

DRUG TESTING PROGRAM

J-28h

In an effort to protect students electing to participate in extra-curricular activities from controlled substance and illegal drug use and abuse, and to promote the health and safety of its students, the Mountain Brook Board of Education adopts the following policy for drug testing of Activity Students.

The Mountain Brook Board of Education (the Board) recognizes Activity Students (as that term is later defined in this policy) as present and future assets to our sports, academic and leadership education process. Activity Students, 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.

Participation in school-sponsored interscholastic extra-curricular activities at the Mountain Brook City Schools is a privilege. Students who participate in these activities are representing the school district and the community. Accordingly, students electing to participate in extra-curricular activities have a responsibility to themselves, their fellow students, their parents and their school to set the highest possible examples of conduct, sportsmanship, and training, which includes avoiding the use or possession of controlled substances and/or illegal drugs.

"Activity Student" means a member of any junior high (7-9) or high school (10-12) Mountain Brook City Schools sponsored extra-curricular organization which participates in interscholastic competition. This includes any student who represents Mountain Brook City Schools in any extra-curricular activity in interscholastic competition, such as, but not limited to, Academic Teams (Debate, Math, FBLA, Scholars Bowl, JUNA), Band, Choral, Dorians, Spartanettes, Cheerleaders, Majorettes and Athletics.

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. This policy supplements and complements all other policies, rules, and regulations of the Mountain Brook City Schools regarding possession or use of illegal drugs.

POLICY OBJECTIVES

- To create and maintain a safe, drug-free environment for all Activity Students.
- To encourage any Activity Student with a dependence on, or addiction to, alcohol or other drugs to seek help in overcoming the problem.
- To reduce the likelihood of incidents of accidental personal injury and/or damage to students or property.
- To minimize the likelihood that school property will be used for illicit drug activities.
- 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 Activity Students may be relatively small in absolute terms, any substance abuse may significantly affect the health and safety of the abusing student or the student's classmates. 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 Activity Students, and the Board has established this policy in accordance with the decision of the United States Supreme Court on June 27, 2002 in the case of Board of Education of Independent School District No. 91 of Pottawatomie County, et al v. Earls, et al. The Board earnestly solicits the understanding and cooperation of all students and parents, especially those participating in extracurricular activities, in implementing this policy.

The Board requires that all students report to school, sport practices, competitive events and school-sponsored extracurricular activities without prohibited substances in their system, as that term is defined in the Student Handbook. No Activity Student shall use prohibited substances while participating in any extra-curricular activity or competitive events or while under the care and supervision of the school system.

Activity Students must inform the school nurse, their coach(es), assistant coach(es), or faculty sponsor when they are legitimately taking medication which may affect their ability to practice, compete, or participate in the extracurricular activity, in order to avoid creating safety problems and to remain in compliance with this policy.

ENFORCEMENT

In order to enforce these rules, the Board reserves the right to require all Activity Students to submit, at any time prior to, during or following a sport practice, competitive event, extracurricular activity 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, an Activity Student requesting to participate in extracurricular activity may be tested as a condition to participating in the extracurricular activity of their choice. All current Activity Students may be required to undergo testing at scheduled physical examinations, and/or where the Board has reasonable suspicion to believe an Activity Student has violated its Alcohol and Drug Policy, and/or on a random basis without advance notice.

Violation of these rules, including testing positive, will subject the Activity Student to discipline, including suspension from the extracurricular activity 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 the extracurricular activity or activities.

No Activity Student 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:

1. As directed by the specific, written consent of the student authorizing release of the information to an identified person.
2. To a covered Activity Student 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.

PROCEDURES

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. Even when not readily apparent, this impairment can have serious results for students. Drug-using students are a threat to other students and themselves, and may make injurious errors. For these reasons, the Mountain Brook Board of Education (the Board) has adopted a policy that all Activity Students must report to all practice and competitive events or any extracurricular activity 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 Activity Students 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 Activity Students 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. Activity Students should realize that these regulations prohibit all illicit drug and alcohol 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 Activity Students using drugs at the direction of a physician to notify their coach or faculty sponsor where these drugs may affect their performance, such as by causing drowsiness.

