

Both participation in athletics, including cheerleading, and operating and parking a motor vehicle on campus are privileges and not rights. Students involved in athletic activities represent the school and school system in interscholastic competition, public performances and various other activities. They are role models for other students. Their use or abstinence in the use of alcohol or illegal drugs is likely to influence the choices of other high school students. In addition, the use or abuse of alcohol and/or illegal drugs by athletes is likely to increase student injuries to the user or others with whom he or she is playing.

Student drivers are inexperienced and pose a substantial risk to the safety of themselves and others should they operate a motor vehicle on campus or elsewhere while under the influence of alcohol or illegal drugs.

The Caldwell County Board of Education believes that the adoption of this alcohol and drug testing policy will deter the use of alcohol and drugs among high school students. This policy on the alcohol and drug testing applies to (1) students who participate in athletics activities, (2) students who operate or park a motor vehicle on campus, and (3) students who tamper or otherwise interfere with the testing process. **The Superintendent or designee is responsible for implementing this policy and coordinating the district-wide collections schedule for Caldwell County Schools.**

**A. GENERAL GUIDELINES**

1. Students Subject to Alcohol and Drug Testing

This policy applies to grades 9 through 12 students who elect on a voluntary basis to participate in any school athletics or to operate or park a motor vehicle on campus.

2. Alcohol and Drug Testing Required

To be eligible to participate in athletics or to operate or park a motor vehicle on campus, the student and his or her parents must agree in writing on a form adopted by the superintendent to submit to alcohol and drug testing. A percentage of the eligible students at each high school, determined by the superintendent (not to exceed 10 percent), shall be selected at random for testing on a periodic basis as established by the superintendent. The students shall be tested for the presence of any of the substances listed in subsection E.1 of this policy, including marijuana, cocaine, amphetamines, and any other drugs the superintendent deems appropriate.

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3. Refusal to Test/Leaving a Test

A student who refuses to test or leaves school without permission during testing will be ineligible to participate in athletics or operate or park a motor vehicle on campus for 365 calendar days and will not be eligible for a waiver as described in subdivision B.4.a of this policy. Once selected for testing the student may not leave the presence of a school employee or the contracted Test Administrator's staff until he or she has provided a urine specimen. If the student refuses to cooperate with school employees or the contracted Test Administrator's staff, the student's refusal to cooperate shall be treated as refusing to test.

4. Consequences of A Positive Test

a. FIRST OFFENSE

In the event a student tests positive for alcohol or drugs, or is caught with alcohol or a controlled substance at school or a school sponsored event, or is convicted in court for use or possession of alcohol or a controlled substance, the student shall be ineligible to participate in athletics or operate or park a motor vehicle on campus for 365 calendar days. However, if the student enrolls in and successfully completes, at the student's or parent's expense, a substance abuse education and/or intervention program recommended by the superintendent, the student shall obtain a waiver to regain eligibility to participate in athletics or operate or park a motor vehicle on campus after 30 days or the end of the sports season, whichever is greater. If a student also violates Section F, Drugs and Alcohol, of Board policy 4309, Code of Student Conduct, the student will be subject to disciplinary action consistent with that policy.

b. SECOND OFFENSE

In the event a student tests positive a second time or fails or refuses to participate in the second alcohol/drug test when selected, the student shall be ineligible to participate in athletic activities or operate or park a motor vehicle on campus for 365 calendar days. The student shall not be subject to suspension from school as a result of a positive alcohol and/or drug test. However, a student will be subject to disciplinary action, including possible suspension from school, for a violation of Subsection B.5, Unauthorized Possession of a Specimen, or Subsection B.7, Sample Tampering, of this policy. If a student also violates Section F, Drugs and Alcohol, of Board policy 4309, Code of Student Conduct, the student will be subject to disciplinary action consistent with that policy.

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5. Unauthorized Possession of Specimen

Any student found with a urine specimen in his or her possession or who has been found to have given a urine specimen to or received a urine specimen from another individual will be subject to a 365-day suspension from athletics with no waiver and may be suspended from school in accordance with Policy 4325 – Drugs and Alcohol.

6. Cold Specimen

Any athlete or student who operates or parks a motor vehicle on campus who gives a cold\* specimen on a test will be asked to provide another specimen during the same testing day. Any student who gives two cold specimens on the same testing day will be treated as refusing to test and will be subject to a 365-day suspension from athletics or operating or parking a vehicle on campus with no waiver.

\*Cold Specimen: A sample determined to be outside of normal temperature ranges.

