



## POLICY 5.615

4-J I recommend that the Board adopt the proposed revised Policy 5.615, entitled “Drug and Alcohol Testing of Student Athletes.”

[Contact: Dr. Alison Adler, PX 50900; Kim C. Williams. PX 81540.]

### Adoption

### CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on June 3, 2009.
- The Board approved development of this new Policy at the development reading on January 7, 2009. Due to a passage of time and the inclusion of changes recommended from a meeting between the staff of the Department of Safe School and Dr. Marsha Fishbane, Co-Chair of the Student Health Advisory Council, the policy is submitted again for development. Changes recommended from this meeting are have been shaded and in blue lettering.
- This proposed Policy has been drafted to conform to the U.S. Supreme Court rulings (*Board of Education Independent School District No. 92 of Pottawatomie County v. Earls, et al.*, 536 U.S. 822 (2002), and *Vernonia School District 47J v. Acton*, 515 U.S. 646 (1995) which upheld drug testing of student athletes, students participating in extra-curricular activities, or students with parking passes. From these and other case law, the proposed Policy has been drafted to encompass the successful components identified from the cases and a review of the school board policies at subject in the cases.
- The Policy provides for the below recommended changes from the Development Meeting.
  - “Athletic Director” has been replaced with “school administrator designated by the principal” in Section 6c (*Random Drug Testing Process*) and 6d (*Sample Collection Process*).
  - Non-prescription medication has been added to 6f (*Medication*) to read “taking prescription or non-prescription medication.”
  - The Department of Safe Schools in conjunction with the head coach is responsible for the orientation of the student athletes regarding the policy and testing program. This orientation shall provide an overview of the testing protocol, the consequences of a positive drug test and the resources available for youth and their families for intervention services, as recommended by the Student Health Advisory Council. See 6b (*Orientation Session*).

- To include the last sentence and last two paragraphs under the student's consent in Section 10.
- The Policy also provides the following:
  - A safety rationale for the drug and alcohol testing program with the goal of reducing drug use by student athletes. See sections 1(Findings and Purpose) and 2 (Applicability of the Policy).
  - The program is non-punitive, resulting only in suspension from the interscholastic athletic activity. See sections 2B, 5A and 8.
  - To protect the privacy of individual students, the third party testing coordinator assigns students random numbers for the selection and testing and reporting to the school. See section 6c.
  - Use of a Medical Review Officer and no requirement that the student reports medications taken to anyone other than the Medical Review Officer. See section 6F.
  - Student and Parental Consent Form. See sections 6A and 10.
  - Minimal intrusion during the collection process, affording the maximum privacy possible to the student (with no observed collections). See section 6D.
  - Progressive consequences only if there is more than one positive drug test result for a student. See section 8 (Consequences).
  - Test results are not to be used to provide a source of information to law enforcement agencies or for the prosecution of a student. See sections 2D and 7.
  - A confirmatory testing process. See section 6E and G.
  - Establishment of specific and strict confidentiality procedures such as keep drug test results separate from students' educational records and information on results restricted to a "need to know" basis. See section 7 (Confidentiality).
  - Services shall be provided to any applicable student through the District's Alternative to Suspension Program for Alcohol, Tobacco and Other Drugs, and/or the student/parents may elect for the student to receive the services of an approved licensed substance abuse treatment provider. See section 8 (Consequences).
- Destruction of drug testing records upon graduation or departure of the student from the school district. See 7 (Confidentiality).

