

Extracurricular Policy on Testing For Illegal or Performancing Enhancing Drugs

The Preston Board of Education, in an effort to protect the health and safety of its extracurricular students from the possession or use of illegal or performance enhancing drugs, thereby setting a positive example for all other students of the school district, adopts the following “Student Extracurricular Policy on Testing for illegal or Performance Enhancing Drugs.”

Statement of Purpose and Intent:

It is the desire of the Board of Education, administration and staff that every student in the school district refrain from using or possessing illegal or performance enhancing drugs. Notwithstanding this desire, the administration and Board of Education realize that their power to restrict the possession or use of illegal or performance enhancing drugs is limited. Therefore, except as provided below, the sanctions of this policy relate solely to limiting the opportunity of any student determined to be in violation of this policy to participate in extracurricular activities. **This policy is intended to supplement and complement all other policies, rules and regulations of the school district regarding possession or use of illegal or performance enhancing drugs.**

Participation in school-sponsored extracurricular activities at the school district is a privilege, not a right. Students who participate in these activities are respected by the student body and are expected to conduct themselves as good examples of behavior, sportsmanship and training. Accordingly, extracurricular students carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible example of conduct, which includes avoiding the use or possession of illegal or performance enhancing drugs.

The purpose of this policy is to prevent illegal or performance enhancing drug use, to educate students in extracurricular activities to the serious physical, mental and emotional harm caused by illegal or performance enhancing drug use, to alert these students with possible substance abuse problems to the potential harms of use, to prevent injury, illness and harm as a result of illegal or performance enhancing drug use, and to strive within the school district for an extracurricular environment free of illegal or performance enhancing drug possession and use. **This policy is not intended to be disciplinary or punitive in nature. The sanctions of this policy relate solely to limiting opportunity of any extracurricular student found to be in violation of the Policy to participate in extracurricular activities. There will be no academic sanction solely for a violation of this policy. Notwithstanding the foregoing, a student may be disciplined, including suspended out of school, if a violation of this policy also results in a violation of the school district’s Student Behavior Policy.**

Definitions:

1. “Extracurricular Activity Student” means a 7th– 12th grade member of The Preston School District sponsored extracurricular activity.
2. “School District” means Independent School District I-56 of Okmulgee County, Oklahoma, also known as The Preston School District.
3. “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 and over-the-counter drugs being used for an abusive purpose, and paraphernalia to use such drugs.
4. “Performance enhancing” drugs include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other abilities. 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.
5. “Drug use test” means a chemical test administered for the purpose of determining the presence or absence of illegal, or performance enhancing chemical substances or their metabolites in a student’s urine.
6. “Random selection basis” means a mechanism for selecting extracurricular student for drug use testing that: results in an equal probability that any extracurricular student will be subject to the selection mechanism will be selected, and does not give the school district discretion to waive the selection of any extracurricular student selected under the mechanism.
7. “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 or a performance enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug use test.
8. “Reasonable suspicion” means a suspicion based on specific personal observations concerning the appearance, speech or behavior of an extracurricular student, and reasonable inferences drawn from these observations in the light of experience. Information provided by a reliable source, if based on personal knowledge, shall constitute reasonable suspicion.
9. “Student” means all students participating in any or all extracurricular activities.

Participation and Procedures: Illegal or performance enhancing drug possession or use is incompatible with participation in extracurricular activities on behalf of the school district. For the safety, health and well being of the extracurricular students of the school district, the school district has adopted this policy for use by all participating extracurricular students at the 6th– 12th grade level. Any

extracurricular student found to be in possession of, or having used illegal or performance enhancing drugs, either by observation or drug use test, will be considered to have violated this policy.

Each extracurricular student shall be provided with a copy of this policy and the “Extracurricular Student Illegal or Performance Enhancing Drug Contract” (“The Contract”) which shall be read, signed and dated by the participating student, parent or custodial guardian and a sponsor or coach before such student shall be eligible to practice or participate in any extracurricular activity. No student shall be allowed to practice or participate in any extracurricular activity unless the student has returned the properly signed contract.

The activities director and applicable coach/sponsor shall be responsible for determining whether a violation of this policy has occurred when an observation of possession or use of illegal drug by an extracurricular student has been reported. If a violation of the policy is determined to have occurred, the activities director will contact the extracurricular student, the head coach or sponsor, the applicable principal and the parent or custodial guardian of the student and schedule a conference. At the conference, the violation of the policy will be described and the restrictions explained. In addition the activity director will solicit any explanation for the positive result and ask for doctor prescriptions of any drugs that the student was taking that might have affected the outcome of the drug use test. If the student and his/her parent or custodial guardian desires another test of the remaining portion, if any, of the specimen, the activity director will arrange for another test at the same laboratory or at another laboratory agreeable to the activity director. **Any such re-test shall be at the expense of the student and his/her parent or custodial guardian.**

The Contract for illegal or performance enhancing drug use testing shall be to provide a urine sample:

A) As part of the annual physical and/or prior to the start of the season for each activity in which an extracurricular student participates.