7. Sample Tampering

Any athlete or student who operates or parks a motor vehicle on campus who tampers with a specimen will be treated as refusing to test and will be subject to a 365-day suspension from athletics or operating or parking a vehicle on campus with no waiver and may be suspended from school in accordance with the Code of Student Conduct.

Any athlete who is found to have given an adulterated\* sample will be treated as refusing to test and will be subject to a 365-day suspension from athletics or operating or parking a vehicle on campus with no waiver and may be suspended from school in accordance with the Code of Student Conduct.

\*Adulterated Sample: A sample determined to have been altered in such a way that the lab could not determine whether the test was positive or negative.

**B. PERMISSION FORMS, SIGN-UPS, DATA COLLECTION AND RECORD KEEPING**

1. Student/Parent Permission Required

Each student and each student's custodial parent or guardian (unless the student is 18 years-of-age or emancipated) wishing to participate in athletics or operate or park a vehicle on campus must give consent in writing for alcohol and drug testing and for the release of the test results to: the Superintendent or district level designee; the district-contracted Testing Administrator; the Medical Review Officer (MRO); the student and the student's custodial parent or guardian; and the

principal or school-level designee on a form provided.

2. Sign-ups

The enrollment shall be for the entire time that a student is in grades 9 through 12. Students may sign up any time in the school year. Students may also request to withdraw consent for the alcohol and drug testing program at any time prior to being pulled for random drug testing. Once consent is withdrawn, the student will not be eligible for participation in athletics or to operate or park a vehicle on campus for 365 days from the withdrawal date.

3. Process of Selection

The district-contracted Test Administrator will be responsible for maintaining for each of the grades 9 through 12 a separate but unified database consisting of all students who have given permission for testing. Each eligible student shall be assigned a number to be used for identification during the testing process. The Test Administrator will randomly generate a list of student numbers representing the students to be tested. The day of testing shall be varied so that testing does not become predictable.

**C. METHOD OF COLLECTION OF URINE SAMPLES**

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

1. Notice of Collection

For testing, the contracted Test Administrator shall notify the school in a secure manner prior to 8:00 A.M. on the day of testing that its students have been selected for testing. The contracted Administrator shall send the principal or designee by runner, FAX or E-Mail the numbers (not names) of the students selected for testing. The school will determine each student's name and class schedule. A school employee will notify each student personally that he or she has been selected for testing immediately prior to testing. The student shall be escorted immediately to the collection site. The student shall not be allowed to go to his or her locker for any reason.

The student may not leave the presence of a school employee or the contracted Test Administrator's staff until he or she has provided a urine specimen. If the student refuses to cooperate with school employees or the contracted Test Administrator's staff, the student's refusal to cooperate shall be reported as a "refusal to test."

2. Time of Collection

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In general, urine specimens will be collected as determined by contracted Test Administrator in conjunction with a school administrator.

3. Collection Location, Supplies and Equipment

Each school and the contracted Test Administrator shall select by mutual agreement one or two rest rooms to use for collecting urine samples.

4. Protection of Student's Privacy

The following procedures at a minimum shall be used to ensure that the privacy interests of each student are respected during the collection of the student's urine specimen.

- a. The contracted Test Administrator's staff shall monitor each student in a non-intrusive but controlled manner to detect any attempt to provide a false urine specimen. Immediately upon receipt of a urine specimen it shall be tested to determine its temperature.

5. Chain of Custody

The contracted Test Administrator shall implement procedures to ensure that each student's urine sample is appropriately labeled and secured to prevent each sample from being lost, misplaced, or contaminated. At a minimum, the contracted Test Administrator shall provide each student with a sanitized kit containing a specimen 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 the specimen has been sealed. The seal may be broken only by the lab testing the specimen.

After the specimen has been sealed, the specimen shall be transported to the testing laboratory by the contracted Test Administrator. In order to maintain confidentiality, the specimen bottle shall be labeled with the student's number and not the student's name. In addition, the results sheet mailed by the laboratory to the contracted Test Administrator or MRO shall report the results by student number and not by student name.

6. Inability to Provide Sample

The contracted Test Administrator shall implement appropriate procedures for use in the event a student states that he or she is physically unable to provide a urine sample. At a minimum, if a student says that he or she is unable to provide a urine specimen, the student will be given a 40 ounce glass of water and a minimum of three hours to provide a urine sample. A student that is unable to provide a sample after the determined time limit has expired will be subject to

consequences under Subsection B.3, Refusal to Test/Leaving a Test, unless it is determined that the student is excused from testing for a legitimate medical reason. If the student states that he or she has a medical problem which prevents the student from providing a urine sample, the student will be given the opportunity to communicate with the MRO. In consultation with the student's physician, the MRO shall determine whether or not the student has a legitimate medical reason for being excused from the testing.