POLICY 5.615

DRUG AND ALCOHOL TESTING OF STUDENT ATHLETES

- 1  
2  
3 1. Findings and Purpose.-- Although the School Board desires that no student use  
4 or possess alcohol and illegal or performance enhancing drugs, we recognize that  
5 a number of students in the School District and throughout our nation are involved  
6 in the illegal use of drugs and alcohol. Such illegal use of drugs and alcohol by  
7 students, during school hours and at other times, continues to have a direct  
8 detrimental impact upon students' behavior, academic performance and safety and  
9 may cause permanent physical and mental harm. The School Board also finds that  
10 some students who participate in interscholastic athletics and who are popular role  
11 models among their peers at school are also involved in the illegal use of drugs  
12 and alcohol. Student athletes involved in such conduct will also experience other  
13 harmful affects including but not limited to: interference with athletic and academic  
14 performances, which affects athletic eligibility; increased risk of injury to  
15 themselves and to their teammates, athletic opponents or others with whom they  
16 participate in athletic events; impairment of judgment; decrease of reaction time  
17 and reflexes; inability to adequately perceive pain; and reduction of motivation and  
18 level of discipline necessary to any athletic program.
- 19 a. State and federal laws authorize school districts to conduct drug testing of  
20 student athletes, as the participation in school-sponsored interscholastic  
21 athletics is a privilege. Students who participate in athletics are representing  
22 the school district and the community. Accordingly, students electing to  
23 participate in athletics have a responsibility to themselves, their fellow  
24 students, their parents and their school to set the highest possible example of  
25 conduct, sportsmanship, and training, which includes avoiding the use or  
26 possession of controlled substances, the unauthorized use of prescription  
27 medication and/or illegal drugs.
- 28 b. In order to accomplish its purposes, this Policy establishes a program of  
29 education and counseling to deter the unlawful use of alcohol and other drugs  
30 and provides for the suspension or termination of participation in  
31 interscholastic athletics when deterrence is unsuccessful. [The education and](#)  
32 [counseling program shall consist of an overview of the harmful effects of drugs](#)  
33 [on student athletes, the process of interventions and the intervention services](#)  
34 [available to youth and their families in the community.](#) To determine  
35 compliance with the Policy, a testing program is provided to identify student  
36 participants who are unlawfully using alcohol and other drugs. For these  
37 students, the Policy provides incentives for rehabilitation through possible  
38 reinstatement to the designated interscholastic athletic activity.
- 39 c. Based upon the above factors, the School Board has a vital interest in  
40 maintaining a positive learning environment that is safe and healthy for all of

41 its students and to deter the illegal use of drugs and alcohol by student  
42 athletes. For the safety, health and well being of student athletes, this Policy is  
43 for all participants in interscholastic athletics in grades 9-12. The purposes of  
44 this Policy include:

- 45 i. to provide for the health and safety of student athletes;
- 46 ii. to educate student athletes concerning the problems and detrimental  
47 effects of illegal drug and alcohol use;
- 48 iii. to prevent injury, illness, and harm for student athletes that may arise as a  
49 result from illegal drug use;
- 50 iv. to establish standards of conduct for District student athletes, with the  
51 goal of eliminating alcohol or drug use by student athletes;
- 52 v. to identify those student athletes who may be misusing drugs and alcohol  
53 and identify those substances being used, to encourage and facilitate  
54 appropriate intervention counseling and treatment for any identified drug  
55 and alcohol use and provide reasonable assurances that students  
56 wishing to participate in interscholastic athletics are medically and  
57 physically competent to do so;
- 58 vi. to encourage any student athlete with a dependence on, or addiction to,  
59 alcohol or other drugs to seek help in overcoming the problem;
- 60 vii. to work cooperatively with parents by assisting them in keeping their  
61 children free from drug and alcohol abuse; and
- 62 viii. to protect the reputation of the school system and its students.

63 2. **Applicability of Policy**

- 64 a. This Policy applies to all students who choose to participate in interscholastic  
65 athletics in the School District.
- 66 b. No student shall be penalized academically for testing positive for alcohol or  
67 drugs pursuant to this Policy.
- 68 c. Confidentiality of the drug and alcohol test results shall be maintained at all  
69 times. Such results and information obtained in the course of administering  
70 this Policy shall not be utilized by the School District for disciplinary purposes  
71 other than as set forth in this Policy.

