescribed for the participant and in what dosage.

### **Testing**

The samples are sealed by the monitors and sent to a certified laboratory where testing may include any or all of the following:

Anabolic Steroids, Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Metabolite, LSD, Methadone, Methaqualone, Opiates, Phencyclidine, and Propoxyphene.

The urine sample **may also be** tested for adulterants that may include examination for glutaraldehyde, nitrate, chromate chlorine bleach, pH, specific gravity and/or creatinine.

The District upon recommendation by the Principal may ask the laboratory to test for additional drugs for an additional charge. Additional testing may take place without prior notice to the student/athlete or without written change to this policy.

### **Positive Test Results**

Positive tests will be reported to the District by the testing agency. Each urine sample is divided into two (2) containers. If the first container tests positive for the presence of prohibited substances, the second container is tested. No further action is taken if the second test is negative. If the second container also tests positive the following procedures will be followed.

1. The Principal will obtain the result of the tests from the testing agency.
2. The Principal contacts the Athletic Director to obtain the participant's identity. Except as provided in Section 4 below, the Principal will immediately make reasonable efforts to notify the participant's parent/guardian prior to notifying anyone else. Following the verbal notification or the failed attempt at verbal notification of the parent/guardian, the Principal shall attempt to contact the parent/guardian giving the participant a letter to take to his or her parent/guardian within one business day of receiving notice of positive test results. This letter will inform the parent/guardian of the test findings and also inform the parent/guardian that they must contact the Principal within three business days of the date of the letter, or the participant will be deemed in violation of this policy.
3. Due to student confidentiality laws, the only information revealed to the advisor, supervisor or coach will be that the policy was violated. No information regarding the substance discovered by the test will be disclosed by the district.
4. If a participant is over the age of 18, the Principal will immediately notify the participant of the positive test. The parents/guardians of a participant over the age of 18 may be notified of a participant's positive test result without the participant's consent, if the participant has not filed an affidavit with the school district establishing that he/she is emancipated as that term is used for purposes of determining right to attend Marietta Schools tuition free.
5. **If the parents fail to contact the Principal or his/her designee within three business days following the date of the letter to schedule a meeting to review or appeal the test results, the results are deemed conclusive for purpose of further action under this policy and the parents/guardian and the participant are deemed to have waived their right to challenge the test result.**

### Re-Testing Procedure

Upon notice from the testing laboratory of inconclusive, adulterated or suspect results or results that reveal that testing acceptable criteria have not been met, a second urine test is obtained from the participant. The participant is required to provide a second urine sample for testing upon request by the Principal. The participant is not permitted to participate in any RTA until the retest is scheduled and completed. Failure to submit to this additional test constitutes a policy violation.

### Appeal

The participant has the right to appeal **only** the test result (number 4 below) and/or the policy consequences to the building Principal. In such cases the appeal must be delivered to the Principal in writing within three business days of the notification letter of the positive result. Failure to comply with this time limit shall bar further appeal under this policy.

Any penalties authorized under this policy are in effect during the pendency of an appeal. The building Principal will issue a decision within a reasonable time of receipt of the appeal. Notice of the decision is given by phone if possible and then by certified mail.

If not satisfied with the decision of the building principal, the participant or his or her parent/guardian may appeal to the Superintendent/designee by delivering written notice to the Office of the Treasurer within two business days after notice (verbal or written, whichever is sooner) of the principal's decision. The Superintendent/ designee will issue a decision within a reasonable time of receipt of the appeal.

**No further review of the Superintendent's/designee's decision will be provided and his/her decision is conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent/designee, which shall be final and non-appealable.**

### Policy Violation

The following actions of the participant constitute policy violations:

1. Failure to report to collection site after notification unless excused by the Athletic Director or Principal.
2. Refusal to submit a urine sample during the initial testing.
3. Tampering with the sample for testing or attempting to subvert the collection/ identification process.
4. Confirmed positive test results for banned substance.
5. Aiding and/or abetting another participant in violating this policy.
6. Refusal to submit to a re-test when required following an inconclusive adulterated or suspect result.

