

NEWARK CITY SCHOOL DISTRICT DRUG AND ALCOHOL POLICY FOR STUDENT/ATHLETES

STATEMENT OF PURPOSE

The Newark City School District Board of Education believes that interscholastic athletics can be an important aspect of a student's overall educational experience. The Board believes that the experiences gained while involved in interscholastic athletics is a privilege and not a right.

The Board is certainly aware of the pressures that the youth of today face especially in the area of drugs and alcohol. It also realizes that due to the nature of athletic activities that use of drugs and/or alcohol can lead to added risks including injury to themselves and others.

In a continuous effort to make this experience as positive as possible, the Board has revised the existing random drug/alcohol policy for all student athletes at Newark High/Middle Schools, including other applicable school buildings, effective with the 2017-18 school year. The purpose of this program is three-fold: (1) to provide for the health and safety of all students/athletes; (2) to undermine the effects of peer pressure by providing a tangible reason for students/athletes to refrain from the use of illegal drugs; and (3) to encourage students/athletes who use drug/alcohol to participate in drug/alcohol treatment programs. The testing program is also available to non-athlete students with parent/guardian request and written permission of the student and parent/guardian.

The following expectations and consequences are in effect for student athletes and will be enforced for twelve (12) months of the year and may carry over to the next season of participation.

A. WHO WILL BE TESTED

1. (a) Student Athletes

Throughout the year all athletes will be subject to random urine drug/alcohol testing as a condition of athletic eligibility. The head coach is responsible for assuring that all student athletes and their parent(s)/guardian(s) have properly signed the Informed Consent Agreement on Final Forms. The student and parent(s)/guardian(s) must also properly sign their Consent to Perform Testing for Drugs and Alcohol on Final Forms prior to any participation.

Once an athlete and parent(s)/guardian(s) sign the Informed Consent Agreement and Consent to Perform Testing for Drugs and Alcohol, the athlete/student will continue to be part of the Drug/Alcohol program until one of the following conditions applies:

1. The athlete/student moves from the district.
2. The athlete/student graduates from high school.
3. The athlete/student may choose to remove himself/herself from the

testing pool with written permission of the parent(s)/guardian(s) that is received by the Athletic Director and with the following understanding: The athlete/student will be ineligible to participate in the athletic program for 365 days from the date of removal.

4. To assist in keeping the random pool as close to only active participants in the athletics program as possible, the random pool will consist of prior year and current active athletes on Final Forms. The random pool will be updated at the beginning of each season once rosters have been finalized.

Periodically, a random number of athletes, up to 25%, may be tested.

2. PARENT REQUEST

A parent/guardian may request, in writing and at their expense, that their son/daughter be tested during the next scheduled random test date.

3. NON-ATHLETE STUDENTS

The parent(s)/guardian(s) of a non-athlete student may have their son/daughter placed in a random selection pool or request to have them tested (at the next scheduled random test date), **entirely at their expense**. A written request for testing along with a signed parent(s)/guardian(s) consent to perform testing for drugs and alcohol must be on file in the Athletic Director's office. This must be accompanied by a signed student consent to perform testing for drugs and alcohol form. The cost will be established by the testing vendor. All results will be forwarded directly to parent(s)/guardian(s). Follow-up actions will be at the discretion of the family. However, the school will provide references and/or help upon request.

B. COLLECTION PROCESS

Selected student athletes are escorted from class or given a date and time to appear at the collection site. In the event that the student is unknown to the collector or school district personnel, the student should be positively identified.

A specimen of urine is collected following this process:

1. No purses, bags or containers may be taken into the collection area with the student. All extra coats, vests, jackets, sweaters, etc., are to be removed before entering the collection area.
2. The collector adds a bluing agent to the water in the urinal or toilet.
3. Student is asked to rinse their hands with water and dry them. If no water is easily accessible, a non-alcoholic wipe may be used instead.
4. The drug/alcohol testing custody and control form is completed by the Student and collector.
5. The student is told to urinate directly into the provided container and should provide a sufficient amount of urine (45 ml) in one attempt. The student is also told they are to hand the container of urine to the collector.

