

**A.     STUDENT BEHAVIOR IN EXTRA-CURRICULAR ACTIVITIES**

The Swain County Board of Education considers extra-curricular activities to be integral to the educational program and acknowledges that students who participate in extracurricular activities are often considered leaders and role models within the school system and the community. Therefore, the board expects all students who participate in extracurricular activities to demonstrate integrity and responsibility by adhering to all policies and regulations set forth by the school system, the school and the activity's sponsor or coach.

Every athletic team or other extra-curricular activity group must hold a pre-season meeting with students and custodial parents or guardians. At the meeting, the coach or sponsor shall outline the expectations of the student participants and explain the policies and regulations that apply to that team. Each student who wishes to participate in extracurricular activities and his or her custodial parent or guardian must sign a statement acknowledging that he or she has been informed of the policies and understands them.

Consequences for violations of the drug testing policy are described in subsection BA below. If a student participant breaks any other athletic department or extra-curricular team rule, the head coach or sponsor of his or her team shall determine the appropriate consequence. The head coach or sponsor may request that the principal establish a panel consisting of the head coach or sponsor, an administrator, and a head coach or sponsor of another sport or activity to determine the appropriate punishment. Such punishments may be appealed through the process provided in policy 1740/4010, Student and Parent Grievance Procedure.

**B.     DRUG TESTING**

1.     Purpose Statement

The Swain County Board of Education acknowledges the dangerous effects of mixing extra-curricular activities with drugs or alcohol. The drug screening policy is intended to be a helpful part of the overall physical and mental education of students. The program is a strategy in the prevention of injury, illness and harm as a result of drug use among student participants in extracurricular activities. The drug screening process should respond to the needs of a diverse and changing student body and provide services that:

- a.     create supportive environments in which students are empowered to make responsible and healthy lifestyle choices;
- b.     undennine the effects of peer pressure by providing a legitimate reason for student participants in extracurricular activities to refuse to use alcohol and illegal drugs;
- c.     employ strategies that will improve the school environment as well as individual attitudes toward responsible behavior;

- d. emphasize that the use of alcohol and illegal drugs will not be tolerated; and
  - e. provide educational programs that will communicate realities, misinterpretations and secondary effects of alcohol and illegal drug abuse.
2. Mandatory Random Drug Screening of Student Athletes

All middle and high school students who participate in school-sponsored extracurricular activities will be subject to the random drug screening procedure outlined below. No student will be allowed to participate in a school-sponsored extra-curricular activity without submitting to the random drug screening procedure. If participation in an extracurricular activity is required to earn extra credit or a grade in a course, the activity is not considered an extra-curricular activity. Participation in extracurricular activities does not include attendance at activities such as athletic events, chorus or drama productions.

3. Random Drug Screening Procedures

a. Meeting and Consent

Every school-sponsored extracurricular activity team will hold a preseason meeting with students and custodial parents or guardians in which the principal, coach or sponsor must outline the drug testing policy and procedures. On a form provided by Swain County Schools, each student and each student's custodial parent must give consent in writing for the student to be subject to random drug urine testing and for the release of any test results to Swain County Schools (SCS), the student and the student's custodial parent or guardian, the school principal or designee, the superintendent, the athletic director and the head coach or sponsor of the activity in which the student is participating. Program withdrawal forms shall be made available upon request.

b. Random Selection Process

Random testing will occur three times each school year for sports and extra-curricular activities with the first completed by September 15. The other dates of completion will be by January 15 and by March 15. The athletic director or sponsor and the principal or designee will determine

when the tests will occur. The day of testing shall be varied so that testing does not become predictable. Eligible students will be chosen at random by a lottery system, which will include all participants' names from the activity chosen to be tested. Approximately 30% of the participants in

each activity will be randomly selected during each lottery selection. The principal or designee and the athletic director or sponsor shall take reasonable steps to ensure the integrity, confidentiality and random nature of the selection process.

c. Method of Collection of Urine Samples

1) Notice of Collection

Collection of samples shall correlate with the school calendar, taking into consideration state testing dates, exam dates, etc. A school employee shall personally notify each individual that he or she has been selected for testing immediately prior to testing. The individual shall be escorted immediately to the collection site. The individual shall not be allowed to go to his or her locker for any reason. The individual may not leave the presence of a school employee or the test administrator's staff until he or she has provided a urine specimen. If the individual refuses to cooperate with school employees or the test administrator's staff, the individual's refusal to cooperate shall be reported as a "positive" result.

2) Collection Site

The collection of urine samples for the testing program shall occur on campus rather than at an off-campus collection facility. If a student requests a second test after his or her first test renders a positive result for drugs or alcohol, the second test will be taken at a laboratory of a firm selected by the test administrator. The school will provide transportation to and from the laboratory. The student is responsible for all other expenses relating to the second test.

