

**BEGGS SCHOOL DISTRICT POLICY ON
PARKING PERMITS AND EXTRACURRICULAR
ACTIVITIES STUDENT ALCOHOL AND DRUG TESTING**

The Board of Education of the Beggs School District (the “School District”), in order to protect the health and safety of students parking on School District property or participating in extracurricular activities and to educate and direct students parking on School District property or participating in extracurricular activities away from drug and alcohol use and abuse, thereby setting an example for all other students of the School District, adopts the following Policy for testing of students who apply for and are granted a parking permit to park on School District property or who are participating in extracurricular activities for the use of illegal drugs, alcohol and performance enhancing drugs.

STATEMENT OF PURPOSE AND INTENT

1. It is the desire of the Board of Education, administration and staff that every student in the School District refrain from using or possessing alcohol and 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 alcohol and 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 park on School District property or 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 alcohol and illegal or performance enhancing drugs.
2. 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, students who participate in extracurricular activities 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 alcohol and illegal or performance enhancing drugs.

3. Parking on the property of the School District is a privilege, not a right. Students who park on School District property operate vehicles in close proximity of other students and faculty and may also have passengers in their vehicles. Because of this, the potential harm from misjudgment or impaired judgment due to alcohol or illegal drugs is great. Accordingly, students who park on School District property carry a responsibility to themselves, their fellow students and members of the public to operate their vehicles in a safe and reasonable manner which includes avoiding the use or possession of alcohol or illegal drugs. The use of alcohol and illegal drugs impairs the ability of a student to meet this responsibility.

4. The purpose of this Policy is to prevent alcohol and illegal or performance enhancing drug use, to educate students who participate in extracurricular activities or park on School District property as to the serious physical, mental and emotional harm caused by alcohol and illegal or performance enhancing drug use, to alert students participating in extracurricular activities or who park on School District property who have possible substance abuse problems to the potential harms of use, to prevent injury, illness and harm as a result of alcohol and illegal or performance enhancing drug use, and to strive within the School District for an environment free of alcohol and 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 the opportunity of any student who participates in extracurricular activities or parks on School District property and who is found to be in violation of the Policy to participate in extracurricular activities or park on School District property. 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

5. "Extracurricular" means any School District sponsored team, club, organization or activity in which student participation is not required as a part of the School District curriculum and in which students represent the School District in competitions sanctioned by the Oklahoma Secondary Schools Activities Association.
6. "Student participant" means any student participating in any competitive extracurricular activity or who parks on School District property.
7. "Student Athlete" means a 7th-12th grade member of any School District sponsored interscholastic sports team, including athletes and cheerleaders.
8. "School District Property" means any property owned or under the control of the School District.
9. "Coach/Sponsor" means any person employed by the School District to coach athletic teams of the School District, to act as a sponsor or coach of a cheerleader team of the School District, to serve as sponsor for any other extracurricular activity.

10. “Athletics” and “athletic activity” means participation by a student athlete on any athletic team or cheerleader team sponsored by the School District.

11. “In-season” means anytime during the day, night, weekends or holidays, including all time in and away from school during the entire school year for all student participants.

12. “Alcohol” means ethyl alcohol or ethanol and any alcoholic beverage and includes “low-point beer” as defined by Oklahoma law.

13. “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.

14. “Performance enhancing drugs” include 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 drugs” does not include dietary or nutritional supplements such as vitamins, minerals and proteins which can be lawfully purchased in over-the-counter transactions.

15. “Drug or alcohol use test” means a chemical test administered for the purpose of determining the presence or absence of alcohol or illegal or performance enhancing chemical substances or their metabolites in a student’s blood, bodily tissue, fluids, products, urine, breath or hair.

16. “Random selection basis” means a mechanism for selecting student participants for drug and/or alcohol use testing that:

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

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

18. “Reasonable suspicion” means a suspicion based on specific personal observations concerning the appearance, speech or behavior of a student participant 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.

19. “Games/competitions” mean regular season, tournament and playoff games/competitions and do not include practice games and scrimmages.