7. Absentees

A student who is absent on the day of a test shall be excused. However, in the case of a student who was present during the first period and later leaves campus without a valid excuse (or cuts class) after it becomes known that students are being tested, the student's absence shall be considered a "refusal to test."

8. Outside Testing

The Board will not accept testing results completed outside of the purview of the Test Administrator. Tests and results from sources other than the drug testing conducted by the school district will not be accepted or used as a basis for restoring athletic eligibility.

9. Appeals

Any appeal associated with decisions made stemming from athletic drug testing will be heard by the Board, or a committee thereof. If the drug test results are challenged and a re-test is requested, the Board will only accept a test that re-tests the specimen originally tested and only by the testing agency that conducted the original test, at the expense of the person making the request (the parent or guardian of the athlete).

**D. SUBSTANCES TESTED FOR AND TYPES OF TESTS**

1. Substances

Students may be tested for any of the following substances:

- a. PCP;
- b. marijuana;
- c. amphetamines;
- d. barbiturates;
- e. cocaine;

- f. opiates;
- g. benzodiazepines;
- h. alcohol; and
- i. any other additional substances upon recommendation of the contracted Test Administrator.

2. Screening Test

The urine specimen shall be screened using an enzyme immunoassay (EIA) test or other NIDA approved screening test.

3. Confirming Test

If the screening test indicates the presence of a controlled substance, the specimen shall be subject to a confirming test by Gas chromatography/mass spectrometer (GC/MS).

4. Split Sample

Each student's urine sample shall be split into two samples. In the event of a confirmed positive test, a student may request that portion of his or her urine sample be tested by another NIDA approved laboratory at the student's or parent's expense.

5. Standards for Positive Test

The school district will use the standard cutoff scores generally used by NIDA and/or SAMHSA for determining a positive test result.

6. Use of Licensed Laboratory Only

The contracted Test Administrator must use a laboratory that is appropriately licensed by the NIDA or SAMHSA.

**E. DUTIES OF THE MEDICAL REVIEW OFFICER**

The contracted Test Administrator shall employ or provide by sub-contract a physician licensed to practice medicine in North Carolina as a Medical Review Officer (MRO).

Any confirming test reported by the laboratory as "positive" for the presence of alcohol or a controlled substance shall be reported directly to the MRO. The MRO shall notify the student and the student's parent or guardian of the test results and shall give them an

opportunity to present information, such as the documented use of a prescription medication or an over-the-counter drug, which would render the “positive” result invalid or “negative.” Failure or refusal of the student and/or the student’s parent or guardian to cooperate with the MRO shall constitute a “refusal to test.”

The MRO shall inform the student and the student’s parent or guardian of the opportunity for an additional confirming test at the student’s or parent’s expense from the remaining sample of the student’s urine.

If the MRO determines that a “positive” test result was the result of the lawful use of a prescription or non-prescription drug, the test results shall be considered as “negative.” If the MRO determines that the test results are valid and “positive” for the presence of alcohol or a controlled substance, the MRO shall inform the student and the student’s parent or guardian of his or her determination.

**F. REPORTING RESULTS TO THE SUPERINTENDENT OR DISTRICT LEVEL DESIGNEE**

After the MRO has completed the process described in Section E, the contracted Test Administrator shall provide confidential copies of all positive and negative testing results to the Superintendent or district-level designee. The district-level designee will provide confidential copies of all positive tests results to the school-level principal or designee. The school level designee will contact the student and parent(s) to discuss available assessment and intervention options. The school level designee will also communicate with the district-level designee which of those students who tested positive agreed to participate in an assessment or intervention program, and which students declined participation in an assessment or intervention program.

Students who test positive for the presence of alcohol or a controlled substance and then refuse participation or fail to complete an assessment with the intervention program will be ineligible to participate in athletics or operate and park a vehicle on campus for 365 days.

It will be the responsibility of the school designee to monitor student compliance with the intervention program, and communicate with the Athletic Director or School Resource Officer those students whose athletic or driving privileges have been suspended in accordance with this policy.

Legal References: *Board of Education v. Earls*, 536 U.S. 822 (2002); *Vernonia School District 47J v. Acton*, 515 U.S. 646 (1995)

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Extracurricular Activities and Student Organizations (policy 3620), Student Behavior Policies (policy 4300), Drugs and Alcohol (policy 4325), Criminal Behavior (policy 4335)

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