

## DRUG POLICY

### **CLEVELAND PUBLIC SCHOOLS STUDENT ATHLETE DRUG TESTING POLICY**

The Board of Education, in order to educate and direct student athletes away from drug use and abuse, thereby setting an example for all other students of the Cleveland Public Schools (“School District”) adopts the following Policy for drug testing of student athletes.

#### **I. Statement of Purpose and Intent**

- A. The use and abuse of illegal drugs by students in the public schools of this nation is an ever-increasing problem. In story after story, television news media, national magazines, and local and national newspapers report the prevalence of drugs in our society. Sadly, more and more of these stories are focused on drug use and abuse by school-age children.
- B. In addition to the well publicized war this country is waging against illegal “street” drugs such as anabolic steroids. Athletes resort to performance-enhancing drugs as a short cut to enhanced strength, endurance and athletic ability. However, there is mounting medical evidence that the use of performance-enhancing drugs can have devastating side effects including permanent liver damage, heart damage, and significant other permanent damage to the body.
- C. Drug use of any kind is incompatible with participation in interscholastic athletics on behalf of the School District. For the safety, welfare and best interests of the students of the School District, and to promote drug free lives both during and after school, the School District has adopted a drug education and testing program for use by all student athletes participating in interscholastic athletics at the high school level.
- D. Participation in school sponsored extracurricular activities such as interscholastic athletics is a privilege. Students who participate in these activities are respected by the student body and are expected to hold themselves as good examples of conduct, sportsmanship and training. Accordingly, student athletes carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible examples of conduct, which includes avoiding the use of illegal drugs and performance-enhancing drugs.
- E. The Board recognizes that all students have certain personal rights of privacy guaranteed by the Constitution of the United States of America and by the Constitution of the State of Oklahoma. This Policy will not infringe those rights.
- F. The use of intoxicating or non-intoxicating beverages (as defined by Oklahoma law)(hereafter “alcohol”) is not specifically addressed in this policy because alcohol remains in the body for such a relatively short time after its consumption as to make urinalysis testing for its use impractical. Alcohol is included, however, in the School District Policy on Student Possession or Use of Alcohol or Illegal Drugs, adopted by the Board concurrent with this Policy. This Policy is intended to supplement and complement the School District Policy on Student Possession or Use of Alcohol or Illegal Drugs and all other policies, rules and regulations of the School District regarding possession or use of illegal drugs.
- G. The purpose of this Policy is to prevent drug use, to educate student athletes as to the serious physical, mental and emotional harm caused by drug use, to alert student athletes with possible drug problems to the potential harms of drug use, to prevent injury, illness and harm as a result of drug use, and to maintain at the School District and athletic environment free of drug use and abuse. The Policy is not intended to be disciplinary or punitive in nature. The sanctions of this Policy relate solely to limiting the opportunity of any student athlete found to be in violation of the Policy to participate in interscholastic athletics. There will be no academic sanction for violation of the Policy.

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### II. Definitions

- A. "Illegal drugs" means any substance which an individual may not sell, possess, use, distribute or purchase under either federal or Oklahoma law. "Illegal drugs" includes, but is not limited to, all scheduled drugs as defined by the Oklahoma Uniform Controlled Dangerous Substance Act, all prescription drugs obtained without authorization, and all prescribed drugs being used for an abusive purpose.
- B. "Performance-enhancing drugs" includes anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other athletic ability. The term "performance-enhancing drugs" does not include dietary or nutritional supplements such as vitamins, minerals and proteins which can be lawfully purchased in over-the-counter transactions.
- C. "Positive" when referring to a drug use test administered under this Policy means a toxicological test result which is considered to demonstrate the presence of an illegal drug or a performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug use test.
- D. "Drug use test" means a scientifically substantiated method to test for the presence of illegal drugs or performance-enhancing drugs in a person's urine.
- E. "Student athlete" means a member of any high school athletic team that participates in interscholastic athletics and members of all high school cheerleading teams.
- F. "Athletic team" means any high school organization sponsored by the School District whose members participate in interscholastic athletics and all high school cheerleading teams. "Head coach" includes the sponsor of any high school cheerleading team.
- G. "Reasonable suspicion" means a suspicion based on specific personal observations concerning the appearance, speech or behavior of a student athlete, and reasonable inferences drawn from those observations in the light of experience. Information provided by a reliable source, if based on personal knowledge, shall constitute reasonable suspicion. In the context of performance-enhancing drugs, reasonable suspicion specifically includes unusual increases in size, strength, weight or other athletic abilities.

