

# **BENTONVILLE SCHOOL DISTRICT**

## **DEPARTMENT OF ATHLETICS**

### **Student Athlete Procedure on possession of and/or use of Illegal Drugs**

The Bentonville Public School's Board of Education, in an effort to protect the health and safety of its student athletes from the possession or use of dangerous, illegal, or performance-enhancing drugs, thereby setting a positive example for all other students of the Bentonville Public School District, adopts the following **"Student Athlete Procedure on possession of and/or use of Illegal Drugs"**.

#### **1. STATE OF PURPOSE AND INTENT:**

– It is the desire of the Board of Education, administration, and staff that every student in the Bentonville Public School District refrain from using or possessing illegal drugs. Notwithstanding this desire, the administration and board of education realize that their power to restrict the possession or use of illegal drugs is limited. Therefore, the sanctions of this Procedure relate solely to limiting the opportunity of any student determined to be in violation of this Procedure to participate in athletic activities. This Procedure is intended to supplement and complement all other policies, rules and regulations of the Bentonville Public School District regarding possession or use of illegal drugs.

– Participation in school sponsored activities such as interscholastic athletics at the Bentonville Public School District 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 or possession of illegal drugs.

– The purpose of this Procedure is to prevent illegal drug use, to prevent injury, illness and harm as a result of illegal drug use, and to strive within the Bentonville Public School District for an athletic environment free of illegal drug possession and use. This Procedure is not intended to be disciplinary or punitive in nature. The sanctions of this Procedure relate solely to limiting the opportunity of any student found to be in violation of this Procedure to participate in extra-curricular athletic activities. There will be no academic sanction for violation of this Procedure.

#### **2. DEFINITIONS:**

– "Student athlete" means a 7<sup>th</sup> – 12<sup>th</sup> grade member of any Bentonville Public School District sponsored interscholastic sports team, including athletes, cheerleaders, spirit-group, and pom-pom squad members.

"In-season" means anytime during the day, night, weekends, or holidays, including all time in and away from school. A student-athlete will be considered in-season 30-days prior to the first day of AAA sanctioned competition through the completion of the last AAA sanctioned competition in the AAA defined sports season.

"Out-of-season" - A student-athlete participating in a pre-season or off-season workouts under the direction/supervision of the Bentonville Athletic Department will be subject to random drug screening as stated in the Student-Athlete Procedure on Possession of /and or Use of Illegal Drugs.

– "Illegal drugs" means any substance which an individual may not sell, possess, use, distribute or purchase under either Federal or Arkansas law. "Illegal drugs" include, but not limited to all prescription drugs obtained without authorization, all prescribed and over-the-counter drugs being used for an abusive or performance-enhancing purpose, and paraphernalia to use such drugs.

– "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" drug does not include dietary or nutritional supplements such as vitamins, minerals and proteins which can be lawfully purchased in over-the-counter transactions.

– "Drug use test" means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person's urine.

– "Random Selection Basis" means a mechanism for selecting student athletes for drug use testing that:

- A. results in an equal probability that any student athlete from a group of student athletes subject to the selection mechanism will be selected, and
- B. does not give the School District discretion to waive the selection of any student athlete selected under the mechanism.

– "Positive" when referring to a drug use test administered under this procedure means a toxicological test result which is considered to demonstrate the presence of an illegal or performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug use test.

– "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.

– "Possession" means to have illegal drugs and/or performance enhancing drugs on one's personal effects, such as coat, purse, bookbag, clothing, etc.; to handle or touch illegal drugs and/or performance enhancing drugs; to have illegal drugs and/or performance

enhancing drugs in one's locker or in one's vehicle; to be in a vehicle either as a driver or passenger with the knowledge that illegal drugs and/or performance enhancing drugs are contained in the vehicle; to have illegal drugs and/or performance enhancing drugs under one's control.

– "Observation" means observation of student athlete using and/or possessing, or being under the influence of illegal drugs and/or performance enhancing drugs by Law Enforcement Officers, Bentonville Public School's Administration, Bentonville Public School's Coaching Staff and Bentonville Public School's Faculty.

### 3. PARTICIPATION AND PROCEDURES:

– Illegal drug possession or use is incompatible with participation in athletics on behalf of the Bentonville Public School District. For the safety, health and well being of the student athletes of the Bentonville Public Schools, the Bentonville Public School District has adopted this Procedure for use by all participating student athletes at the 7<sup>th</sup> – 12<sup>th</sup> grade level. Any student athlete found to be in possession of, or having used illegal drugs, either by observation or drug use test, will be considered to have violated this Procedure.

– Each student athlete shall be provided with a copy of the "**Student Athlete Procedure on possession of and/or use Illegal Drugs**". The "**Student Athlete Contract and Consent for Drug Use Testing**" – shall be read, signed, and dated by the student athlete, parent or custodial guardian, and coach/sponsor before such student athlete shall be eligible to practice or participate in any athletics. No student shall be allowed to practice or participate in any athletics unless the student has returned the properly signed "**Student Athlete Contract and Consent for Drug Use Testing**."