- 72 d. This Policy is not designed to be used, nor shall it voluntarily be used, in any  
73 manner to provide a source of information for law enforcement agencies or for  
74 the prosecution of the student. Without specific authorization from the student  
75 athlete or parent/guardian if the student is not of legal age, the Principal or  
76 designee shall not release test results of any student athlete to any person  
77 other than as required by law or by a lawfully issued subpoena or court order.
- 78 e. In order to accomplish its purposes, this Policy establishes a program of  
79 education and counseling for principals, athletic directors, coaches and  
80 student athletes to deter the illegal use of drugs and alcohol and provides for  
81 the suspension or termination of participation in interscholastic athletics when  
82 deterrence is unsuccessful. To determine compliance with this Policy, a testing  
83 program is provided to identify student athletes who are unlawfully using drugs  
84 and alcohol. For these students, the Policy provides incentives for  
85 rehabilitation through possible reinstatement to the designated interscholastic  
86 athletic activity.
- 87 3. **Effective Date.**-- This Policy shall become effective as a pilot project at the  
88 beginning of the second semester of the 2009/2010 school year and shall be  
89 initiated in Fall 2010 at all Palm Beach County public high schools with  
90 interscholastic athletics programs. All student athletes shall review an overview of  
91 the drug testing protocol prior to the initiation of the season.
- 92 4. **Definitions.**-- For purposes of this Policy, the following terms and phrases shall be  
93 defined as follows:
- 94 a. Alcohol means any beverage, mixture or preparation, including any  
95 medications or other products, containing alcohol or ethanol.
- 96 b. Chain of custody refers to the methodology of tracking specified materials or  
97 substances for the purpose of maintaining control and accountability from  
98 initial collection to final disposition for all such materials or substances and  
99 providing for accountability at each stage in handling, testing and storing  
100 specimens and reporting test results.
- 101 c. Confirmation test, confirmed test, confirmed drug test means a second  
102 analytical procedure used to identify the presence of a specific drug or  
103 metabolite in a specimen, which test must be different in scientific principle  
104 from that of the initial test procedure and must be capable of providing  
105 requisite specificity, sensitivity, and quantitative accuracy.
- 106 d. Drugs mean any substances or drugs identified in Schedules I through V of 21  
107 United States Code Section 202 (Controlled Substances Act) and as further  
108 defined by 21 CFR 1300.11 through 1300.15 and Section 893.03, Florida

- 109           Statutes, and shall include, without limitation, cannabinoids (marijuana),  
110           amphetamines, benzodiazepines, ethanol (alcohol), cocaine, opiates, and  
111           Propoxyphene.
- 112           e.   Medical Review Officer or "MRO" is a licensed physician who has agreed to  
113           provide services for the purpose of reviewing drug test results and  
114           communicating with the parents/legal guardian and the student athlete  
115           concerning any positive drug test result as more specifically described herein.
- 116           f.   Parent shall mean the parent(s) or legal guardian(s) of a student athlete.
- 117           g.   Performance-enhancing drugs include anabolic steroids and other natural or  
118           synthetic substance use to increase muscle mass, strength, endurance, speed  
119           or other athletic ability. The term does not include dietary or nutritional  
120           supplements such as vitamins, minerals and protein which can be lawfully  
121           purchased in over-the-counter transactions.
- 122           h.   Positive test results refer to a drug test administered pursuant to this Policy will  
123           be deemed to have rendered a positive result indicating the presence of a  
124           prescription drug used without medical authorization, an illegal or performance  
125           drug as determined by an initial laboratory analysis followed by a confirmation  
126           analysis of the remaining portion of a split sample.
- 127           i.   Random selection basis means a mechanism for selecting student athletes for  
128           drug testing that:
- 129                   i.   results in an equal probability that any student from a group of students  
130                   (pool) subject to the selection mechanism will be selected, and
- 131                   ii.   does not give the School District discretion to waive the selection of any  
132                   student athlete selected under the mechanism.
- 133           j.   Student athletes are any high school students enrolled in the School District  
134           who are participating in or applying for participation in any interscholastic  
135           athletic program or any student who has participated in any interscholastic  
136           athletic program during the current or during the prior school year as indicated  
137           by the Florida High School Athletic Association rolls, including practices and  
138           contests under the control and jurisdiction of the School District.
- 139           5.   Policy. -- It is the policy of the School Board that any student who participates in  
140           interscholastic athletics shall be subject to drug testing in accordance with this  
141           Policy.
- 142           a.   Standard of Conduct for Student Athletes.-- The use or possession of a drug,