6. The student enters the secured stall to void the specimen, and then upon completion, hands the container to the collector.
7. The collector checks the volume, reads and records the temperature within four minutes of collection, and looks for evidence of tampering. If tampering is suspected, a second specimen will be requested. A second suspected tampered specimen will be considered refusal to test and the Athletic Director notified.
8. With the student watching, the collector will pour the specimen into the two bottles and recap the specimen bottles tightly.
9. The collector takes the properly signed and initialed bottle seals, verifies them with the donor, and places them over the caps and sides of the bottles.
10. The sealed bottles are placed inside the transport bag.
11. The top lab copy of the drug/alcohol testing custody and control form is folded with the top portion visible to the outside and placed in the Requisition Pouch. The transport bag and pouch are sealed as indicated. The student is given the donor copy of the form.
12. The Student may wash their hands when complete.
13. The collector distributes the remaining copies of the form as required, being responsible for getting the appropriate copy of the form to the MRO in a timely manner.
14. The Athletic Director will be notified immediately of any student who refuses to submit a urine sample.

C. THE MEDICAL REVIEW OFFICER (MRO) RESPONSIBILITIES

The MRO will review all results of urine drug/alcohol testing. Any urine specimen testing positive for illicit or banned substances will be handled in the following manner:

1. The MRO determines if any discrepancies have occurred in the Chain of custody.
2. Depending on the substances found in the urine, if necessary, the MRO will contact the parent/guardian to determine if the student is on any prescribed medication from a physician.
3. If the student is on medication, the parent/guardian will be asked to obtain proof from the physician, within five working days, to document what medications the student is currently taking. Failure to provide such requested information will be considered a positive result.
4. The MRO will then determine if any of the prescribed medications resulted in the positive drug/alcohol screen.
5. Finally, the MRO, based on the information given, will certify the drug/alcohol test results as positive or negative and report this to the Designated Official, initially reporting positive results by phone.
 - (1) For example, a drug screen positive for codeine may be ruled negative by the MRO when he receives a letter from the treating physician that the student has been prescribed Tylenol© with codeine as a pain medication following tooth extraction.
 - (2) Or, if the student has a positive drug screen for codeine and has no documented physician order for the medication (maybe a parent/guardian gave the student one of their pills), this would likely be ruled a positive drug test by the MRO.

- (3) Drug screens positive for illicit drugs (marijuana, heroin, cocaine, etc.) would automatically be considered positive by the MRO.
6. The MRO may use quantitative results to determine if positive results on repeat tests indicate recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substance from the body. If the MRO feels the quantitative levels determined to be above the established cutoffs do not reflect current use but natural decay, then negative results may be reported.

D. PICK-UP PROCESS

The Vendor is responsible for seeing that specimens are delivered to or picked up by the testing laboratory and the Chain of Custody form properly annotated.

E. FORM COMPLETION

The Vendor is responsible for seeing that proper drug testing custody and control forms are used that satisfy the needs of the school policy and the testing laboratory. A student number will be used for identification with the student's name only appearing on the copies that go to the donor, MRO, and School Official.

F. CONFIDENTIALITY

The Athletic Director or his designee will establish a list of athletes' names, student ID numbers, grade and gender. This information is forwarded to establish pool groups for random selection.

No student athlete will be penalized academically for testing positive for illegal drugs/alcohols or banned substances. The results of a drug test pursuant to this policy will not be documented in any student's academic records. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the Newark City School District Board of Education will not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent/legal guardian will be notified at least 72 hours before response is made by the Newark City School Board of Education, to the extent permitted by such subpoena or legal process.

G. TESTING

The samples will be sealed and sent to a certified laboratory where testing may include any or all of the following banned substances:

Anabolic Steroids

Alcohol
Amphetamines
Barbiturates
Benzodiazepines
Cannabinoids (Marijuana)
Cocaine
Metabolite
LSD
Methadone
MDMA (Ecstasy)
Nicotine
Opiates
Phencyclidine
Propoxyphene

The district may ask the laboratory to test for additional drugs for an additional charge.

Specimens must be initially screened using an Immunoassay and/or Chromatographic method, with all presumptive positives then confirmed by Gas Chromatography (GC) or Gas Chromatography/Mass Spectroscopy (GC/MS) methods.

No positive results will be reported until screening results are confirmed.

The MRO will certify all urine drug/alcohol screens as negative or positive and report positive findings by telephone in a confidential manner to the parent(s)/guardian(s), Principal then the Athletic Director and Athletic Trainers. This will be followed by a confidential final written report to be forwarded to the Principal or his designee.

G. NOTIFICATION CHAIN FOR A POSITIVE RESULT

The following notification chain will be used when the Principal receives results of a positive test from the laboratory.