VI. Substance Screening

A. Applicants

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

B. All Current Activity Students

Reasonable Suspicion. All Activity Students may be tested during the initial implementation of the program. An Activity Student will be required to submit to screening whenever a coach, assistant coach, faculty sponsor or school official observes circumstances which provide reasonable suspicion to believe that an Activity Student has used alcohol or a controlled substance or has otherwise violated the substance abuse rules. The coach's, assistant coach's, faculty sponsor's, or school official's determination that reasonable suspicion exists to require the Activity Student 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 Activity Student.

The required observations for alcohol and/or controlled substance reasonable suspicion testing shall be made by a coach, assistant coach, faculty sponsor, 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, faculty sponsor 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.

Random Testing. The Board will conduct random unannounced screening of Activity Students. The drug testing agency will provide computerized random sample lists to the Drug Program Coordinator. The list of Activity Students in the random pool will be updated periodically. Activity Students 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.

Return to Participation Testing. All Activity Students 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 an extracurricular activity for no less than 12 months and no more than 60 months.

C. Testing Procedures

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.

Substances Tested For All Activity Students. Activity Students may regularly be tested for any controlled and/or illegal substances, including but not limited to: amphetamines, cannabinoids, cocaine, opiates, and alcohol. Activity Students 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.

Testing Procedure. The Board reserves the right to collect and test blood, hair, saliva, breath or urine. All initial positive findings, with the exception of alcohol, may be confirmed with gas chromatography/mass spectrometry.

D. Collection Sites

The Board will designate collection sites in areas 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 specimens. The Board, the drug testing agency, and the laboratory will utilize a standard Oral Saliva Custody and Control Form for all Activity Student 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 Activity Students will also be required to execute the Mountain Brook Board of Education Applicant/Activity Student 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 Activity Students. 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 Activity Students 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 an Activity Student 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 Activity Student 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 Activity Student 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 Activity Students 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 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 other extracurricular activities. Activity Students are recognized as leaders and tend to serve as role models for other students in the school system.

Our Activity Students 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 Activity Students 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 others who may be involved in extracurricular activities.

All Activity Students 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 Activity Student who violates this prohibition shall be subject to the penalties set forth below. The following are minimum penalties and a coach, faculty sponsor 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) an Activity Student 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 an Activity Student 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 an Activity Student enters the Mountain Brook School System, and shall apply to all activities of an Activity Student throughout the calendar year, whether inside or outside a school setting and irrespective of whether school is in session.

No Activity Student may be returned to regular Activity Student 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 Activity Student 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.

Recognizing that participation in an extracurricular competitive activity through membership on a sports team, cheerleader squad, academic team, etc. is a privilege and not a right, Activity Students 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 Activity Student becoming a member of the competitive extracurricular group.

The Board will discipline, including suspension from extracurricular activities, Activity Students 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 Activity Students who test positive in a confirmative substance test will be subject to discipline up to and including immediate suspension from all extracurricular activities.

First Violation

Upon the first violation, the athlete Activity Student 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. For all non-athletic extracurricular activities, the Activity Student shall be suspended from participating in the activity in which he/she is currently participating for a minimum of 20% of regularly scheduled competitions, or, where 20% of regularly scheduled competitions is not readily apparent, a comparable restriction of participation as determined by the principal and faculty sponsor for the activity. If an 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, regardless of any other sanction or punishment imposed under this policy. If a non-athlete Activity Student is not participating in an extracurricular activity, he/she will have a two week or 20% suspension at the beginning of the next extracurricular activity in which he/she participates. Further disciplinary actions may be implemented by the coach or sponsor.

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 Activity Student cannot be reinstated to the competitive group 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 Activity Student may be requested to undergo counseling with school counseling staff depending upon the circumstances of the violation.