143 as defined herein, by a student athlete at any time is both illegal and  
144 detrimental to that student athlete's ability to participate in interscholastic  
145 athletics and is hereby prohibited. Any student athlete determined to be in  
146 violation of this Policy is subject to the intervention measures and disciplinary  
147 action related to his or her participating in interscholastic athletics, which may  
148 include suspension or removal from athletic participation as provided herein.

- 149 b. Student Code of Student Conduct.-- Nothing contained in this Policy for drug  
150 testing for student athletes shall be construed to limit the application and  
151 enforcement of the Student Code of Conduct, including all of its provisions  
152 pertaining to drugs and alcohol use discovered by means, observations,  
153 events or actions not administered or taken pursuant to this Policy.

154 6. **Drug Testing Procedures**

- 155 a. Consent Form.-- Each student athlete shall be provided with a copy of the  
156 "Student Athlete Drug and Alcohol Testing Consent Form" which shall be  
157 read, signed and dated by the student athlete and the parent or legal guardian  
158 before such student shall be eligible to practice or participate in any  
159 interscholastic athletics. Such consent form shall be completed by student  
160 athletic participants each school year. The consent form requires the student  
161 athlete to provide a urine sample: (a) when the student athlete is selected by  
162 the random selection basis to provide a urine sample; and (b) at any time the  
163 head coach believes there is reasonable suspicion to test for illegal or  
164 performance-enhancing drugs. No student shall be allowed to practice or  
165 participate in any extracurricular activities involving interscholastic athletics  
166 unless the student has returned the properly signed "Student Athlete Drug  
167 and Alcohol Testing Consent Form."

- 168 b. Orientation Session.-- Each year prior to the commencement of practice  
169 sessions for the interscholastic athletic activity, an orientation session will be  
170 held with the student athletes. [The purpose of this session shall be to inform](#)  
171 [students on the physical consequences of using drugs and alcohol during](#)  
172 [athletic activity, the impact on performance and the potential physical](#)  
173 [consequences of drug and alcohol use. This orientation session shall also](#)  
174 educate them about the Policy and the sample collection process, privacy  
175 arrangements and drug testing procedures. At such session, each student  
176 athlete shall be provided a copy of this Policy. The Department of Safe  
177 Schools in conjunction with the head coach of the interscholastic athletic  
178 activity shall be responsible for the orientation session and explaining the  
179 Policy, and for preparing an educational presentation to acquaint the student  
180 athlete with the harmful consequences of drug and alcohol use and abuse.

