



## **DRUG TESTING OF ATHLETES**

### **J28h**

The Mountain Brook City Board of Education (the Board) recognizes student athletes as present and future assets to our sports, academic and leadership education process. Student athletes, as role models for other students, are a key to our goal of providing the best possible education program for all students. To achieve our goal, and to maximize the skills and talents of our students, it is important that every student, as well as employees, of our school system understand the dangers of drug and alcohol abuse. This policy statement should clarify our position on student athlete drug and alcohol use. The Board reserves the right to depart from these policies and procedures where it deems it is appropriate. Except where specifically prohibited by law, the guidelines contained within this document, may be changed by the Board at any time. Students covered by this policy and procedures will be informed of changes.

### **POLICY OBJECTIVES**

1. To create and maintain a safe, drug-free environment for all student athletes.
2. To encourage any student athlete with a dependence on, or addiction to, alcohol or other drugs to seek help in overcoming the problem.
3. To reduce the likelihood of incidents of accidental personal injury and/or damage to students or property.
4. To minimize the likelihood that school property will be used for illicit drug activities.
5. To protect the reputation of the school system and its students.

Substance abuse can be a serious threat to the school system, its students, visitors and employees. While the percentage of substance abusing athletes may be relatively small in absolute terms, any substance abuse may significantly affect the health and safety of the abusing athlete or the athlete's teammates. Moreover, practical experience and research indicate that appropriate precautions are necessary. It is the belief of the Board that the benefits derived from the policy objectives outweigh the potential inconvenience to athletes. The Board earnestly solicits the understanding and cooperation of all students and parents, especially those participating in student athletics, in implementing this policy.

The Board requires that all students report to school, sport practices and competitive events without prohibited substances in their system, as that term is defined in the Student Handbook. No student athlete shall use prohibited substances while participating in any sports practices or competitive events or while under the care and supervision of the school system.

Student athletes must inform their coach or assistant coach when they are legitimately taking medication which may affect their ability to practice or compete, in order to avoid creating safety problems and to remain in compliance with this policy.

## **I. ENFORCEMENT**

In order to enforce these rules, the Board reserves the right to require all student athletes to submit, at any time prior to, during or following a sport practice or competitive event or while under the supervision or care of this school system, to drug tests to determine the presence of prohibited substances.

Pursuant to Board policy and regulations, students applying to participate in athletics (defined as any student, male or female, in grades seven through twelve, who is a member of any Board sponsored sport or cheerleading squad) may be tested prior to beginning the sport or sports of their choice. All current student athletes may be required to undergo testing at scheduled physical examinations, and/or where the Board has reasonable suspicion to believe a student athlete has violated its Alcohol and Drug Policy, and/or in a random basis without advance notice.

Violation of these rules, including testing positive, will subject the student athlete to discipline, including suspension from student athletic activities in accordance with the penalty structure set forth in the Student Handbook. Refusal to cooperate with the Board in any test investigation will result in discipline, including immediate suspension from participating in student athletic activities.

No student athlete testing positive, refusing to test, refusing to cooperate with testing or being in violation of this policy will be penalized academically. Information, including testing positive will not be released to criminal or juvenile authorities absent compulsion by law.

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the Board through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in the following:

- A. As directed by the specific, written consent of the student authorizing release of the information to an identified person.

- B. To a covered student athlete decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, or under compulsion of law.

Any questions should be directed to the persons assigned as the Board's Drug Program Coordinators.

**Mountain Brook City Board of Education  
Policy Consent/Release Form  
Policy J-28h**

I have read the above statement of policy and agree to abide by the Mountain Brook City Board of Education's drug and alcohol rules. I agree to submit to drug and/or alcohol tests at any time as a condition for my initial or continued participation in student athletic activities. I authorize any laboratory or medical provider to release test results to the Board, its Medical Review Officer, and to school officials who have a need to know. I authorize the Medical Review Officer (MRO) to release final test results to the Board.

I also expressly authorize the Board or its MRO to release any test-related information, including positive results:

- (a) As directed by my specific, written consent authorizing release of the information to an identified person.
- (b) To my decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of myself, or under compulsion of law.

I understand that this agreement in no way limits my right to terminate or to be terminated from student athletic participation.

