# **DRAFT – 6/14/21**

# STUDENTS BA09.313

Athletic Eligibility/Substance Abuse Policy

Determination of athletic eligibility shall be made in compliance with applicable policies, administrative procedures, and Kentucky High School Athletic Association requirements.

District standards for playing up from middle school (grades seven and eight [7 & 8]) to high school in sports other than football and soccer may include, but are not limited to, considerations related to safety, physical readiness, use of school space after the school day, transportation ,funding, the student’s disciplinary status and record, any substance testing restrictions, equitable opportunities for participation, and harmonizing any conflicting school-based decision making (“SBDM”) requirements. SBDM Council policies apply to the selection of sports activities, and student participation based on academic qualifications and attendance requirements, program evaluation, and supervision.2

To be eligible to try out and participate at the high school level, middle school students must meet all applicable KHSAA, District, and SBDM requirements. The Superintendent/Designee in cooperation with principals, SBDM councils, coaches, and athletic directors, as deemed appropriate, may develop guidelines for Board approval addressing playing up standards.

Drug Testing Program

The District has established a drug-testing program for the following reasons:

* The District has reason to believe student athletes are using illegal drugs.
* Student athletes often serve as role models for other students.
* Through participation in athletics, students using illegal drugs pose a threat to their own health and safety, as well as to that of other students.

Each student who plans to participate voluntarily in an extracurricular athletic program and his/her parent/guardian must sign a written consent form for substance testing as a prerequisite to the student’s participation. If both parties do not sign the consent form, the student shall be ineligible for participation in extracurricular athletic programs.

A student athlete shall be any student participating in athletic practices and/or contests under the control and jurisdiction of the District, including players on varsity, sub-varsity and middle school teams, cheerleaders, and student managers.

Testing shall be accomplished by the analysis of a urine specimen obtained from the student. Collection and testing procedures shall be established, maintained, and administered to insure the following:

* Random selection
* Proper student identification using student identification numbers
* Identification of the sample with the correct student participant
* Unadulterated integrity of the specimen
* Integrity of the collection process
* Integrity of the confidentiality of the test results

Illegal Substances

A drug shall be defined as any illegal substance or substance controlled by federal regulation including, but not limited to:

Amphetamines Benzodiazepine Opiates

Marijuana (THC) Barbiturates Phencyclidine (PCP)

Cocaine and its derivatives Methadone Propoxyphene

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Testing Process

All student participants shall be subject to random testing at any time between the student's selection to the athletic team and the date of the last game of the season for that sport. The Principal/designee shall determine scheduled dates and times for random tests.

There will be a total of three (3) random tests during the course of an athletic season.

* Twenty-five percent (25%) of the students will be tested near the beginning of the fall, winter, and spring seasons on dates scheduled by the Principal/designee. Those students selected for testing shall be notified and tested that same day.
* Twenty-five percent (25%) of the students will be tested on two (2) other dates scheduled by the Principal/designee during the remainder of that particular season.
* Students selected for testing shall be notified and tested that same day.
* Repeat offenders will also be tested and will not be included in the twenty-five percent (25%) of randomly selected students.

A computerized program under the direction of the Director of Assessment and Technology shall determine which students are to be tested by a random selection of student identification numbers from the participation lists of all sports in that specific season. The student identification numbers shall be selected no earlier than the morning of the test. Two (2) EIS staff members shall witness the random selection process.

The collection of urine specimens and analysis of the collected specimens shall be conducted by a testing agency designated by the Board.

Collection procedures shall be developed, maintained, and administered by the testing agency to minimize any intrusion or embarrassment, to ensure the proper identification of the student and the student’s specimen, to minimize the likelihood of the adulteration of a urine specimen, and to maintain complete confidentiality of test results. In addition, the following guidelines shall apply:

* The collection of urine specimens for the initial test and random testing shall be conducted on school premises;
* Students shall be identified only by their student numbers;
* The Principal/designee shall be present immediately prior to the collection process to insure proper student identification;
* One or more representatives of the testing agency shall be present when the specimen is taken;
* The testing agency shall provide each student with a receptacle for the collection of urine;
* The student shall be given absolute privacy during the collection process, the exception being supervised urinalysis if there is reasonable suspicion that a student intends to falsify the urine collection or has falsified any prior collection;
* Immediately prior to entering the facility used for the collection process, the student shall be required to leave all personal belongings (including jackets, purses, book bags, pocket contents, etc.) in the custody of the Principal/designee;

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Athletic Eligibility/Substance Abuse Policy

Testing Process (continued)

* Prior to collecting specimens, the testing agency shall treat the water in the facility used for the collection process with a coloring substance (frequently referred to by the testing laboratories as "bluing the water") to prevent a student from attempting to dilute or otherwise adulterate the urine specimen;
* Within a time specified by the testing agency, a representative of the testing agency shall utilize a temperature strip to test the temperature of the specimen to determine if the student will be required to produce another specimen;
* The testing agency shall initially test each specimen using a highly accurate immunoassay technique (EMIT);
* The testing agency shall preserve for a minimum of six (6) months a portion of each positive urine specimen given by a tested student; and
* The testing agency shall be authorized to mail written test reports only to the Superintendent and to provide test results to other district personnel by telephone only after the requesting official recites a code confirming his/her authority. Only the Superintendent and Principals shall have access to test results.

Reporting Positive Test Results

In the event that a student’s urine specimen produces a positive result, the Principal/designee shall meet with the student and his/her parent/guardian to disclose and discuss the test results. At this meeting, the Principal/designee shall advise the student and his/her parent/guardian of further procedural rights and discuss the options pertaining to the student’s eligibility.

