

**6Gx53-4.019 DRUG AND ALCOHOL TESTING OF STUDENTS IN COMPETITIVE, EXTRACURRICULAR ACTIVITIES:**

I. Findings and Purpose: The School Board of Polk County, Florida recognizes that an increasing number of students in the Polk County school district and throughout our nation are involved in the illegal use of drugs and alcohol and that such illegal use of drugs and alcohol by students, during school hours and at other times, continues to have a direct detrimental impact upon students' behavior, academic performance and safety and may cause permanent physical and mental harm. The School Board also finds that some students who participate in interscholastic, competitive, extracurricular activities and who are popular role models among their peers at school are also involved in the illegal use of drugs and alcohol. It has been determined that, in addition to the harm that any student would experience as a result of illegal use of drugs and alcohol, competitive students involved in such conduct will also experience other harmful effects including: interference with their competitive performance; interference with their academic performance, which affects their extra-curricular eligibility; an increase in the risk of injury to themselves and others; impairment of their judgment; slowing of their reaction time and reflexes; inability to adequately perceive pain; and reduction in motivation and the level of discipline necessary for any interscholastic, competitive, extracurricular program. Based upon these factors, the School Board has determined that there is a compelling need to initiate a testing program and procedure to deter and reduce the illegal use of drugs and alcohol by competitive students, to educate these students concerning the problems and detrimental effects of drug and alcohol use, to identify competitive students who may be using drugs and alcohol and identify those substances being used, to encourage and facilitate appropriate counseling and treatment for any identified drug and alcohol dependency and provide reasonable assurances that students wishing to participate in interscholastic, competitive, extracurricular activities are medically and physically competent to do so.

II. School Board's Authority: In recognition of the fact that student participation in interscholastic, competitive, extracurricular activities is voluntary, and pursuant to Florida Statutes 1001.42 and 1001.43, and the opinion of the United States Supreme Court in the cases of Vernonia School District 47J vs. Acton and Board of Education vs. Earls, The School Board of Polk County, Florida is authorized to adopt a policy requiring drug and alcohol testing of competitive students as provided herein.

III. Effective Date and Scope: This policy shall become effective upon adoption and shall be initiated at all Polk County public high schools with interscholastic athletics and/or other interscholastic, competitive, extracurricular programs and shall remain in effect until such time as the School Board either repeals this policy or amends this policy.

IV. Definitions: For purposes of this policy, the following terms and phrases shall be defined as follows:

A. Alcohol shall mean any beverage, mixture or preparation, including any medications or other products, containing alcohol or ethanol.

B. Drugs shall mean any substances or drugs identified in Schedules I through V of 21 United States Code Section 202 (Controlled Substances Act) and as further defined by 21 CFR 1300.11 through 1300.15 and Section 893.03, Florida Statutes, and shall include, without limitation, cannabinoids (marijuana), amphetamines, benzodiazepines, ethanol (alcohol), cocaine, opiates, and Propoxyphene.

C. Medical Review Officer or "MRO" is a licensed physician who has agreed to provide services to the School Board for the purpose of reviewing drug test results and communicating with the student athlete concerning any positive drug test result as more specifically described herein.

D. Parent shall mean the parent or legal guardian of a student athlete.

E. Competitive students are (1) students enrolled in the Polk County public schools who are participating in or applying for participation in any interscholastic athletic program or any student who has participated in any interscholastic athletic program during the current or during the prior school year as indicated by the Florida High School Athletic Association rolls, including practices and contests under the control and jurisdiction of the Polk County School District and (2) students who participate in interscholastic, competitive, extracurricular clubs or activities during the current or during the prior school year as indicated by school club rosters.

V. General Prohibitions and Penalties:

A. Standard of Conduct for Competitive Students: The use or possession of a drug, as defined herein, by a student athlete at any time is both illegal and detrimental to that student athlete's ability to participate in interscholastic athletics and is hereby prohibited. Any competitive student determined to be in violation of this policy is subject to disciplinary action related to his or her participating in interscholastic, competitive, extracurricular activities, which may include suspension or removal from interscholastic, competitive, extracurricular participation.

B. Student Code of Student Conduct: Nothing contained in this policy for drug testing for competitive students shall be construed to limit the

application and enforcement of the Student Code of Conduct, including all of its provisions pertaining to drugs and alcohol.