3) Protection of Participant's Privacy

The following procedures, at a minimum, shall be used to ensure that the privacy interests of each individual are respected during the collection of the individual's urine specimen.

- a. The test administrator's staff shall monitor each individual in a non-intrusive manner to detect any attempt to provide a false urine sample. Immediately upon receipt of a urine

sample, it shall be tested to determine temperature. All specimens outside of normal temperature limits shall be considered invalid, and the individual shall be required to provide another urine sample.

- b. Participants shall be given the opportunity to notify the test administrator in writing if they are taking any prescription or non-prescription drugs at the time of the test. Such information will remain confidential.
- c. Prior to the screening, participants may confide to the school counselor, coach or other school official that he or she has been involved with substance abuse. This will be treated as a first drug offense. This information will remain confidential.

4) Health and Safety Concerns

In the event that a positive drug test creates an urgent health issue or a safety concern for that individual, the test administrator shall immediately contact the individual's parent or guardian and/or a school administrator.

d. Chain of Custody

The test administrator shall implement procedures to ensure that each individual's urine sample is appropriately labeled and secured to prevent each sample from being lost, misplaced or contaminated. At a minimum, the test administrator will ensure that the following steps occur.

- 1) Each individual shall be provided with a sanitized kit containing a specimen bottle. The bottle shall remain in the individual's possession until a seal is placed on the bottle by the collection staff. The individual shall sign a form certifying that the bottle contains his or her urine sample and that the specimen has been sealed. The seal may be broken only by the lab testing the specimen.
- 2) After the specimen has been sealed, it shall be transported to the testing laboratory by the test administrator or designee.
- 3) In order to maintain confidentiality, the specimen bottle shall be labeled with the individual's code number and not the individual's name. In addition, the results sheet mailed by the laboratory to the test administrator shall report the results by individual code number and not by individual name.

e. Refusal or Inability to Provide Sample

The test administrator shall implement appropriate procedures for use in the event an individual refuses to provide a urine sample or states that he or she is physically unable to provide a urine sample. A refusal to provide a urine sample will be treated as a "positive" test result. At a minimum, if an individual says that he or she is unable to provide a urine sample, the individual shall be given a large glass of water and up to two

hours to provide a urine sample. If the individual states that he or she has a medical problem that prevents the individual from providing a urine sample, the individual shall be given the opportunity to communicate with the test administrator. The test administrator, in consultation with the individual's physician, shall determine whether or not the individual has a legitimate medical reason for being excused from testing.

f. Absentees

An individual who is absent on the day of a test shall be excused, but he or she will be automatically included in the next screening cycle. An individual who was present during the first period and later leaves campus without a valid excuse (cuts class) after it becomes known that individuals are being tested shall be considered to have refused to be tested.

4. Consequences of a Positive Test or Other Violations

Violations of this policy will not result in academic penalties.

a. Violations of the Policy

A student is in violation of the drug screening policy when he or she 1) without a valid excuse, fails or refuses to participate in the drug screening when selected at random; 2) provides a fake urine sample or otherwise tampers with the results in any way; 3) is uncooperative or misleading; or 4) tests positive for drugs.

b. First Offense

Upon a student's first offense, he or she shall be ineligible to participate in extracurricular activities for one calendar year. However, if he or she successfully completes a board-approved substance abuse counseling program and agrees to submit to the next two consecutive drug screenings, he or she shall maintain eligibility to participate in extracurricular activities.

c. Second Offense

After a student's second offense, the student will be suspended from all extra-curricular activities for six weeks. At the end of the six weeks, the student may participate in extracurricular activities only if he or she has successfully completed a board-approved substance abuse counseling program and agrees to submit to the next two consecutive drug screenings.

d. Third Offense

After a student's third offense, the student will be banned from participating in extracurricular activities for one calendar year. After one calendar year has passed, the student may participate in extracurricular athletics only if he or she has successfully completed a board-approved substance abuse counseling program and agrees to submit to the next two consecutive drug screenings.

e.     Fourth Offense

After a student's fourth offense, the student will be permanently banned from participating in extracurricular activities.

f.     Appeals

A student may appeal a decision under this section in writing to the athletic director or sponsor. The athletic director or sponsor, principal and one other interested party appointed by the superintendent will review the appeal and will inform the student of their decision in writing within seven working days.

C.     CONFIDENTIALITY

The test administrator, its agent and employees shall maintain the confidentiality of all personally identifiable information and test results.

Legal References: Board of Education v. Earls, 536 U.S. 822 (2002); Vernonia School District 47Jv. Acton, 515 U.S. 646 (1995)

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Extracurricular Activities and Student Organizations (policy 3620), Student Behavior Policies (policy 4300), Drugs and Alcohol (policy 4325), Criminal Behavior (policy 4335)

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