7. Failure of the participant and/or the participant's parent/guardian to sign the testing consent form(s) and return them to the Athletic Director/designee prior to testing.

## **Policy Violation Consequences Resulting from a Positive Drug/Alcohol Test**

### **1. First and Second Offenses**

- A. Loss of any leadership position in RTAs for the current season.
- B. The participant is denied participation as outlined in the handbook for the participant's Required Testing Activity. When available under the RTA handbook, self-referral is only permitted where the admission occurs before the day of the scheduled test.
- C. The denial of the privilege to compete begins following the last contest in which the participant has been eligible to compete prior to the violation of any part of this policy. For clarification purposes, any percent of any denial resulting in partial game denial is rounded up to include an additional contest. Any denial occurring at the end of the season is carried over to the participant's next eligible season.
- D. A first positive drug and/ or alcohol violation shall result in additional testing through an assessment program or through the school drug testing vendor.
- E. A second positive drug and/ or alcohol violation shall result in additional testing through an assessment program or through the school drug testing vendor. The cost of this random testing is the responsibility of the participant and parent(s)/ guardian(s).
- F. Positive results from tests will carry through the participant's career in the district from grades 7-12.

### **2. Third Offense**

A third offense committed by a high school participant under this policy shall result in the denial of participation in a Required Testing Activity for the remainder of the participant's high school career.

If a 7<sup>th</sup> or 8<sup>th</sup> grade participant has three (3) positive drug tests while in middle school, the student will not be permitted to be a "participant" in high school unless after the last positive drug test in middle school he/she receives three (3) consecutive random drug screens with negative results. These screens will be administered by the testing agency at the times prescribed by the District. A positive screen in high school will result in immediate permanent denial of participation for the remainder of the student's high school career.

Participant(s) who in any way aid or abet another participant in violating this policy will be disciplined as if they were the principal offender.

## **Financing**

Once a participant has had a positive test confirmed, any and all additional test or related costs incurred are the responsibility of the participant and their parent(s)/guardian(s).

## **Parameters of Drug Screen DEFINITIONS**

Alcohol - Intoxicating liquor, liquor, alcohol, wine, beer, mixed beverages, malt liquor, and malt beverages as defined in Ohio Revised Code 4301.01. The term "alcoholic beverages" also means any liquid or substance, such as "near beer" intended for use as a beverage, used as a beverage, or capable of being used as a beverage, which contains alcohol in any proportion or percentage. The term "alcoholic beverage" does not include a substance used for medical purposes in accordance with directions for use provided in a prescription or by the manufacturer and in accordance with District policy and rules related to the use of prescriptions so long as the substance is authorized by a medical prescription from a licensed physician and kept in the original container, which container shall state the student's name and directions for use.

Assessment and Follow-up Program - A program operated by a certified chemical dependency counselor or any agency certified by the Ohio Department of Alcohol and Drug Addiction Services, or a licensed physician trained in chemical dependency.

Illegal Drugs or Drugs – Any controlled substance or other drug as referenced and included within the scope of Title 21, United States Code, Sections 802 and 812, the possession, use, distribution or purchase of which is prohibited by federal and/or state law. This definition also includes all prescription drugs obtained without authorization, and all prescribed and over the counter drugs being used in any way other than for medical purposes in accordance with the directions for use provided in the prescription or by the manufacturer.

Reasonable Suspicion Drug Testing - Drug testing based on a belief that a student/athlete is using or has been using drugs and is drawn from specific objective and articulated facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon one or more of the following criteria:

1. Observable phenomena, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug; but not limited to appearance, speech, body odors, behavior, or other physical or observable traits of a student/athlete. In the context of performance enhancing drugs, reasonable suspicion specifically includes unusual increases in size, strength, weight or other athletic abilities.
2. Evidence that a student/athlete tampered with a drug test.
3. Evidence that a student athlete used, possessed, sold, solicited, or transferred drugs while at school or while participating in any interscholastic athletic program.
4. Inconclusive, adulterated or suspect test results or drug test results that report test acceptability criteria have not been met.