The MRO will attempt to notify the parent(s)/guardian(s), the building principal, the Athletic Director and Drug Testing Coordinator(s) within twenty-four hours. The Athletic Director/Building Principal will then notify the Superintendent, and the head coach of the program in which the athlete participates.

No other person other than the building principal, Athletic Director, Superintendent or Drug Testing coordinator(s) should have access to confidential reports.

H. VIOLATIONS CRITERIA

For the purposes of the policy, the following actions constitute policy violation:

- Refusal to sign or return consent forms.
- Failure to report to collection site after notification.
- Refusal to submit a urine sample.
- Tampering with the sample for testing or attempting to subvert the collection/identification process.
- A positive test as determined by the MRO.
- Use and/or possession of alcohol, controlled substance/mood altering chemicals, tobacco, drug paraphernalia, and/or counterfeit substances.
- Aiding and/or abetting another athlete in violating this policy.

I. DUE PROCESS

After notification of a positive test by the MRO, or awareness of violation of this policy, the Athletic Director or building principal will contact the parent/guardian within 48 hours to schedule a meeting.

The parent(s)/guardian(s) and athletes may, at their own expense, elect to have a portion of the original sample re-tested by the district's laboratory, or a second independent certified laboratory of their choice, but approved by MRO and/or the Board of Education. The district's lab will forward the sample in response to a written request by the parent(s)/guardian(s) to the athletic director with a check for the appropriate fee.

Each student who is in violation of the drug and alcohol policy will be afforded due process. The student will have the right of appeal of consequences to the building principal. This must be done in writing within seventy-two (72) hours of the consequences being determined by the athletic director. All consequences will be enforced during the appeal period. An appeal may be made to the Superintendent or his/her designee in writing within seventy-two (72) hours of the consequences being determined by the principal. All consequences will be enforced during the appeal period. A final appeal may be made to the Board of Education within 72 hours of the consequences being determined by the Superintendent or his/her designee. The board's decision will be final.

J. Policy Violations

Consequences resulting from use and/or possession of alcohol, controlled - substance/mood altering chemicals, tobacco, drug paraphernalia, and/or counterfeit substances and/or a positive test as determined by the MRO are cumulative through the athletic career (grades 7-12). There will be a denial of participation for any athlete who does not comply with any of the consequences set forth under letter (L), Offenses.

K. OFFENSES

At all offense levels the athlete must submit to: 1) an assessment conducted or

supervised by a licensed chemical dependency counselor approved by the Ohio Department of Alcohol & Drug Addiction Services and 2) any education or counseling recommended by the counselor. If an athlete refuses to be assessed by a licensed chemical dependency counselor, refuses to follow the recommendations of the counselor, and/or fails to provide documentation showing enrollment, active participation and completion in a prescribed program, then the athlete will be denied participation. The athlete and parent(s)/guardian(s) must be willing to waive all rights to privacy and allow the Athletic Director to monitor the progress of the assessment program and report any failure of compliance to the building principal. In the event that the athlete/parent(s)/guardian(s) revokes such rights, then participation (including in-season and out of season activities) may be denied by the Athletic Director until appropriate documentation is provided. Any cost for the assessment and follow-up program will be the responsibility of the parent(s)/guardian(s).

Additional stipulations:

1A. First Offense

- a. Loss of any leadership position in athletic activities for the remainder of the school year.
- b. A letter shall be given to the athlete and a copy put in his/her athletic file that alerts the athlete of the violation and informs the athlete of the consequences of further violations. A copy of this letter will also be given to the parent(s)/guardian(s).
- c. Two (2) additional mandatory tests on random dates through the school drug testing vendor.
- d. Suspension for one (1) athletic contest/event. Participation denotes competing in games/events against outside competition at all levels. The athlete may practice with the team and must sit with the team (out of uniform) for all contests for which they are suspended.

1B. First Offense - Self Turn-in

When a student comes forward on their own and/or parent(s)/guardian(s) request help prior to: 1) police intervention; 2) knowledge of a violation by any school personnel; 3) submitting a random test sample. First Offense (1A) shall be amended as follows:

- a. There shall be no additional consequences
- b. This option may only be used one (1) time prior to a first offense.
- c. Will be considered as a first offense if a subsequent offense occurs.

2. Second offense

- a. Loss of any leadership position in athletic activities for the remainder of the school year.