- 181 c. Random Drug Testing Process
- 182 i. A confidential testing schedule shall be devised by the testing coordinator  
183 approved and authorized by the School District. Drug testing of student  
184 athletes shall occur monthly throughout the school year where such  
185 athletes shall be selected at random using a numerical selection process  
186 where each student athlete's name and identity remain confidential  
187 throughout the testing and reporting of results to the school. Retesting of  
188 student athletes following a first offense or first positive drug test result  
189 shall occur as specified in paragraph (6)(g) below.
- 190 ii. Group Size.-- A total of five (5) students from each high school shall be  
191 randomly selected for testing each month, to allow specimen collections  
192 to be carried out quickly, and to minimize the student's loss of class time  
193 during the testing process. Upon selection of the student athletes, the  
194 testing coordinator and the school administrator designated by the  
195 principal shall ensure, without exception, that the selected student athlete  
196 is tested. It shall be the responsibility of the testing coordinator and the  
197 school administrator designated by the principal to ensure that all  
198 students on the athletic activity roster have submitted the consent form.
- 199 d. Sample Collection Procedure.-- Those student athletes who are selected for  
200 drug testing shall be required to produce a urine sample under the supervision  
201 of such person or vendor authorized by the School District and school  
202 administrator designated by the principal in a manner which will minimize  
203 intrusiveness and embarrassment to the student athlete while also insuring  
204 that there is no tampering with the urine sample by the student athletes or  
205 others. Male student athletes shall be required to produce a urine sample at a  
206 restroom urinal while being observed from behind by a male lab technician or  
207 school administrator designated by the principal. Female student athletes shall  
208 be required to produce a urine sample while in a restroom stall while a female  
209 lab technician or female school administrator designated by the principal  
210 remains outside the stall. The monitor shall not observe the student while the  
211 specimen is being produced, but the monitor shall be present outside of the  
212 stall to guard against tampered specimens and to insure an accurate chain of  
213 custody. Each urine sample container will be checked for appropriate  
214 temperature and for any signs of tampering and will be sealed and labeled  
215 with a number or other means of identification which does not disclose the  
216 student athlete's name.
- 217 e. Sample Analysis Procedures.-- The sealed urine sample containers will be  
218 delivered to the testing laboratory through a verifiable chain of custody. A



219 portion of the urine sample will then be analyzed. If that initial analysis renders  
220 a negative result, then no further analysis will be conducted. If the initial  
221 analysis renders a positive result, then a second analysis of the remaining  
222 portion of the urine sample will be conducted for the purpose of confirmation of  
223 the positive result. If such confirmation analysis renders a negative result, then  
224 the drug test will be deemed negative and no further analysis or action will be  
225 taken. If the confirmation analysis renders a positive result, then the drug test  
226 result will be deemed positive and a report of such results will be delivered to  
227 the Medical Review Officer bearing only a number to identify the student  
228 without the student's name appearing on that report.

229 f. Medication.-- Student athletes who test positive for drugs and who are or have  
230 been taking prescription or non-prescription medication shall disclose that fact  
231 and provide verification (as by a copy of the prescription or by a physician's  
232 written authorization) at the request of the Medical Review Officer.

233 g. Medical Review Officer's Review.-- The Medical Review Officer ("MRO") will  
234 receive all reports of positive drug test results and will be supplied with  
235 information to determine the correct name of the student athlete whose  
236 identifying number appears on each positive test result report. The MRO shall  
237 have knowledge of substance abuse disorders and appropriate medical  
238 training to interpret and evaluate a student athlete's confirmed positive drug  
239 test result, together with his or her medical history or any other relevant  
240 biomedical information that the student athlete or his or her parents wish to  
241 provide. Prior to verifying a positive drug test result, the MRO shall contact the  
242 student athlete whose name coincides with the identifying number on the  
243 positive drug test report and that student athlete's parents to afford them the  
244 opportunity to confidentially discuss the test result with the MRO and provide  
245 the MRO with the student athlete's medical history and any other relevant  
246 biomedical information that would assist the MRO in determining whether he  
247 or she should verify the drug test result as positive or deem that result to be  
248 negative. If the MRO determines that the test result should be deemed  
249 negative, then no further action shall be taken and the student athlete's test  
250 result along with all other previous negative test results will be reported to the  
251 school principal as a negative result. If the MRO verifies that a positive drug  
252 test result as reported by the laboratory is indeed positive, then the MRO shall  
253 submit a report of that positive drug test result to the student athlete's school  
254 principal identifying that student athlete by name. If the student athlete is 18  
255 years of age or will turn 18 years of age during the sports season, the student  
256 must agree to release all test results to the student's parent(s) or legal  
257 guardian(s).

