

CLOVIS MUNICIPAL SCHOOLS
Athletics Drug Use Testing Policy
(Approved by the Board of Education 5/8/01)

I. A STATEMENT OF NEED AND PURPOSE

Recognizing that observed and suspected use of alcohol and illegal drugs by Clovis School District student athletes is increasing, a program of deterrence will be instituted as a pro-active approach to a truly drug free school. Likewise, 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. The purpose of this program is threefold: (1) to provide for the health and safety of all student athletes; (2) to undermine the effects of peer pressure by providing a legitimate reason for student athletes to refuse to use illegal drugs; and (3) to encourage student athletes who use drugs to participate in drug treatment programs. The program is non-punitive. It is designed to create a safe, drug free environment for student athletes and assist them in getting help when needed.

II. OBJECTIVES

- A. To provide a deterrent to the use of illegal drugs by students participating in athletics at Clovis High School Grades 8-12.
- B. To give students a valid reason to resist peer pressure to use illegal drugs.
- C. To prevent injury, illness and harm as a result of drug use and its effects.
- D. To educate students as to the serious physical, mental and emotional harm caused by the use of illegal drugs.

III. ATHLETIC PROGRAM

A CMS athletic program is an activity sponsored by the New Mexico Activities Association (NMAA), the Clovis Municipal Schools Board of Education, or an activity sanctioned by the CMS Board of Education.

IV. SELECTION FOR TESTING

- A. All students in grades 8-12 who wish to participate in the Clovis High School in-season or off-season athletic program must declare that intention at the time of their registration for school each year. They will then be subject to the random testing program for the entire school year, or for as long as they participate in the program. Any student athlete not involved in an in/off-season program at the time of a particular random test period will not be subject to the random drug test. Students who request to declare the intentions after their enrollment in school must have an acceptable reason for not doing so at the appropriate time and must be approved by the Coach/es of the sport/s in question, the Athletic Director, and the Principal. Students who declare late will then be subject to the random testing program for as long as they participate in the program.
- B. At least ten percent (10%) and not more than twenty-five percent (25%) of student athletes shall be randomly selected to be tested for drug use at each test, which shall be conducted up to 18 times per year. The percentage may be different for each test. The Principal and Athletic Director shall determine the percentage of students to be tested and the date of each test.
- C. Students who are selected to be tested during one test period will be eligible for future tests and, if selected, may be tested in consecutive tests.

V. DRUGS TO BE TESTED

- A. Drugs, which an individual may not buy, possess, use, sell or distribute under the Federal or New Mexico law. Such drugs include, but are not limited to: marijuana, cocaine, opiates, amphetamines, methaqualone, benzodiazepines, phencyclidine (PCP), methadone, barbiturates and propoxyphene.
- B. All prescription drugs that they were obtained without authorization.

- C. All prescription and over-the-counter drugs that they are being used in an abusive manner.
- D. Performance-enhancing drugs.
- E. Tests for alcohol use may be by means of a Breathalyzer or saliva test.

VI. SAMPLE COLLECTION AND TESTING PROCEDURES

- A. All athletic participants and their parents or guardians shall be provided with a copy of the “Athletic Drug Use Testing Policy”, and a copy of the “Athletic Drug Use Testing Consent Form”, which shall be signed and dated by the student and his/her parents/guardians. The students will be given a copy of the “Athletic Drug Use Testing Policy” and a copy of the “Athletic Drug Use Testing Consent Form”, when registering for an athletic class. The consent form must be signed and in the possession of the Coach, Athletic Director, or Principal prior to a student athlete participating in any in-season or off-season practice.
- B. A percentage of student athletes in each in-season sport or off-season program will be selected on a random basis. The Principal and the Athletic Director will determine a percentage of student names to be drawn at random to provide a sample for drug use testing.
- C. Students who are selected to be tested for drug use will be required to provide a sample within the 60 minutes of the time that they are requested to do so. Refusal to provide a sample will be treated as resignation from all athletic programs in the Clovis Municipal Schools.
- D. All aspects of the drug testing program will be conducted in a manner that will safeguard the personal and privacy rights of the students to the maximum degree possible.
- E. The Athletic Director shall designate the member to accompany the students to a restroom or other private area where the sample is to be produced under supervision and presence of a designated health care professional. The monitor/s shall not observe the student while the sample is being produced, but shall remain within hearing distance in order to guard against tampered samples and to ensure an accurate chain of custody of the sample.
- F. If at any time during the sampling procedure a monitor has reason to believe that a student is tampering with the sample, the monitor may inform the Athletic Director or Principal who will then determine if a new sample should be obtained.
- G. The monitor shall give each student a form on which the student may list any medications he/she has taken or any other legitimate reasons for having been in contact with illegal drugs or performance-enhancing drugs in the preceding four (4) days.
- H. All samples will be identified with students’ Social Security numbers, sealed and submitted to a Licensed professional for testing. Any Licensed professional chosen by the school district to conduct the testing shall be required to have detailed written procedures to assure proper chain of custody of the samples, proper control, and scientifically validated testing methods.
- I. The Licensed professional will promptly contact the Principal or Athletic Director if the result of the drug test for any student athlete is positive. The Principal or Athletic Director will promptly contact the student and the student’s parents or guardians, if the student is under the age of 18, and schedule a conference at which time the student or parents may offer any explanation of the positive result. Parents or guardians may provide Doctor’s prescriptions of any drugs that the student was taking that might have affected the outcome of the drug use or alcohol test and may request that another test be conducted on the remaining portion of the sample. Any such re-test shall be at the expense of the parent or guardian.

VII. SANCTIONS FOR POSTIVE TESTING

- A. The Principal will assess disciplinary sanctions for being under the influence of drugs or alcohol while at school or a school-related activity according to the Code of Conduct.