\_\_\_\_\_  
Student Athlete

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent or Guardian

\_\_\_\_\_  
Date

**Mountain Brook City Board of Education  
Drug and Alcohol Program  
Procedures  
J-28h**

**I. General Policy**

Practical experience and research has proven that even small quantities of narcotics, abused prescription drugs or alcohol can impair judgment and reflexes which can create unsafe conditions for students, especially those involved in sports. Even when not readily apparent, this impairment can have serious results for students engaged in sports activities. Drug-using student athletes are a threat to co-participants, other students and themselves, and may make injurious errors. For these reasons, the Mountain Brook City Board of Education (the Board) has adopted a policy that all student athletes must report to all practice and competitive events or while under the care of this school system completely free from the effects of alcohol and/or the presence of drugs, unless used as prescribed by a physician.

**II. Drug Use/Distribution/Impairment/Possession**

All student athletes are prohibited from using, possessing, distributing, manufacturing, or having controlled substances, abused prescription drugs or any other mind altering or intoxicating substances present in their system while at practice or participating in competitive events or while under the care of this school system.

**III. Alcohol Use/Possession/Impairment**

All student athletes are prohibited from possessing, drinking or being impaired or intoxicated by alcohol while at practice or participating in a competitive event or while under the care of this school system.

**IV. After School Hours Conduct**

After school hours use of drugs, alcohol or any other prohibited substances is prohibited. Student athletes should realize that these regulations prohibit all illicit drug use - during and away from school activities.

**V. Prescription Drugs**

The proper use of medication prescribed by a physician is not prohibited; however, the Board of Education prohibits the misuse of prescribed (or over the counter) medications and requires all student athletes using drugs at the direction of a physician to notify their coach where these drugs may affect their sports performance, such as by causing drowsiness.

## **VI. Substance Screening**

### **A. Sports Applicants**

Substance screening may be required for all sport applicants. Such testing may be required either alone or as part of a pre-practice or pre-participation physical examination. Applicants are required to sign a student athlete consent/release form before being submitted to screening. Applicants will not be allowed to participate in any sports activity when they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.

### **B. All Current Student Athletes**

#### **1. Reasonable Suspicion**

All student athletes may be tested during the initial implementation of the program. A student athlete will be required to submit to screening whenever a coach, assistant coach or school official observes circumstances which provide reasonable suspicion to believe that a student athlete has used alcohol or a controlled substance or has otherwise violated the substance abuse rules. The coach's, assistant coach's, or school official's determination that reasonable suspicion exists to require the student athlete to undergo an alcohol and drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the student athlete.

The required observations for alcohol and/or controlled substance reasonable suspicion testing shall be made by a coach, assistant coach, school official or designee who has been trained for at least 60 minutes on alcohol misuse and an additional 60 minutes on controlled substance misuse.

The adult requiring testing shall prepare and sign written documents explaining the circumstances and evidence upon which they relied within 24 hours of the testing, or before the results of the tests are released, whichever is earlier. While one coach, assistant coach or school official may request a reasonable cause test, when

feasible, he or she is encouraged to obtain a second adult's opinion as a witness.

2. Random Testing

The Board will conduct random unannounced screening of student athletes. The drug testing agency will provide computerized random sample lists to the Drug Program Coordinator. The list of student athletes in the random pool will be updated periodically. Student athletes will be required to report to the Board--designated collection site for testing as soon as possible but in no case later than 4 hours following notification.

3. Return to Participation Testing

All student athletes referred through administrative channels who undergo a counseling or rehabilitation program or who are suspended for abuse of substances covered under this policy will be subject to unannounced testing following return to student athletic activities for no less than 12 months and no more than 60 months.

C. Testing Procedures

1. General Guidelines

The School Board and its lab shall rely, when practical, on the guidance of the federal Department of Transportation, Procedures For Transportation Workplace Drug Testing Programs, 49 C.F.R. Parts 40.1 through 40.39, and on the further guidance of the Omnibus Transportation Employee Testing Act provided in 49 C.F.R. Parts 382, 391, 392 and 395.

2. Substances Tested For

All Student Athletes

Student athletes may regularly be tested for: amphetamines, cannabinoids, cocaine, opiates, and alcohol. Student athletes may be tested for any other substances, (such as but not limited to steroids, barbiturates and benzodiazepines) without advance notice as part of tests performed by the Board for safety purposes. Such tests will be coordinated with the Drug Program Coordinator.

3. Testing Procedure

The Board reserves the right to utilize blood, hair, breath, saliva or urinalysis testing procedures. Only urinalysis will be utilized in the pre-practice and pre-competitive event and random testing. All initial positive urine specimens will be confirmed by gas chromatography/mass spectrometry (GC/MS).