258 h. Positive Test Conference.-- In the event of a positive test result, the principal,

259 or designee shall schedule a conference with the student and the student's  
260 parent(s) or legal guardian(s) to discuss the test results and to advise the  
261 student athlete and parent(s) or guardian(s) of the consequences and the  
262 procedural rights under this Policy. [The principal shall also provide a list of](#)  
263 [available resources within the community available at publicly funded agencies](#)  
264 [as well as a list of those medical insurance carriers providing substance abuse](#)  
265 [services. Parents have the option to choose the medical provider covered by](#)  
266 [their insurance as long as that provider is licensed by the local Substance](#)  
267 [Abuse and Mental Health office to provide such services.](#)

268 i. *Retesting.* -- Retesting of student athletes who are on probation because of  
269 a previous positive drug test or other violation of this Policy shall be processed  
270 in the manner described above.

271 7. **Confidentiality.**-- The School District respects the privacy of its students and shall  
272 maintain confidentiality regarding any drug testing of athletes pursuant to this  
273 Policy. All tests, records and subsequent actions shall be kept by the principal,  
274 secured in a locked file and maintained separately from the student's regular  
275 educational file and in a secured area. Employees will not release records of drug  
276 tests or any resulting action to anyone other than the student and/or his or her  
277 parent or guardian without written authorization from the student and/or his or her  
278 parent or guardian. Such records and files of the student athlete shall be destroyed  
279 upon the student's graduation, or if no longer a student, upon the student's  
280 projected graduation. Information on a verified positive test will be shared with only  
281 the principal, coaches or personnel who "have a need to know". Under no  
282 circumstances will results from a drug use test under this Policy be turned over to  
283 law enforcement authorities, absent a court order or lawfully issued subpoena.

284 8. **Consequences.** --Any student athlete whose drug test administered pursuant to  
285 this Policy renders a positive test result or who otherwise violates this Policy shall  
286 be punished as follows:

287 a. *First Offense or First Positive Drug Test Result.*-- For a first positive drug  
288 test result, the student athlete shall be suspended for a period of ten (10) days  
289 from participation in all interscholastic athletic activities. However, the student  
290 athlete shall continue attending the school in which he or she is regularly  
291 enrolled, and, shall be allowed to resume practice and participation in  
292 interscholastic athletics under a probationary status after the ten (10) day  
293 suspension period provided the student complies with or has complied with the  
294 following conditions:

295 i. *Condition 1.*-- As a condition of probation the student athlete shall attend  
296 the District's Alternative to Suspension Program for Alcohol, Tobacco and  
297 Other Drugs, or elect to receive the services of an approved licensed

298 substance abuse treatment provider approved by the Chief of Safety and  
299 Learning Environment, and licensed by the local Substance Abuse and  
300 Mental Health Office and be required to comply with all recommendations  
301 of the MRO resulting from the student's drug assessment and evaluation.  
302 Information on available resources shall be posted in the Main Office of  
303 the school, the athletic director's office, shall be included in application  
304 packet for all interscholastic athletics and shall be posted on the district's  
305 website. Upon the student's presentation of documentation that s/he has  
306 commenced the recommendations, the student athlete may return to  
307 team play if cleared by the MRO pending a second drug test.~~s~~  
308 ~~probationary status shall terminate.~~ If a student terminates active  
309 participation in the recommendations, he or she is no longer eligible to  
310 participate in school athletics for the remainder of the current sports  
311 season and may not participate in any future school athletics until all  
312 recommendations are complied with and completed;

313 ii. Condition 2.-- As a condition of probation the student athlete will be  
314 subject to recurring drug tests at times that would not be previously  
315 disclosed to the student athlete to deter the student athlete from  
316 committing a subsequent violation of this Policy.