### III. Education

- A. The head coach of each athletic team shall require the attendance of all perspective team members at one ore more drug education sessions prior to the first practice in such sport. Attendance at such drug education session shall be mandatory for any student desiring to participate in athletic competition. Parental attendance and participation is strongly encouraged at these sessions.
- B. Each student athlete should receive a copy of this Policy. The head coach shall be responsible for explaining the Policy to all prospective student athletes, and for preparing an educational presentation to acquaint the student athletes with the harmful consequences of drug use and abuse.
- C. Each student shall be provided a consent form, a copy of which is attached to the Policy, which shall be dated and signed by the student athlete and by a custodial parent or guardian before such student athlete shall be eligible to practice or participate in any interscholastic team sport. The consent shall be to provide a urine sample at any time requested to be tested for illegal drugs or performance-enhancing drugs. No student athlete shall be allowed to practice or participate in an athletic contest unless the student athlete has returned the properly signed consent form.
- D. A positive result of any student athlete's drug use test will be reported to the athletic director, the head coach, the student athlete and the student athlete's parent or custodial guardian. The athletic director shall make available to the student athlete who has tested positive and his parent or custodial guardian the names of counselors or a counseling service.

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### IV. Procedures

- A. All student athletes shall be required to provide a urine sample for drug use testing for all illegal drugs, by random drawings each week. Student athletes who elect to have physical examinations done by their personal physicians must nonetheless comply with the Policy requirements set out below regarding drug use testing.
- B. In addition to a drug use test as a part of the annual physical examination of all student athletes, any student athlete may be required to submit to a drug use test for illegal drugs or performance-enhancing drugs or the metabolites thereof at any time upon reasonable suspicion by the athletic director, head coach or assistant coach of the student athlete.
- C. Any drug use test required by the School District under the terms of the Policy will be administered by or at the direction of a professional laboratory chosen by the School District using scientifically validated toxicological methods. The professional laboratory shall be required to have detailed written specifications to assure chain of custody of the specimen's proper laboratory control and scientific testing.
- D. All aspects of the drug use testing program including the taking of specimens will be conducted so as to safeguard the personal and private rights of the student athlete to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize the intrusiveness of the procedure. In particular, the specimen must be collected in a restroom or other private facility behind a closed stall. The athletic director shall designate a coach or sponsor of the same sex as the student athlete to accompany the student athlete to the restroom or other facility behind a closed stall. The monitor shall not observe the student athlete while the specimen is being produced, but the monitor shall be present outside the stall to listen for the normal sounds of urination in order to guard against tampered specimens and to ensure an accurate chain of custody. The monitor shall verify the normal warmth and appearance of the specimen. If at any time during the testing procedure the monitor has reason to believe or suspect that a student athlete is tampering with the specimen, the monitor may stop the procedure and inform the athletic director who will then determine if a new sample should be obtained. The monitors shall give each student athlete a form on which the student athlete may list any medications he has taken, or any other legitimate reasons for having been in contact with illegal drugs or performance-enhancing drugs in the preceding thirty (30) days.
- E. If the initial drug use test is positive for the presence of an illegal drug or the metabolites thereof, the initial test result will be subject to confirmation by a second and different test of the same specimen. The second test will use the gas chromatography/mass spectrometry technique. A specimen shall not be reported positive unless the second test utilizing the gas chromatography/mass spectrometry technique shall be used for the initial and confirmation tests when testing for the presence of performance-enhancing drugs. The unused portion of a specimen that tested positive shall be preserved by the laboratory for a period of six (6) months.
- F. If the drug use test for any student athlete has a positive result, the athletic director will report that fact to the student athlete, the head coach, and the parent or custodial guardian of the student athlete and schedule a conference. At the conference, the athletic director will solicit any explanation of the positive result and ask for doctor prescriptions of any drugs that the student athlete was taking that might have affected the outcome of the drug use test. If the student athlete and his parent or custodial guardian desires another test of the remaining portion of the specimen, the athletic director will arrange for another test at the same laboratory or at another laboratory agreeable to the athletic director. Any such retest shall be at the expense of the student athlete and his parent or custodial guardian.
- G. If the student athlete asserts that the positive test results are caused by other than consumption of an illegal drug or performance-enhancing drug by the student athlete, then the student athlete will be given an opportunity to present evidence to the athletic director that the positive test result was produced by other than the consumption of an illegal drug or a performance-enhancing drug. The School District will rely on the opinion of the laboratory which performed the test in determining whether the positive test result was produced by other than consumption of an illegal drug or a performance-enhancing drug.
- H. A student athlete who has been determined by the athletic director to be in violation of this Policy shall have the right to appeal the decision to the superintendent. Such appeal must be lodged