[Approval date: June 28, 2010]

**MARIETTA CITY SCHOOL DISTRICT STUDENT CONSENT TO PERFORM  
URINALYSIS FOR DRUG/ALCOHOL TESTING  
(FOR STUDENTS UNDER 18-YEARS OLD)**

I hereby consent to have my urine collected and tested for the presence of drugs or alcohol in accordance with the Marietta High School Drug and Alcohol Testing Policy for Performance Activity Participants.

I understand that this testing will occur in accordance to the guidelines of the Marietta High School Drug and Alcohol Testing Policy for Performance Activity Participants.

I understand that any urine samples taken for drug/ alcohol testing will be sent only to a certified medical laboratory for actual testing.

I hereby give my consent to the medical laboratory selected by the Marietta City Schools Board of Education, its doctors, employees, or agents together with any clinic, hospital, or laboratory designated by the selected medical laboratory, to perform urinalysis testing on me, for the detection of drugs/ alcohol.

I further give my permission to the medical laboratory selected by the Marietta City Schools Board of Education, its doctors, employees, or agents, to release all results of these tests to the designated School District employees or agents, if applicable. I understand that positive, adulterated, inconclusive or suspect results will also be made available to me and to my parent(s)/ guardian(s).

I hereby authorize the release of the results of such testing to my parent(s)/ guardian(s).

This consent shall be valid for one year from date of execution.

I hereby in conjunction with my parent/ guardian consent and knowledge, release, waive, and discharge the Marietta City Schools Board of Education, its individual members, employees, agents and anyone acting on its behalf, from any and all liability claims, or causes of action arising from or related to the urinalysis drug/ alcohol testing for Performance Activity participation and/ or release of confidential medical information as authorized in this form and in the Drug and Alcohol Testing Policy for participants.

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**MARIETTA CITY SCHOOL DISTRICT PARENT/GUARDIAN AND STUDENTS WHO  
ARE AT LEAST 18-YEARS OF AGE CONSENT TO PERFORM URINALYSIS  
FOR DRUG/ALCOHOL TESTING**

Student Name: \_\_\_\_\_

Activity/Activities: \_\_\_\_\_

I hereby consent to have my son/ daughter/ ward undergo urinalysis testing for the presence of drugs or alcohol in accordance with the Marietta City School District Drug and Alcohol Testing policy for Performance Activity Participants. I understand that this testing will occur according to the guidelines of the Marietta Drug and Alcohol testing policy for Performance Activity Participants. I understand that any urine samples taken for drug/ alcohol testing will be sent only to a certified medical laboratory for actual testing. I hereby give my consent to the medical laboratory selected by the Marietta City Board of Education, its doctors, employees, or agents together with any clinic, hospital, or laboratory designated by the selected medical laboratory, to perform urinalysis testing on my son/ daughter for the detection of drugs/ alcohol.

I further give my permission to the medical laboratory selected by the Marietta City Board of Education, its doctors, employees, or agents, to release all results of these tests to the designated School District employees or agents if applicable. I understand that copies of the positive, inconclusive, adulterated or suspect results will also be made available to me.

This consent will be valid for a period of one year from date of execution.

I hereby release, waive, and discharge the Marietta City Board of Education, its individual members, employees, agents, and anyone acting on its behalf, from any and all liability claims, or causes of action arising from or related to the urinalysis drug/ alcohol testing for Performance Activity participation and/ or the release of confidential medical information as authorized in this form and in the Drug and Alcohol Testing Policy for Performance Activity Participants.

Parent/ Guardian Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

(students over 18)