C. Positive Test Results: A drug test administered pursuant to this policy will be deemed to have rendered a positive result indicating the presence of a drug if the quantity as determined by an initial laboratory analysis followed by a confirmation analysis of the remaining portion of a split sample is equal to or greater than the following levels:

1. Amphetamines: 300 ng for the initial test and 300 ng for the confirmation test.
2. Cannabinoid (marijuana): 20 ng for the initial test and 10 ng for the confirmation test.
3. Benzodiazepines: 200 ng for the initial test and 100 ng for the confirmation test
4. Cocaine: 150 ng for the initial test and 50 ng for the confirmation test.
5. Ethanol (Alcohol): Any amount if detected during the initial test and the confirmation test.
6. Opiates: 1000 ng for the initial test and 1000 ng for the confirmation test.
7. Propoxyphene: 200 ng for the initial test and 100 ng for the confirmation test.
8. Other Drugs: If a drug test administered pursuant to this policy is intended to detect the presence of drugs other than those listed in subparagraphs 1 through 6 above, then a determination as to whether such drug test renders a positive result shall be based upon the levels or quantities established for such drugs by the Senior Manager of the School Board's Prevention, Health and Wellness Department or his or her designee.

The Senior Manager of Prevention, Health and Wellness may make adjustments to the initial test levels and confirmation test levels as scientific advances in testing technology occur and may add or delete drugs to be tested as societal drug use trends change.

D. Penalties: In addition to any disciplinary action that may be applicable pursuant to the Student Code of Conduct, any competitive student whose

drug test administered pursuant to this policy renders a positive test result or who otherwise violates this policy shall be punished as follows:

1. First Offense or First Positive Drug Test Result: The competitive student shall be suspended from participation in all interscholastic, competitive, extracurricular activities and be assigned to the Drug-Free Schools Assessment Program where the student athlete must complete 10 days of satisfactory participation within 15 school days, excluding excused absences once such reassignment has begun. While awaiting reassignment to the Drug-Free Schools Assessment Program, the competitive student shall continue attending the school in which he or she is regularly enrolled. While attending the Drug-Free Schools Assessment Program the student athlete shall attend school at the Mark Wilcox Drug-Free Schools Program Center and will not be permitted any unexcused absences, must obey all program rules, and participate fully in the program. After the competitive student has completed 10 days of satisfactory participation in the Drug-Free Schools Assessment Program, he or she shall resume attendance at the school in which he or she is regularly enrolled and shall be allowed to resume participation in interscholastic, competitive, extracurricular activities under a probationary status with the following conditions:

- a. Condition Number 1: As a condition of probation the competitive student shall be required to comply with all recommendations resulting from the student's assessment and evaluation conducted as a part of the Drug-Free Schools Assessment Program. If a student terminates active participation in the recommendations, he or she is no longer eligible to participate in interscholastic, competitive, extracurricular activities for the remainder of the current school year and may not participate in any future interscholastic, competitive, extracurricular activities until all recommendations are complied with and completed.
- b. Condition Number 2: As a condition of probation the competitive student will be subject to recurring drug tests at times that would not be previously disclosed to the student to deter the student from committing a subsequent violation of this policy.
- c. Length of Probation Term: The student athlete shall remain on probation throughout the remainder of the time that he or she is enrolled in a Polk County public high school

and is participating in interscholastic, competitive, extracurricular activities.

2. Subsequent Offense or Subsequent Positive Drug Test Result: Upon a determination that a competitive student is guilty of a second or subsequent violation of this policy or has a second or subsequent positive drug test result, the student shall be prohibited from participation in all interscholastic competitive activity for one full calendar year following the end of the semester during which the second offense or second positive drug test occurs. For example, if a basketball player has a second positive drug test result during the middle of the basketball season, he or she would be prohibited from participating in basketball and any other interscholastic athletics for the remainder of that semester and for one full calendar year thereafter.

3. Adulteration of sample: A competitive student, who knowingly attempts to alter, adulterate, dilute or in any way manipulate a urine sample to change the outcome of the test results, shall be prohibited from participation in all interscholastic competitive, extracurricular activity for one full calendar year following the end of the current semester.

4. Refusal to be drug tested: A competitive student who declines or refuses to submit to a drug test as required under the provisions of this policy or intentionally fails to report to the prescribed place at the prescribed time to be drug tested shall be prohibited from participation in all interscholastic competitive, extracurricular activity for one full calendar year following the end of the current semester.

#### VI. Drug Testing Procedures:

A. Consent: Each competitive student and his or her parent is required to sign a written consent for drug testing form prior to being allowed to participate in interscholastic, competitive, extracurricular programs and activities.

B. Medication: Competitive students who test positive for drugs and who are or have been taking prescription medication shall disclose that fact and provide verification (either by a copy of the prescription or by a physician's written authorization) at the request of the Medical Review Officer.