A student athlete who has tested positive or the student’s parent/guardian may contest the test results by notifying the Principal/designee within 72 hours of receipt of notice of the positive test result. The student and his/her parent/guardian shall have the opportunity to confer with the Medical Review Officer (MRO) as to the validity of the test results and the determination of a possible alternate medical explanation for a positive urine drug screen. Prior to the implementation of sanctions, the student athlete and his/her parent/guardian shall be entitled to present evidence in defense of the student. The Principal/designee may require written documentation including, but not limited to, a doctor's statement as evidence the student feels may have affected the test results. If when requested, the student fails to present written documentation to support his/her defense, s/he shall be subject to the sanctions for a positive test result provided in the policy. At the student’s expense, further laboratory analysis shall be conducted using the student’s remaining urine specimen preserved by the testing agency.

The Principal/designee shall make the final determination of the student’s athletic eligibility.

If a student athlete is eighteen (18) years of age or will turn eighteen (18) years of age during the sport season, the student athlete must agree to release all test results to his/her parent/guardian.

One (1) year after the student athlete turns eighteen (18) years old or one (1) year after the student athlete's graduation, whichever is later, all records in regard to this Policy shall be destroyed, and at no time shall these results or records be placed in the student’s academic file or be voluntarily turned over to any law enforcement agency, or used for any purpose other than those stated herein. For student athletes who transfer from the District or who do not fulfill the requirements for graduation, the records of that student athlete shall be destroyed one (1) year after the student turns eighteen (18) years old.

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Athletic Eligibility/Substance Abuse Policy

Violations/Sanctions

Offenses shall be cumulative over a student athlete's entire period of participation in all District athletics and shall accumulate regardless of the sport season in which they occur.

After completing a period of suspension from an athletic program, the student athlete shall be retested before beginning the next season for which s/he is eligible.

Student tampering with the urinalysis collection or any aspect of the testing process will result in a positive test result and will be treated as an automatic second offense.

After confirmation of a positive test result, the student and his/her parent/guardian shall be notified and the Principal/designee shall convene a meeting with the student and his/her parent/guardian providing them with an opportunity to be heard before sanctions are imposed.

**First Violation**

**Option 1**

* Suspension for 20% of the total allowable regular season contests by the KHSAAfor that specific sport. (Example: - Baseball is allowed thirty (30) regular season games and 20% of 30 games is 6 games.) All games played on the same day count as one contest. Round percentages **up** if .5 or greater, **down** if .4 or lower.) If the violation is at the end of a season and the student does not fulfill the 20% requirement, the remainder of the suspension shall be administered in the next season in which the student participates. Additionally, if the specific sports team/individual qualifies for post season and the suspension has not been fulfilled, the student will not participate in post season play until the requirement has been completed. This shall occur even if the next season runs into the following school year. However, practices shall be allowed.
* Prior to readmission to participation in contests, the student must submit a negative test result.
* Additionally, the student athlete will participate for six (6) consecutive weeks in a counseling/assistance program at the expense of the parent/guardian.1 The counseling process must begin within one (1) week after the notification of the positive test result. The Board must approve the counselor and/or the counseling agency. Notification of attendance at the counseling sessions must be submitted **each week** to the Principal/designee. If the weekly requirement is not fulfilled, the student athlete will not be allowed to participate in contests until the six (6) consecutive weekly counseling sessions have been fulfilled.
* Furthermore, the student will undergo weekly urinalysis testing at the expense of the parent/guardian for six (6) consecutive weeks.1 Testing must begin within one (1) week after notification of the positive test result. Official notification of the urinalysis results must be submitted weekly to the Principal/designee. If this requirement is not fulfilled, the student will not be allowed to participate until each weekly urinalysis is completed. Submission of a positive test will result in a second violation (See section titled "Second Violation.").
* The student shall also be required to undergo mandatory substance abuse testing each scheduled testing date for the next two (2) seasons in which the student plans to participate.

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Athletic Eligibility/Substance Abuse Policy

## First Violation

**Option 2**

Suspension from all athletics, including practices, for a twelve (12) month period beginning on the date the Principal meets with the student and the student’s parent/guardian to inform them of the violation and ending on the same date twelve (12) months later.

## Second Violation

A second violation during any year of the student’s eligibility results in automatic suspension from all athletics, including practices, for a twelve (12) month period beginning on the date the Principal meets with the student and the student’s parent/guardian to inform them of the violation and ending on the same date twelve (12) months later.

## Third Violation

A third violation results in suspension from all athletics for the remainder of the student’s interscholastic eligibility.

Charter School Students

A student enrolled in a public charter school that offers any interscholastic athletic activity shall be ineligible to participate in interscholastic activities at any other school. Subject to applicable law, regulations, and bylaws (e.g. KHSAA, Title IX) and the terms of the charter contract, students who are enrolled in a charter school that does not offer any interscholastic athletic activities shall be eligible to participate in such activities at the District school of that student’s residence.

Amendment of Policy

The Board may amend this policy at any time.

References:

2KRS 160.345

KRS 156.070; KRS 160.1592

702 KAR 7:065; OAG 15-022

Kentucky High School Athletic Association (KHSAA)

Vernonia School District 47J v. Acton. \_\_\_\_ U.S. \_\_\_\_ (1995)

1The District shall provide program assistance for students who receive free or reduced price meals.

Related Policies:

02.4241

09.126 (re requirements/exceptions for students from military families)

09.423