– The Athletic director, an athletic trainer, and coach shall be responsible for determining whether a violation of the "Student Athlete Procedure on possession of, and/or use of Illegal Drugs" has occurred, when an observation of possession or use of illegal drug by a student athlete has been reported. If a violation of the Procedure is determined to have occurred, the Athletic Director will contact the Athletic Trainer, the student athlete, the head coach, and the parent or custodial guardian of the student athlete and schedule a conference. At the conference, the violation of the Procedure will be described and the restrictions explained.

– The consent for drug use testing shall be to provide a urine sample: a) as chosen by the random selection basis, and b) at any time requested based on reasonable suspicion to be tested for illegal or performance-enhancing drugs.

– Drug use testing for student athletes will be chosen on a random selection basis from a list of all athletes participating in any pre-season, and/or off-season training, and in-season athletes. The random selection of student athlete's names will be performed by Employee Screening Management using a randomizer (DOT approved) software to provide a urine sample for drug use testing for illegal or performance-enhancing drugs. This random testing will administered at least twice per year and test a minimum of 20 athletes per testing. Employee Screening Management will send a laboratory technician to Bentonville High School, Lincoln Jr. High School, and Washington Jr. High School to administer the drug use tests.

– In addition to the drug use tests required, any student athlete may be required to submit to a drug use test for illegal or performance-enhancing drugs or the metabolites thereof at any time upon reasonable suspicion by the athletic director, athletic trainer, or coach of the student athlete.

– Any drug use test required by the Bentonville Public School District under the terms of the procedure will be administered by or at the direction Employee Screening Management using scientifically validated toxicological methods. The professional laboratory shall be required to have detailed written specifications to assure chain of custody of the specimens, proper laboratory control and scientific testing.

– All aspects of the drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of student athletes to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize 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 of the same sex as the student athlete to accompany the student athlete to a restroom or other private 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 insure 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.

– If the initial drug use test is positive, the initial test result will be subject to confirmation by a second and different test of the same specimen sent off to a reference lab by Employee Screening Management.

- If the drug use test of any student athlete has a positive result, the laboratory will contact the Athletic Director with the results. The Athletic Director will contact the Athletic Trainer, 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/her 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 re-test shall be at the expense of the student athlete and his/her parent or custodial guardian.– If the student athlete asserts that the positive test results are caused by other than consumption of an illegal or performance-enhancing drug by the student athlete, then the student athlete will be given an opportunity to present evidence of such to the Athletic Director. The Bentonville Public 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 or a performance-enhancing drug.

- A student athlete who has been determined by the Athletic Director to be in violation of this Procedure shall have the right to appeal the decision to the superintendent or his/her designee(s). Such appeal must be lodged within five (5) business days of notice of the initial report of the offense as stated in paragraph 3.10 of this Policy, during which time the athlete will remain ineligible to participate in any extra-curricular athletic activities. The superintendent or his/her designee(s) shall then determine whether the original finding was justified. There is no further appeal right from the superintendent's decision and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this Procedure shall be in the sole and exclusive judgment and discretion of the superintendent which shall be final and non-appealable.

- Before a student athlete who has tested positive in a drug use test may rejoin his/her athletic activity after a first offense, such student athlete must submit a negative drug screen test and will also be required to submit to a drug screen test during the random screenings for the remainder of the school year. The Bentonville Public School District will rely on the opinion of the laboratory which performed or analyzed the additional drug use test in determining whether a positive result in the additional drug use test was produced by illegal or performance-enhancing drugs used by the student athlete before the offense or by more recent use.

#### 4. VIOLATION

- Any student athlete who is determined by **observation and/or possession of; or a positive drug use test**, to have violated this Procedure shall be subject to the loss of their privilege to participate in athletics.

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- Any student-athlete reported by a law enforcement officer, admitting to, **or a positive drug use test**, and/or witnessed by a Bentonville Public School employee or Bentonville Athletic Department coach to have been in possession, and/or consumed, and/or under the influence of alcohol, or any other illegal substance according to the Bentonville Public Schools athletic department practices and procedures will be suspended from participation in scheduled games/competitions for 30% of the defined "in-season" and 15 days for the defined "off-season". This standard will be enforced during the defined sports season. Any athlete found in violation of this practice and procedure during the post season will be suspended from all post season games

Such suspension will extend into a succeeding athletic season if necessary to fulfill the suspension.

- For the Second Offense (in the same school year): Complete suspension from participation in all athletic activities including all meetings, practices, performances, and competition for one year (365) days.

#### 5. REFUSAL TO SUBMIT TO DRUG USE TEST

5.1 - If a participating student athlete refuses to submit to a drug use test authorized under this Procedure, such student athlete shall not be eligible to participate in any athletic activities including all meetings, practices, performances, and competition for eighteen (18) continuous and successive school weeks. Such suspension will extend into a succeeding school year if necessary to fulfill the suspension.

**Please read this Procedure in its entirety before signing the Student Athlete Contract & Drug Use Testing Consent**