- b. A letter shall be given to the athlete and a copy put in his/her athletic file that alerts the athlete of the violation and informs the athlete of the consequences of further violations. A copy of this letter will also be provided to the parent(s)/guardian(s).
- c. Two (2) additional mandatory tests on random dates through the school drug testing vendor.
- d. The athlete will be denied the privilege of participating on the team for thirty percent (30%) of the total contests in which the team engages for the entire regular season (thirty percent (30%) of a ten (10) game schedule is three (3) games.) Participation denotes competing in games/events against outside competition at all levels. The athlete may practice with the team and must sit with the team (out of uniform) for all contests for which they are suspended.

3. Third Offense

- a. The athlete will be denied the privilege to participate in athletics for twelve (12) months from the date of the violation. After that year, in order to participate, the student must furnish evidence to the Athletic Director showing successful completion or continuing participation in a rehabilitation and/or counseling program as defined in the first paragraph of this section.
- b. Two (2) additional mandatory tests on random dates through the school drug testing vendor.
- c. The athlete will continue to be part of the random pool, following the (2) mandatory tests outlined in (b). The cost of any random tests will be the responsibility of the school district.

3. Fourth Offense

Denial of participation in athletics for the remainder of the athlete's career.

The denial of the privilege to compete will begin with the last contest in which the athlete has been eligible to compete prior to the violation of any part of this policy. To serve a suspension an athlete must be physically/medically eligible to participate. For clarification purposes, any percent of denial resulting in partial game denial will be rounded up to include the additional game. Any denial occurring at the end of the season will be carried over to the athlete's next eligible season, if necessary.

The Athletic Director will make the final decision on distribution of game denial.

Any athlete who in any way aids or abets another athlete in violating this policy will be disciplined as if he/she was the principal offender.

L. PROVIDING/SELLING/ATTEMPTING TO SELL ALCOHOL OR TRAFFICKING IN CONTROLLED SUBSTANCES/MOOD-ALTERING CHEMICALS/CONTERFEIT SUBSTANCES

1. First Offense
 - a. A letter shall be given to the athlete and a copy put in his/her athletic file that alerts the athlete of the violation and informs the athlete of the consequences of further violations. A copy of this letter will be mailed to the parent(s)/guardian(s) and athlete.
 - b. Dismissal from all athletics for twelve (12) months from the date of the violation.
 - c. Information collected related to trafficking will be reported to the appropriate law enforcement authorities.
 - d. Expulsion, in accordance with the regular student code of conduct, if applicable, will also be implemented.
2. Any additional offense will result in denial of participation in athletics for the remainder of the athletic career.

M. ADHERENCE TO POLICY

All coaches and/or advisors must adhere to this policy and are not permitted to deviate from the policy's contents.

N. DEFINITIONS

Alcohol – Intoxicating liquor, liquor, alcohol, wine, beer, mixed beverages, malt liquor, and malt beverages as defined in Revised Code 4301.01. The term “alcoholic beverages” also means any liquid or substance, such as “near beer” intended for use as a beverage, used as a beverage, or capable of being used as a beverage, which contains alcohol in any proportion or percentage. The term “alcoholic beverage” does not include a substance used for medical purposes in accordance with directions for use provided in a prescription or by the manufacturer and in accordance with school district policy and rules related to the use of prescriptions so long as the substance is authorized by a medical prescription form a licensed physician and kept in the original container, which container shall state the student's name and directions for use.

Assessment and Follow-up Program – A program operated by a certified chemical dependency counselor or any agency certified by the Ohio Department of Alcohol and Drug Addiction Services, or a licensed physician trained in chemical dependency.

Adulterant – Any attempt to alter the outcome of a urine drug test by adding a substance to the sample, attempting to switch the sample, or otherwise interfere with the detection of illicit or banned substances in the urine, or purposefully over hydrating oneself in an attempt to dilute the urine to decrease possible detection of illicit or banned substances.

Athlete – Any student participating in high school/middle school athletic programs/contests under the control and jurisdiction of the district and the Ohio High

School Athletic Association (OHSAA).

Athletic Year – July 1 to June 30

Banned Substance Chain of Custody – The methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to the final disposition for all such materials or substances and providing for accountability at each stage of handling, testing, and storing specimens and reporting test results.