C. Selection Process: Drug testing of competitive students shall occur at various times throughout the school year on an individual basis whereby

individuals would be selected at random using a numerical selection process where each competitive student's name and identity remain unknown until the random selections are completed. Retesting of competitive students following a first offense or first positive drug test result shall occur as specified in Paragraph V.D.1.b. above.

D. Sample Collection Procedures: Those competitive students who are selected for drug testing shall be required to produce a urine sample under the supervision of the laboratory technician and an athletic coach or school administrator in a manner which will minimize intrusiveness and embarrassment to the student while also insuring that there is no tampering with the urine sample by the competitive student or others. All competitive students shall be required to produce a urine sample while in a private, restroom stall while a lab technician, athletic coach or school administrator remains outside the restroom entry door. Each urine sample container will be checked for appropriate temperature and for any signs of tampering and will be sealed and labeled with a number or other means of identification.

E. Sample Analysis Procedures: The sealed urine sample containers will be delivered to the testing laboratory through a verifiable chain of custody. A portion of the urine sample will then be analyzed. If that initial analysis renders a negative result, then no further analysis will be conducted. If the initial analysis renders a positive result, then a second analysis of the remaining portion of the urine sample will be conducted for the purpose of confirmation of the positive result. If such confirmation analysis renders a negative result, then the drug test will be deemed negative and no further analysis or action will be taken. If the confirmation analysis renders a positive result, then the drug test result will be deemed positive and a report of such results will be delivered to the MRO.

F. Medical Review Officer's Review: The Medical Review Officer ("MRO") will receive all reports of positive drug test results and will be supplied with information to determine the correct name of the competitive student whose identifying number appears on each positive test result report. The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate a competitive student's confirmed positive drug test result, together with his or her medical history or any other relevant biomedical information that the competitive student or his or her parents wish to provide. Prior to verifying a positive drug test result, the MRO shall contact the competitive student whose name coincides with the identifying number on the positive drug test report and that competitive student's parents to afford them the opportunity to confidentially discuss the test result with the MRO and provide the MRO with the competitive student's medical history and any other relevant

biomedical information that would assist the MRO in determining whether he or she should verify the drug test result as positive or deem that result to be negative. If the MRO determines that the test result should be deemed negative, then no further action shall be taken and the competitive student's test result along with all other previous negative test results will be reported to the Senior Manager of Prevention, Health and Wellness as a negative result. If the MRO verifies that a positive drug test result as reported by the laboratory is indeed positive, then the MRO shall submit a report of that positive drug test result to the Senior Manager of Prevention, Health and Wellness identifying that competitive student by name so that the appropriate disciplinary action can be taken pursuant to this policy. Retesting of competitive students who are on probation because of a previous positive drug test or other violation of this policy shall be processed in the manner described above.

VII. Appeal Procedures:

In addition to the opportunity afforded to the competitive student and his or her parents to discuss that competitive student's confirmed positive drug test result with the MRO, a competitive student whose positive test result has been verified and forwarded by the MRO to the Senior Manager of Prevention, Health and Wellness for the imposition of disciplinary actions provided herein or a competitive student facing disciplinary actions provided herein as a result of other alleged violations of this policy shall be entitled to procedural due process as follows:

A. Notice: The Senior Manager of Prevention, Health and Wellness or his or her designee shall notify the competitive student and his or her parent that the competitive student's positive drug test result has been verified by the MRO or that the competitive student has otherwise violated this policy, describe the disciplinary action to be taken and advise the competitive student and his or her parents of their right to schedule a due process hearing.

B. Hearing: If requested by the competitive student or his or her parents, the Senior Manager of Prevention, Health and Wellness shall convene a Student Drug Testing Hearing Committee and conduct a hearing within a reasonable period of time following notification to the competitive student and parents of the notice described in paragraph A above. In addition to the Senior Manager of Prevention, Health and Wellness, committee members may include the principal, athletic director or activities director, and coach or sponsor. The competitive student and parent must attend the hearing and may provide evidence and call upon witnesses or submit written statements, as they deem appropriate. The Committee shall render a decision and provide the student athlete and parent with a written record

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of that decision at the hearing or within three (3) days of the hearing. The Committee's decision shall be final and shall not be subject to any further administrative appeal.

VIII. Program Operating Procedure: The Superintendent of Schools shall establish operating procedures to implement this policy.

Statutory Authority: Florida Statutes 1001.32, 1001.41, 1001.42, and 1001.43

Laws Implemented:

Adopted: 1995/1996

Amended:

March 16, 2004

October 14, 2008