317 b. Subsequent Offense or Subsequent Positive Drug Test Results.-- Upon a  
318 determination that a student athlete is guilty of a second or subsequent  
319 violation of this Policy or has a second or subsequent positive drug test result,  
320 the student athlete shall be prohibited from participation in all interscholastic  
321 athletics one full calendar year following the end of the athletic season during  
322 which the second offense or second positive drug test occurs. For example, if  
323 a basketball player has a second positive drug test result during the middle of  
324 the basketball season, he or she would be prohibited from participating in  
325 basketball and any other interscholastic athletics for the remainder of that  
326 basketball season and for one full calendar year thereafter. In addition, the  
327 student athlete must attend and complete the District's Alternative to  
328 Suspension Program for Alcohol, Tobacco and Other Drugs, or elect to receive  
329 the services of an approved licensed substance abuse treatment provider  
330 approved by the Chief of Safety and Learning Environment and the local  
331 Substance Abuse and Mental Health Office, and be required to comply with all  
332 recommendations resulting from the student's drug assessment and  
333 evaluation.

334 c. Adulteration of Sample.-- A student athlete who knowingly attempts to alter,  
335 adulterate, dilute or in any way manipulate a urine sample to change the  
336 outcome of the test results, shall be prohibited from participation in all  
337 interscholastic athletics for one full calendar year following the end of the

338 athletic season

339 d. Refusal to Be Drug-Tested.-- A student athlete who declines or refuses to  
340 submit to a drug test as required under the provisions of this Policy or  
341 intentionally fails to report to the prescribed place at the prescribed time to be  
342 drug tested shall be prohibited from participation in all interscholastic athletics  
343 for one full calendar year following the end of the athletic season.

344 9. **Appeal Procedures.--** In addition to the opportunity afforded to the student athlete  
345 and his or her parents to discuss that student athlete's confirmed positive drug test  
346 result with the MRO, a student athlete whose positive test result has been verified  
347 and forwarded by the MRO to the school principal for the imposition of  
348 consequences as provided herein shall be entitled to procedural due process as  
349 follows:

350 a. Notice.-- The principal or his or her designee shall notify the student athlete  
351 and his or her parent that the student athlete's positive drug test result has  
352 been verified by the MRO or that the student athlete has otherwise violated  
353 this Policy, describe the disciplinary action to be taken and advise the student  
354 athlete and his or her parents of their right to schedule a due process hearing.  
355 The student, or the student's parent(s) or legal guardian(s), may contest the  
356 test result by informing the principal within 48 hours of notice of the positive  
357 test results and consequences imposed on the student.

358 b. Hearing.-- If requested by the student athlete or his or her parents, the  
359 principal shall conduct a hearing within a reasonable period of time following  
360 notification to the student athlete and parents of the notice described in  
361 paragraph A above. The student athlete and parent must attend the hearing  
362 and may provide evidence and call upon witnesses or submit written  
363 statements, as they deem appropriate. The principal shall render a decision  
364 and provide the student athlete and parent with a written record of that  
365 decision at the hearing or within five (5) days of the hearing. The principal's  
366 decision shall be final and shall not be subject to any further administrative  
367 appeal.

368 10. **Consent**

369 **School District of Palm Beach County, Florida**  
370 **Student Athlete Drug and Alcohol Testing Consent Form**

371 a. **Statement of Purpose and Intent**

372 i. Participation in school-sponsored interscholastic athletic activities at the  
373 School District is a privilege. Student athletes carry a responsibility to

374 themselves, their fellow student athletes, their parents, and their school to  
375 set the highest possible examples of conduct, which includes avoiding the  
376 use or possession of illegal drugs or alcohol.

377 ii. Drug use of any kind is incompatible with participation in interscholastic  
378 athletic activities on behalf of the School District of Palm Beach County  
379 (School District). For the safety, health, and well being of the student of  
380 the School District, the School Board has adopted the attached Student  
381 Athlete Drug and Alcohol Testing Policy, School Board Policy 5.615, and  
382 this consent for use by all student athletes in grades 9-12.