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within five (5) school days of notice of the original determination. The superintendent shall then determine whether the original finding was justified. There is no further appeal right from the superintendent's decision and his decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the superintendent which shall be final and nonappealable.

- I. Before a student athlete who has tested positive in a drug use test may rejoin his team after a first or second offense, such student athlete may be required to undergo one or more additional drug use tests to determine whether the student athlete is no longer using illegal drugs or performance-enhancing drugs. The School District will rely on the opinion of the laboratory which performed or analyzed the additional drug use tests in determining whether a positive result in the additional drug use tests was produced by a drug or drug metabolite of illegal drugs or performance-enhancing drugs used by the student athlete before the offense or by more recent use of illegal drugs or performance-enhancing drugs.

### V. Violation

- A. Any student athlete who tests positive in a drug use test under this Policy shall be subject to the following restrictions:
  1. First Offense: Suspension from participation in all interscholastic athletics for two (2) school weeks from the date of final determination of the offense, provided, however, a student who is suspended from participation in interscholastic athletics for a first offense may in the head coach's discretion continue to participate in practice but may not suit up or participate in games.
  2. A student who self-refers concerning a violation of this Policy will be allowed to remain active in interscholastic athletics; such student will, however, be considered to have committed his first offense under this Policy. Self-referral may be used only once in a student's lifetime.
  3. Second Offense: Complete suspension from participation in all interscholastic athletics including practice, regular meetings and activities for eighteen (18) continuous and successive school weeks from the date of final determination of the offense. Such suspension will extend into a succeeding school year if necessary to fulfill a suspension. A student athlete who is evaluated and tested by a governmentally licensed or accredited chemical dependency treatment center and who successfully completes the treatment program prescribed by said center shall be reinstated from a second offense suspension upon furnishing written evidence from the treatment center to the athletic director verifying such treatment and successful completion thereof.
  4. Third Offense: Suspension from athletic participation for the high school career.
  5. Refusal to Submit to Drug Use Test: If a student athlete with no offenses or one offense refuses to submit to a drug use test authorized under this Policy, such student athlete shall not be eligible to participate in any interscholastic athletics, including practice, regular meetings and activities, for at least eighteen (18) continuous and successive school weeks. If a student athlete with two offenses refuses to submit to a drug use test authorized under this Policy, such student athlete will be suspended from athletic participation for the high school career.

Adopted by the Board of Education on this 1<sup>st</sup> day of July, 2000

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**CONSENT FORM**

We have received, read and understand the Cleveland Public Schools Student Athlete Drug Testing Policy. We desire that the student named below participate in this program and in the interscholastic athletic program of the Cleveland Public Schools and we hereby voluntarily agree to be subject to its terms. We accept the method of obtaining urine samples, testing and analyses of such specimens, and all other aspects of the program. We agree to cooperate in furnishing urine specimens that may be required from time to time.

We further agree and consent to the disclosure of the sampling, testing and results as provided for in this program. This consent is given pursuant to all State and Federal Privacy Statutes and is a waiver of rights to non-disclosure of such test records and results only to the extent of the disclosures authorized in the program.

Date: \_\_\_\_\_, 20\_\_\_\_

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

\_\_\_\_\_  
Custodial Parent or Guardian Signature