Confirmation Test, Confirmed Test, or Confirmed Drug Test – A second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

Counterfeit Substance –

- (1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner or rights to such trademark, trade name, or identifying mark;
- (2) Any unmarked or unlabeled substance that is represented to be controlled substance/mood-altering chemical, manufactured, possessed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;
- (3) Any substance that is represented to be a controlled substance/mood altering chemical, but is not a controlled substance/mood-altering chemical or is a different controlled substance/mood-altering chemical;
- (4) Any substance other than a controlled substance/mood-altering chemical that a reasonable person would believe to be a controlled substance/mood-altering chemical because of its similarity in shape, size, and color or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

Illegal Drugs or Drugs – Any substance, as included in schedules I through V of 21 U.S.C. 802(6), which an individual may not sell, offer to sell, exchange, give possess, use, distribute, or purchase under State or Federal law. This definition also includes all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used in any way other than for medical purposes in accordance with the directions for use provided in the prescription or by the manufacturer. This definition includes nicotine.

Initial Drug Test – A sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration.

Medical Review Officer – A doctor, not necessarily a licensed medical review officer, who serves in that capacity on behalf of the district.

Mood-Altering Chemicals – Includes, without limitation, narcotics, depressants, stimulants, hallucinogens, counterfeit drugs, marijuana, alcohol, and any common substance such as “white-out”, glue gasoline, etc. used for its mood-altering effect. Prescription drugs are

included, unless authorized by a medical prescription from a licensed physician and kept in the original container, which container shall state the student's name and the directions for proper use.

Non-athlete student – any student enrolled in High School/Middle School who is not currently on the roster of any athletic team.

Paraphernalia – Instruments such as pipes, roach clips, syringes, hypodermic needles, cocaine spoons or kits, and any other items normally or actually used for the packaging, conveyance, dispensation or use of drugs will not be permitted on any school property or vehicle or at any school activity and will be subject to confiscation. Possession of drug paraphernalia will be treated the same as possession of a controlled substance.

Positive – The presence of alcohol, nicotine, or drug of abuse.

Possession – Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance.

Random Selection – A mechanism for selecting athletes for drug/alcohol testing in which each athlete shall have an equal chance of being selected for testing each time selections are made.

Specimen – Any urine sample provided by student-athletes for testing pursuant to this program.

Student – Any student enrolled in the High School/Middle School is subject to this policy.

Tobacco – All types of tobacco products, including smokeless tobacco.

Trafficking – Sell, offer to sell, distribute, possess with intent to distribute, cultivate, manufacture, or otherwise engage in any part of the production of a controlled substance.

ADMINISTRATIVE REGULATIONS

In order to effectively implement the requirements of the Newark City School District Drug and Alcohol Policy for Students/Athletes, the following procedures will apply:

DRUG TESTING PROCEDURES

A. Consent

Each athlete shall be provided a copy of the “Drug and Alcohol Policy for Students/Athletes”, “Student Consent to Perform Testing for Drugs & Alcohol” and “Parent/Guardian Consent to Perform Testing for Drug and Alcohol.” These documents shall be distributed by the Athletic Director or designee during preseason meetings.

The athlete and parent(s)/guardian(s) must read, sign and date the informed consent agreement as a condition of eligibility to participate in interscholastic athletic practices or competition. The athlete and parent(s)/guardian(s) are also required to sign the “Student, Parent/Guardian Consent to Perform Testing for Drugs and Alcohol” before the athlete may participate in interscholastic athletic practices or competition. (See forms.)

The school district will maintain informed consent agreement and consent forms until the student’s eligibility expires.

B. Testing Frequency

The student consents to provide a urine sample for drug/alcohol testing:

1. As chosen by random selection.
2. As required mandatory testing following a violation

C. Selection Guidelines

Based on a master list of identification numbers of eligible athletes submitted by the Athletic Director/Drug Testing Coordinators, random selection of eligible athletes will be generated by the vendor. The athletes selected will be asked to report to the designated collection site and provide a urine sample for testing within the time parameters established by the school district and the testing vendor.

D. Collection Site

Collection sites will be chosen based on adequate bathroom facilities and the ability to limit access to all persons except authorized monitors and athletes during collection times. Facilities for all athletes should have private stalls with closures.

Adequate clerical space to process designated forms must be available at, or closely adjacent to the collection area.

There should also be sufficient room to hold waiting athletes who must remain supervised at the collection site until collection is complete. Athletes are not free to come and go after entering the collection site.

This policy supersedes all other policies and handbooks in regards to drug and/or alcohol violations for student athletes.

Revised 4/17