PARTICIPATION AND PROCEDURES

20. Alcohol and illegal or performance enhancing drug possession or use is incompatible with participation in extracurricular activities on behalf of the School District or parking on School District property. For the safety, health and well being of the student participants of the School District, the School District has adopted this Policy for use by all participating students at the 7th-12th grade level. Any student found to be in possession of, or having used alcohol or illegal or

performance enhancing drugs, either by observation or drug or alcohol use test, will be considered to have violated this Policy.

21. Each student participant shall be provided with a copy of this Policy and the “Student Participant Alcohol and Illegal or Performance Enhancing Drugs Contract (the “Contract”) which shall be read, signed and dated by the student, parent or custodial guardian and a coach/sponsor/principal before such student shall be eligible to practice or participate in any extracurricular activity or park on School District property. No student shall be allowed to practice or participate in any extracurricular activity or park on School District property unless the student has returned the properly signed Contract.

22. The principal or, in the case of student athletes only, the athletic director and applicable coach, shall be responsible for determining whether a violation of this Policy has occurred when an observation of possession or use of alcohol or illegal drug by a student participant has been reported. If a violation of the Policy is determined to have occurred by a student participant other than a student athlete, the principal will contact the student, the sponsor, in any, and the parent or custodial guardian of the student and schedule a conference. If a violation of the Policy is determined to have occurred by a student athlete, the athletic director will contact the student, the sponsor or head coach, 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.

23. The Contract for alcohol and illegal or performance enhancing drug and/or alcohol use testing shall be to provide a urine sample: a) for student athletes, as part of the annual physical examination, and for all other student participants,

either (i) prior to the start of the season for the extracurricular activity in which a student participant competes, or (ii) if the extracurricular activity has no established season, within one week after the first day of classes at the beginning of the school year or (iii) for those who park on School District property within one week after the start of classes; b) as chosen by the random selection basis; and c) at any time a student participant is requested by the principal or athletic director or by the sponsor or coach, based on reasonable suspicion, to be tested for alcohol and illegal or performance enhancing drugs.

24. All student participants shall be required to provide a urine sample for drug use testing for illegal drugs as part of the annual physical examination for student athletes and either (i) prior to the start of the season for the extracurricular activity in which a student extracurricular activities participant competes, or (ii) if the extracurricular activity has no established season, within one week after the first day of classes at the beginning of the school year or (iii) for those who park on School District property within one week after the start of classes. Student athletes who have physical examinations performed by their personal physicians must nonetheless sign the Contract and comply with all Policy requirements.

25. Drug and/or alcohol use testing for student participants will also be chosen on a random selection basis monthly from a list of all in-season student participants. The School District will determine a monthly number of student names to be drawn at random to provide a urine sample for drug and/or alcohol use testing for alcohol and/or illegal or performance enhancing drugs.

26. In addition to the drug and alcohol use tests required by paragraphs 4, 5 and 6, any student participant may be required to submit to a drug and/or alcohol use

test for alcohol or illegal or performance enhancing drugs or the metabolites thereof at any time upon reasonable suspicion.

27. The School District will set a fee charge to be collected from each student when the Contract is signed and returned to the coach or sponsor.

28. Any alcohol or 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.

29. All aspects of the alcohol or drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the student participants 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 principal or athletic director shall designate a sponsor or coach or other 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 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 is tampering with the specimen, the monitor may stop the procedure and inform the principal or athletic 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 that 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.

30. 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. If an initial alcohol use test is positive for the presence of alcohol, the initial test result will be subject to confirmation by a second test using any scientifically accepted method. The unused portion, if any, of a specimen that tested positive for alcohol or illegal or performance enhancing drugs shall be preserved by the laboratory for a period of six (6) months.

31. If the alcohol or drug use test for any student participant has a positive result, the laboratory will contact the principal or the athletic director with the results. In the case of student participants who are not athletes, the principal will contact the student, the sponsor, if any, and the parent or custodial guardian of the student and schedule a conference. In the case of student athletes, the athletic

director will contact the student, the sponsor or head coach, the applicable principal, and the parent or custodial guardian of the student and schedule a conference. At the conference, the principal or the athletic 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 alcohol or 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 principal or athletic director will arrange for another test at the same laboratory or at another laboratory agreeable to the principal or athletic director. Any such re-test shall be at the expense of the student and his/her parent or custodial guardian.