Second Violation

Upon the second violation, the Activity Student will be suspended from participating in any extracurricular competitive 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 Activity Student from participating in any other extracurricular competitive activity during the eight week minimum suspension period. Further disciplinary actions may be implemented by the coach or sponsor.

Before he/she can be reinstated to the competitive group, or otherwise be eligible to participate in any other extracurricular competitive 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 Activity Student will be suspended from participating in any extracurricular competitive activity for a period extending for a full calendar year.

Before he/she can be reinstated to the competitive group, or otherwise be eligible to participate in any other extracurricular competitive activity, (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. Further disciplinary actions may be implemented by the coach or sponsor.

Fourth Violation

Upon the fourth violation, the Activity Student will be indefinitely suspended or permanently barred from participating in any extracurricular competitive activity in the Mountain Brook school system.

VIII. Activity Student Assistance Program

The Board's drug testing agency shall include education and training for coaches, assistant coaches, faculty sponsor 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 an Activity Student has violated the substance abuse policy, he or she may inspect vehicles which an Activity Student 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 extracurricular activities occur in an environment free of prohibited substances. An Activity Student may be asked to be present and remove a personal lock. Where the Activity Student 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.

Voluntary Drug Testing Program

Students who are not subject to random drug testing under these policies may volunteer for participation in the drug testing program. This option will be offered to students and their parents at the beginning of each school year beginning in grade 7.

Students who enroll in the voluntary program will be included in the pool of students randomly selected for testing, following the same procedures as if the student were in a qualifying activity. The student may withdraw consent at any time. If a student tests positive for substance use/abuse, the following procedures will be followed.

1. The student's parent or guardian shall be notified and asked to confer with appropriate school professional personnel.
2. During the conference, the parent or guardian shall be given all relevant information concerning the student's substance abuse.
3. The student and parent or guardian shall be referred to appropriate community agencies which can offer counseling and support services.
4. Students testing positive under the voluntary program will be subject to suspension of privileges related to driving to and from, or parking at any school or school property in the Mountain Brook Schools system. The privilege of driving to, from, and parking at any MBS property will only be reinstated with the presentation of documentation, including negative drug tests and physician statements, that allows school officials to reasonably conclude that the student's ability to drive is not impaired by substance use.

The Board of Education reserves the right to charge a fee for voluntary enrollment in the drug testing program based on the cost associated with the administration of drug tests.

Voluntary Drug Testing of Students, Board-Approved Educational Program, Required for Students to Drive to, from, and Park at Any Mountain Brook Schools Property

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. Even when not readily apparent, this impairment can have serious results for students. Drug-using students are a threat to other students and themselves, and may make injurious errors.

Voluntary participation in drug testing program required of students to drive to and from and park at Mountain Brook Schools properties.

The Board of Education asserts that it has no obligation to allow students drive to, from, or park at any Mountain Brook Schools property. The Board further asserts that its legitimate interest in the safety of the school environment allows the Board to restrict students' driving and parking on its campuses to students who participate in the voluntary drug testing program. For these reasons, the Mountain Brook Board of Education (the Board) has adopted a policy that only students who participate in the voluntary drug screening program may drive to, from, or park at any Mountain Brook Schools property. This policy will be in effect on and after July 15, 2015.

Students who enroll in the voluntary program will be included in the pool of students randomly selected for testing, following the same procedures as if the student were in a qualifying activity. The student may withdraw consent at any time.

Successful completion of board-approved educational program required of students to drive to and from and park at Mountain Brook Schools properties.

The Board further asserts that its legitimate interest in the safety of the school environment allows the Board to restrict students' driving and parking on its campuses to students who participate in an educational program aimed at safe driving, including, but not limited to, school rules and laws relevant to driving and parking on campuses, the impact of substance abuse and distracted driving on safe driving. The Board shall make available to students an appropriate educational program for this purpose. This policy will be in effect on and after July 15, 2015.

Adopted: August 12, 1996

Revised: July 14, 2014

Revised: September 17, 2018