D. Collection Sites

The Board will designate collection sites in areas where it participates in athletic events where individuals may provide specimens. For the most part, collections will be conducted on-site at the appropriate designated school.

E. Collection Procedures

The Board, the drug testing agency, and the laboratory, will develop and will maintain a documented procedure for collecting, shipping and accessing urine specimens. The Board, the drug testing agency, and the laboratory will utilize a standard Urine Custody and Control Form for all student athlete testing. The Board, the drug testing agency, and the laboratory will utilize a standard Breath Alcohol Testing Form for all alcohol testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will also be used for specimen transportation.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure as reasonable. All alcohol testing will be performed by a certified Breath Alcohol Technician (BAT). Where the Board has an employee collect the specimen, the Board will provide instruction and training to that employee.

All student athletes will also be required to execute the Mountain Brook City Board of Education Applicant/Student Athlete Consent Form.

F. Evaluations and Return of Results to the School Board

The laboratory will transmit (by fax, mail, or computer, but not orally over the telephone) the results of all tests to the Board's Medical Review Officer (MRO). The MRO will be responsible for reviewing test results of student athletes. Prior to making a final decision, the MRO shall give the individual an opportunity to discuss the result either face to face or over the telephone.

The MRO shall then promptly tell the Drug Program Coordinator which student athletes or applicants test positive. A school official will then schedule a conference between the student and parents or legal guardians to discuss the positive test result.

G. Request for Retest

Where a split specimen has been collected a student athlete may request a retest of the split specimen within 72 hours of notification of the final test result. Where a single specimen is submitted for testing the student athlete may request a retest of the original sample within 72 hours after notification of the final test result. Request must be submitted to the MRO.

The student athlete will be required to pay the associated costs of retest in advance but will be reimbursed if the result of the retest is negative.

H. Release of Test Results

All information, interviews, reports, statements, memoranda, and test results, written or otherwise, received by the Board through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in accordance with the Policy Consent/Release Form.

However, all student athletes will be required to execute a consent/release form permitting the Board to release test results and related information to the school officials who have a need to know.

Parents or guardians will be informed of confirmed positive test results by a Board designee.

The MRO shall retain the individual test results for five (5) years.

## VI. Discipline

The Board will discipline, including suspension from athletic activities, student athletes for any violation of the policy, including refusing to submit to screening, to execute a release, or otherwise cooperate with an investigation or search by the administration.

All student athletes who test positive in a confirmative substance test will be subject to discipline up to and including immediate suspension from all student athletic activities.

No student athlete may be returned to regular student athletic activities after any rehabilitation or testing positive unless certified as safe and not using drugs by having a negative result on a return-to-participation screen. Any student athlete returned to

participation after violating the policy or testing positive will be subject to aftercare and random testing as set out in a written Probation Agreement which he or she will be required to execute.

### **VIII. Student Athlete Assistance Program**

The Board's drug testing agency shall include education and training for coaches, assistant coaches and school officials who are authorized to determine reasonable suspicion testing. These adults must receive a minimum of 60 minutes on alcohol abuse and an additional 60 minutes of training on controlled substance use and abuse.

The training shall cover the physical, behavioral, speech and performance indicators of probable use and misuse of alcohol and controlled substances. Documentation of training attendance must be maintained.

The Drug Program Coordinator should be contacted for further guidance.

### **IX. Investigation/Searches**

Where a school official has reasonable cause to suspect that a student athlete has violated the substance abuse policy, he or she may inspect vehicles which a student athlete brings on the Board's property, lockers, purses, book bags, or other belongings, and at locations where school related activities are being conducted without prior notice in order to ensure a sports environment free of prohibited substances. A student athlete may be asked to be present and remove a personal lock. Where the student athlete is not present or refuses to remove a personal lock, a school official will do so for him or her.

Detection of prohibited substances from authorized searches will be communicated to the Drug Program Coordinator.