- B. All offenses are cumulative for the student's enrollment in grades 8-12 in the Clovis Municipal Schools. A student who tests positive on a drug test will be subject to the sanctions contained herein.

FIRST OFFENSE: The student will-

1. Be suspended from all athletic programs for a period of six (6) weeks commencing with the confirmation of a positive drug/alcohol test.
2. Submit to weekly drug testing for six (6) weeks, at the parents/guardians expense and participate in a drug assistance program that is designed to meet the needs of the student through mandatory counseling. A student may, at the parents expense elects to pursue private counseling to fulfill this requirement. A student who is unable to afford private counseling may be eligible to receive private counseling as set up through the district prevention coordinator. As a condition of continued participation in athletics, students who elect to participate in private counseling are required to submit verification that they have received the required counseling. At the end of the six (6) weeks, if the students have completed a counseling program and have tested negative on all drug tests, they may resume participation in the athletic program.
3. Failure to comply with the provisions above will remove the student from athletic competition/practice for the remainder of the semester. If the suspension occurs during the last six (6) weeks of a semester, the suspension shall extend into the next semester.

SECOND OFFENSE in any two (2) consecutive years: The student-

1. Will be suspended from all athletic programs for the remainder of the current school year; however, if the suspension occurs during the last six weeks of the school year, the suspension shall extend to the end of the next semester.
2. Must successfully complete, at the parent's/guardian's expense, an approved drug education/counseling program.
3. Will be subject to bi-monthly drug use testing during the period of suspension at the parent's/guardian's expense and must test negative on each one.
4. Failure to comply with the provisions above will remove the student from athletic competition/practice for an additional semester.

THIRD OFFENSE in any two (2) consecutive years: The student –

1. Will be suspended from all athletic programs for the remainder of the current school year and the next school year.
2. Must successfully complete, at the parent's/guardian's expense, an approved drug education/counseling program.
3. Will be subject to bi-monthly drug use testing during the period of suspension at the parent's/guardian's expense and must test negative on each one.
4. Failure to comply with the provisions above will remove the student from athletic competition/practice for an additional semester.

VIII. APPEALS

A Student may appeal a suspension under this policy to the Superintendent by filing a written notice within five (5) days of the positive report of drug use. The student will remain suspended pending the appeal. The Superintendent shall conduct an investigation to determine whether the original finding and suspension were justified. The Superintendent's decision may be appealed in accordance with the existing school policy.

IX. VOLUNTEERING FOR HELP COMPONENT

Athletes with drug-dependence may voluntarily be tested and obtain intervention. Athletes who voluntarily come forward and ask for help for their drug problems should be given help without automatic loss of eligibility.

PROGRAM PURPOSE-

Coaches occupy special roles in the lives of athletes. Often an athlete will choose to talk about a personal problem with his or her coach while at the same time that athlete feels uncomfortable about discussing the same problem with a parent or another important adult in his or her life. Our coaches want to maintain this position so that student athletes feel free to come talk about problems such as use of or a dependency on drugs. This program allows the athlete to voluntarily come forward and ask for help.

INFORMING ATHLETES ABOUT THE VOLUNTEER PROGRAM-

The coaches would inform the athletes at the beginning of the practice season if that they have a problem with drugs to come see a coach. The coach will also let the athletes know that there are others they may talk to about their drug use related problems including the Athletic Trainer, Athletic Director, Nurse or any of the Administrators. The athletes will be given a copy of this outline to help explain the voluntary program.

INITIAL STEPS-

The coach (or other staff member identified above) would first meet with the athlete to discuss the problem. With the consent of the athlete, the coach would arrange for a meeting with the parents, if the student is under the age of 18, and possibly other school personnel. The coach then would become involved in helping the athlete and family take the first steps to getting trained professional help for the athlete. Eventually, the family would select an agency from the approved provider list to get an assessment and begin an intervention program. If the athlete changes his or her mind the coach will ask for evidence (a negative sample) before any further participation or competition is allowed. This would be necessary because if the coach played an athlete that he or she knows is using illegal drugs then that puts the athletes and the school at risk.

VOLUNTEERING TO BE TESTED-

When the athlete volunteers for help a drug test is conducted as a first step in the intervention process. Does the athlete remain subject to the Random Drug Testing? The answer is “NO”, because the athlete will be required to submit to at least two (2) tests after the initial screen. The athlete would first be referred to a local provider for testing for drugs listed in Section V of this policy. The sample to be tested would be drawn at the school and sent to the lab doing the work for the Random Drug Testing Program.

A positive test of a volunteer athlete would not be used to automatically remove eligibility for six (6) weeks. Instead the test results would be used to help the provider to complete an assessment on the extent of the person’s drug problem. The assessment is necessary before an intervention program is designed.

The volunteer athlete would remain a part of the team, but would not practice or compete until a negative sample is verified by the district’s lab. This second test is at student expense. The athlete regains eligibility immediately upon lab verification of the negative sample.

STATUS OF VOLUNTEER ATHLETE AFTER REGAINING ELIGIBILITY-

The status as one who volunteers for help continues until the end of the season. If the season ends before six (6) weeks the status continues into the next season of that athlete’s competition. Once the volunteer athlete regains eligibility, at least two (2) tests have been conducted. One additional test at district expense will be conducted within four (4) weeks of the athletes return to competition.

Once the volunteer athlete has had two (2) successive negative tests, the athlete is returned to the random testing program. For clarification, if the initial positive sample is among the drugs listed in Section V of this policy retesting will be limited to such drugs. Once six (6) weeks or the season is over (whichever is longer) the volunteer athlete will be again subject to random testing.