B) As chosen by the random selection basis.

C) At any time an extracurricular student is requested by the activities director or sponsor, based on reasonable suspicion, to be tested for illegal or performance enhancing drugs.

Drug use testing for extracurricular students will also be chosen on a random selection basis from a list of all extracurricular students. The school district will determine a number of extracurricular student names to be drawn at random to provide a urine sample for drug use testing for illegal or performance enhancing drugs.

The school district will pay all fees for any and all test with the exception of a retest as requested by students and parents.

Any drug use test required by the school district under the terms of this 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 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 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 activities director shall designate a coach or sponsor or adult person of the same sex as the student to accompany the student to a restroom or other private facility behind a closed stall. The monitor **shall not** observe the student while the specimen is being produced, but the monitor shall be present outside the stall. If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure and inform the activities director who will then determine if a new sample should be obtained. If a student is determined to have tampered with any specimen or otherwise engaged in any conduct which disrupts the testing process of any student, then the student will be deemed to have committed a second offense under this policy and the sanctions for a second offense will be imposed. 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 thirty (30) days. The medication list may be submitted to the lab in a sealed and confidential envelope.

If an 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. The second test will use the gas chromatography/mass spectroscopy technique. A specimen shall not be reported positive unless the second test utilizing the gas chromatography/mass spectrometry procedure is positive for the presence of an illegal drug or performance enhancing drug or the metabolites thereof. The unused portion, if any, of a specimen that tested positive for illegal or performance enhancing drugs shall be preserved by the laboratory for a period of six (6) months.

A student who has been determined by the activities director to be in violation of this policy 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, during which time the student will remain ineligible to participate in any extracurricular 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 policy shall be the sole and exclusive judgment and discretion of the Superintendent, which shall be final and nonappealable.

Before a student who has tested positive in an drug use test may rejoin his/her extracurricular activity after a first or second offense, such student may be required to undergo one or more additional drug use tests to determine whether the student is no longer using illegal or performance enhancing drugs. The 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 before the offense or by more recent use.

All documents created pursuant to this policy with regard to any student will be kept in a confidential folder and will never be made a part of the student's cumulative folder nor be considered a "disciplinary" record.

Violation:

Any student who is determined by observation or by drug use tests to have violated this policy shall be subject to the loss of the privilege to participate in extracurricular activities and will be offered educational and support assistance to stop using.

For the First Offense:

Suspension from participation in all scheduled extracurricular activities (including all meetings, practices, performances and games & competitions) for 15 school days. In addition, the student and parent or custodial guardian shall successfully complete a program of substance abuse education/counseling provided by the parent and recommended by the school district. This program of education/counseling must be successfully completed prior to the student being restored to eligibility. During the period of any suspension a student will report to a supervised area as determined by the principal.

For The Second Offense:

Complete suspension from participation in all extracurricular activities including all meetings, practices, performances and competition for eighteen (18) continuous and successive school weeks from the date of the determination of a violation or the report of the results of a positive drug use test under this Policy. Such suspension will extend into a succeeding school year if necessary to fulfill the suspension.

For The Third Offense:

Suspension from extracurricular activities for one school calendar year (175 days) which may go into the next school year.

Self-Referral

As an option to the consequences for a first offense only, an extracurricular student may self-refer to the activities director or a coach/sponsor before being notified of a policy violation or prior to being asked or required to submit to a drug use test. A student who self-refers will be allowed to remain active in all extracurricular activities after the following conditions have been fulfilled: a conference has been held with the student, activity director, coach/sponsor and the parent or custodial guardian of the student to discuss the policy violation; a drug use test is provided by the student that is not positive, and a participation commitment by the student and parent for four (4) hours of substance abuse education/counseling provided and funded by the parent and approved by the school. The student or parent must provide documentation of successful completion of this commitment to the activity director. A student who self-refers will, however, be considered to have committed his/her first offense under this policy. A self-referral may be used only once in a student's time in the school district.

Refusal to Submit to Drug Use Test

If, after signing the contract, a student refuses to submit to a drug test authorized under this Policy, such student shall not be eligible to participate in any extracurricular activity including meetings, practices, performances and competitions for eighteen (18) continuous and successive school weeks. Such suspension will extend into a succeeding school year if necessary to fulfill the suspension.