**Mountain Brook City Board of Education  
Student Athletic Consent Form  
Policy J-28h**

I, \_\_\_\_\_, do hereby give my consent to the Board to collect a urine, breath, hair and/or blood sample from me on this date, and I further give my consent to the Board to forward the sample(s) to the testing laboratory for its performance of appropriate tests thereon to identify the presence of drugs and/or alcohol. I further give the laboratory my permission to release the results of such tests to the Board's Medical Review Officer and such school officials who have a need to know, if appropriate. I understand that the refusal to submit to testing or a positive test result will affect my initial or continued participation in student athletic programs for the Mountain Brook City Board of Education and will result in disciplinary action as described in the Board's Drug and Alcohol Policy.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student Athlete Signature

## **STUDENT ATHLETES AND PROHIBITED SUBSTANCES**

### **Policy J-28h**

The Mountain Brook Board of Education is ever mindful of the dangers drugs and alcohol pose to the health, safety and well being of those students who participate in sports or sports activities. Student athletes are recognized as leaders and tend to serve as role models for other students in the school system. Our student athletes represent our schools, not only within the Mountain Brook community, but also at events and activities throughout the state of Alabama. It is therefore imperative that our student athletes refrain from any involvement with illegal drugs or alcohol, not only to project a positive image, but also to avoid jeopardizing the health and safety of those who may be involved in athletic activities.

A student athlete means any member of a school sports team or cheerleader squad. All student athletes are prohibited from possessing, using, selling, transmitting, intending to transmit, or being under the influence of a "prohibited substance," as that term is defined in the Student Handbook. Any student athlete who violates this prohibition shall be subject to the penalties set forth below. The following are minimum penalties and a coach or other appropriate school official may impose a more severe penalty for a violation if the circumstances so warrant.

For purposes of these minimum penalties, a violation shall have been deemed to have occurred when (i) a student athlete tests positive for a prohibited substance as a result of a drug test, or (ii) is observed by a school official or law enforcement member possessing, using, selling, transmitting, intending to transmit, or being under the influence of a prohibited substance, or (iii) the admission by a student athlete upon confrontation by a school official to his/her possession, use, sale, transmission, intent to transmit a prohibited substance, or being under the influence of a prohibited substance, or (iv) the school administration concludes, based on available evidence, that a violation has occurred. Violations shall be cumulative from the time a student athlete enters the Mountain Brook School System, and shall apply to all activities of a student athlete throughout the calendar year, whether inside or outside a school setting and irrespective of whether school is in session.

#### **First Violation**

Upon the first violation, the student athlete shall be suspended from participation in the sport or sports activity in which he/she is currently participating for a minimum of two weeks, beginning no earlier than the opening game or event for that sport or activity. If a student athlete is not participating in an in-season sport or activity, he/she will have a two-week suspension at the beginning of the next season in which he/she participates.

If the violation relates to the consumption or use of a prohibited substance, to the extent the substance is capable of being detected by a drug test, the student athlete cannot be reinstated to the team or squad until he/she tests negative for that prohibited substance as a result of an approved drug test. In the discretion of an appropriate school official, the student athlete may be requested to undergo counseling with school counseling staff depending upon the circumstances of the violation.

### **Second Violation**

Upon the second violation, the student athlete will be suspended from participating in any sport or sports activity for the remainder of the school year in which the second violation occurs. However, the duration of the suspension shall be for a minimum of eight weeks and shall carry over to the ensuing school year if necessary, and thereby preclude such student athlete from participating in any other sport or sports activity during the eight week minimum suspension period.

Before he/she can be reinstated to the team or squad, or otherwise be eligible to participate in any other sport or sports activity, (i) he/she must test negative for that prohibited substance as a result of an approved drug test if the violation relates to the consumption or use of a prohibited substance and the substance is capable of being detected by a drug test, and (ii) he/she shall have undergone mandatory counseling with school counseling staff as may be reasonably necessitated by the circumstances in the discretion of an appropriate school official.

### **Third Violation**

Upon the third violation, the student athlete will be suspended from participating in any sport or sports activity for a period extending for a full calendar year.

Before he/she can be reinstated to the team or squad, or otherwise be eligible to participate in any other sport, (i) he/she must test negative for that prohibited substance as a result of an approved drug test if the violation related to the consumption or use of a prohibited substance and the substance is capable of being detected by a drug test, and (ii) he/she shall have undergone mandatory counseling with school counseling staff as may be reasonably necessitated by the circumstances in the discretion of an appropriate school official.

### **Fourth Violation**

Upon the fourth violation, the student athlete will be indefinitely suspended or permanently barred from participating in any sport or sports activity in the Mountain Brook school system.

Recognizing that participation in sports through membership on a sports team or cheerleader squad is a privilege and not a right, student athletes and their parent(s) or guardian(s) may be requested to manifest their consent to the code of minimum penalties set forth in this Handbook by signing a written consent form as a condition of the student athlete becoming a member of a sports team or cheerleader squad.

Adopted: August 12, 1996