383 b. **Participation in Interscholastic Athletic Activities.--** Each student athlete,  
384 or student desiring to become an athlete, shall be provided with a copy of the  
385 above drug testing policy and this consent form which shall be read, signed  
386 and dated by the student and parent or legal guardian before such student  
387 shall be eligible to practice or participate in any interscholastic athletic  
388 activities. The consent shall be to provide a urine sample: a) as chosen by a  
389 random selection process; or b) at any time requested based upon reasonable  
390 suspicion to be tested for illegal or performance-enhancing drugs or alcohol.  
391 No student shall be allowed to practice or participate in any athletic activity  
392 governed by the policy unless the student has returned the properly signed  
393 Student Athlete Drug and Alcohol Testing Consent Form.

394 c. **Student's Consent.--** I, \_\_\_\_\_ (print name of  
395 student), have read the "Drug and Alcohol Testing of Student Athletes Policy"  
396 and the "Student Athlete Drug and Alcohol Testing Consent", and I understand  
397 that, out of care for my safety and health and the health and safety of others,  
398 the School District enforces its rules applying to the consumption of illegal  
399 drugs and alcohol. As a student participating in a school-sponsored  
400 interscholastic athletic activity, I realize that the personal decision that I make  
401 daily about the use of illegal drugs and/or alcohol may adversely affect my  
402 health and well being, possibly endanger those around me, and reflect poorly  
403 upon any organization with which I am associated. If I choose to violate the  
404 School Board's policy regarding the illegal use of drugs and/or alcohol while I  
405 am involved in in-season or off-season athletic activities, I understand upon  
406 determination of that violation I will be subject to the consequences restricting  
407 my practice and participation as outlined in the Policy. I further agree that  
408 should I become 18 years of age during the sports season, my parent(s) or  
409 legal guardian(s) shall be informed of, or provided a copy of, my test results.

410 I hereby consent to have a sample of my urine collected and tested for the  
411 presence of certain drugs and alcohol in accordance with School Board Policy  
412 5.615 at such time as urinalysis testing is required under the program.

413 I further authorize a confidential release to the school principal or his or her

414 designee, and my parent(s) or legal guardian(s) all information and records,  
415 including testing results, created in accordance with the provisions of the  
416 above policy applicable to student athletes. To the extent set forth in this  
417 document, I waive any privilege I have in connection with such information.

418 \_\_\_\_\_  
419 \_\_\_\_\_  
420 Signature of Student \_\_\_\_\_ Date

421 Signature \_\_\_\_\_ of \_\_\_\_\_ the \_\_\_\_\_ Parent/Legal \_\_\_\_\_ Guardian  
422 \_\_\_\_\_

423 d. **Parental or Guardian Consent.--** I (We) have read and understand the  
424 School District's "Drug and Alcohol Testing of Student Athletes Policy" and the  
425 "Student Athlete Drug and Alcohol Testing Consent". I (We) desire that the  
426 student named above participate in the school-sponsored interscholastic  
427 athletic programs of the School District and I (we) hereby voluntarily agree to  
428 be subject to its terms. We accept the method of obtaining urine samples,  
429 testing and analysis of specimens, and all other aspects of the program. I  
430 (we) further agree and consent to the disclosure of the sampling, testing and  
431 results as provided for in the Policy, by joining in the above statement.

432 \_\_\_\_\_  
433 \_\_\_\_\_  
434 Signature of Parent /Guardian \_\_\_\_\_ (Print Name) \_\_\_\_\_ Date

435 \_\_\_\_\_  
436 \_\_\_\_\_  
437 Signature of Parent/ Guardian \_\_\_\_\_ (Print Name) \_\_\_\_\_ Date

438 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41(2); 1001.42(25); and  
439 1001.43(1)  
440 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.43(1)(a); Family Educational Rights and  
441 Privacy Act (FERPA), 20 USC 1232 (g); Confidentiality of Alcohol and Drug Abuse  
442 Patient Recordings, 42 CFR Part 2, §2.1(f)  
443 HISTORY: \_\_\_/\_\_\_2009

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.615 and finds it legally sufficient for development by the Board.

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Attorney

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Date