32. If the student participant asserts that the positive test results are caused by other than consumption of alcohol or an illegal or performance enhancing drug by the student, then the student will be given an opportunity to present evidence of such to the principal or to the athletic director. The School District will rely on the opinion of the original laboratory that performed the test in determining whether the positive test result was produced by other than consumption of alcohol or an illegal or performance enhancing drug.

33. A student who has been determined by the principal or the athletic 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 or park on School District property. 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.

34. Before a student participant who has tested positive in an alcohol or drug use test may rejoin his/her extracurricular activity or park on School District property after a first or second offense, such student may be required to undergo one or more additional alcohol or drug use tests to determine whether the student is no longer using alcohol or illegal or performance enhancing drugs. The student participant may be required to have a negative test prior to rejoining his/her extracurricular activity or parking on School District property. The School District will rely on the opinion of the laboratory which performed or analyzed the additional alcohol or drug use test in determining whether a positive result in the additional alcohol or drug use test was produced by alcohol or illegal or performance enhancing drugs used by the student before the offense or by more recent use.

35. 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

36. Any student who is determined by observation or by alcohol or drug use tests to have violated this Policy shall be subject to the loss of the privilege to participate in extracurricular activities or parking on School District property and offered educational and support assistance to stop using.

37. **For the First Offense:** Suspension from participation in all scheduled extracurricular activities (including all meetings, practices, performances and

games/competitions) or parking on School District property for thirty (30) school days which may be reduced by fifteen (15) school days (five (5) school days reduced for professional drug/alcohol evaluation/assessment and ten (10) school days reduced for participating in and successfully completing at least four (4) hours of substance abuse education/counseling provided by the School District or an outside agency). A student participant other than one just parking on School District property must miss a minimum of two (2) games/competitions. If the student is not competing in an extracurricular activity during any suspension period due to injury, academic ineligibility or the games or competitions for that sport or activity are finished or have not begun for that school year and, therefore, does not miss a minimum of two games/competitions during the suspension period, then the student will be required to miss the next two games/competitions after he or she returns from the injury, becomes eligible or the games or competitions resume in the following school year or begin later in the same school year. These restrictions and requirements shall begin immediately following the determination of an observed violation or the reporting of the results of a positive alcohol or drug use test. Such suspension will extend into a succeeding competition season if necessary to fulfill the suspension.

38. For the Second or Subsequent Offense (in the same school year): Complete suspension from participation in all extracurricular activities including all meetings, practices, performances and competition or parking on School District property for eighteen (18) continuous and successive school weeks from the date of the determination of a violation or the reporting of the results of a positive alcohol or drug use test under this Policy. Such suspension will extend into a succeeding school year if necessary to fulfill the suspension. Offenses shall

not accumulate from school year to school year; the eighteen (18) week suspension from participation in all extracurricular activities or parking on School District property shall come into play only when two (2) or more offenses are committed in the same school year.

39. **Self-Referral:** As an option to the consequences for a first offense only, a student may self-refer to the principal or athletic director or to a coach or sponsor before being notified of a Policy violation or prior to being asked or required to submit to an alcohol or drug use test. A student who self-refers will be allowed to remain active in all extracurricular activities and be allowed to park on School District property after the following conditions have been fulfilled: a conference has been held with the student, the principal or athletic director, the sponsor or coach, if any, and the parent or custodial guardian of the student to discuss the Policy violation; an alcohol or 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 by the school or an outside agency. Documentation of successful completion of this commitment must be provided to the principal or athletic director by the student or parent. 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 ALCOHOL OR DRUG USE TEST

If, after signing the Contract, a student participant refuses to submit to an alcohol or drug use test authorized under this Policy, such student shall not be eligible to participate in any extracurricular activities including all meetings, practice, performances and competition or park on School District property for eighteen (18) continuous and

successive school weeks. Such suspension will extend into a succeeding school year if necessary to fulfill the suspension.