

## **EXTRACURRICULAR ACTIVITIES STUDENT ALCOHOL AND DRUG TESTING**

The board of education, in order to protect the health and safety of students participating in extracurricular activities and to educate and direct students participating in extracurricular activities away from drug and alcohol use and abuse, thereby setting an example for all other students of the district, adopts the following policy for testing of students 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, administration and staff that every student in the district refrains 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 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. The purpose of this policy is to prevent alcohol and illegal or performance enhancing drug use, to educate students who participate in extracurricular activities 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 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 and who is 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

- 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 Henryetta School District.
- Student extracurricular activities participant - means any student individually or a representative team member or group in any competitive extracurricular activity or event sanctioned by the school district.
- Participant – means a 6<sup>th</sup>-12<sup>th</sup> grade member of any school district sponsored interscholastic team or event, including but not limited to athletes, cheerleaders, band members, choir members, academic teams, or any other extracurricular activity that is school sponsored.
- 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, or to serve as sponsor for any other extracurricular activity.
- Athletics and athletic activity - means participation by a student athlete on any athletic team or cheerleader team sponsored by the school district.
- 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 extracurricular activities participants.
- Alcohol - means ethyl alcohol or ethanol and any alcoholic beverage and includes "low-point beer" as defined by Oklahoma law.
- 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.
- 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.
- 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.

- o Random selection basis - means a mechanism for selecting student extracurricular activities participants for drug and/or alcohol use testing that:
  - o Results in an equal probability that any student extracurricular activity participant from a group of student extracurricular activity participants subject to the selection mechanism will be selected, and
  - o does not give the school district discretion to waive the selection of any student extracurricular activity participant selected under the mechanism.
- 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.
- Reasonable suspicion - means a suspicion based on specific personal observations concerning the appearance, speech or behavior of a student extracurricular activity participants 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.
- Games/competitions/events – mean regular season, tournament and playoff games/competitions/events sanctioned by the Henryetta School District of a non-competitive nature, and do not include practice games and scrimmages.

### Participation and Procedures

1. Alcohol and 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 student extracurricular activity participants of Henryetta sanctioned extracurricular activities in the school district; the school district has adopted this policy for use by all participating students at the 6th-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.
2. Each student that participates in a Henryetta sanctioned extracurricular activity shall be provided with a copy of this policy and the "Student Extracurricular Activity 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 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 Henryetta sanctioned extracurricular activity unless the student has returned the properly signed Contract.

3. The athletic 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 alcohol or illegal drug by a student extracurricular activity participant has been reported, or a positive test has been detected by the lab. If a violation of the policy is determined to have occurred by a student extracurricular activities participant the Athletic Director will contact the student, the coach/sponsor, 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.
4. Extracurricular Activities Participant Alcohol and Illegal or Performance Enhancing Drugs Contract will utilize testing via a urine sample:
  - A. for student athletes, as part of the annual physical examination, and for all other student extracurricular activity participants, 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;
  - B. as chosen by the random selection basis; and
  - C. at any time a student extracurricular activities 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.
5. All student extracurricular activities participants will be required to sign the Extracurricular Activities Participant Alcohol and Illegal or Performance Enhancing Drugs Contract and 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. This must be completed prior to the start of the season for the extracurricular activity in which a student extracurricular activities participant competes, or, if the extracurricular activity has no established season, within one week after the first day of Classes at the beginning of the school year. Student athletes who have physical examinations performed by their personal physicians must nonetheless sign the Extracurricular Activities Participant Alcohol and Illegal or Performance Enhancing Drugs Contract and comply with all policy requirements.
6. Drug and/or alcohol use testing for student extracurricular activities participants will also be chosen on a random selection basis weekly from a list of all in-season

student participants. The school district will determine a weekly 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.

7. In addition to the drug and alcohol use tests required by paragraphs 4, 5 and 6, any student extracurricular activities 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.
8. 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.
9. 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.
10. 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 extracurricular activities 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, athletic director or lab 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.
11. 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 an equivalent scientifically accepted method of equal or greater accuracy. A specimen shall not be reported positive unless the second test 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.

12. If the alcohol or drug use test for any student extracurricular activities participant has a positive result, the laboratory will contact the athletic director with the results. In the case of student extracurricular activities participants who are not athletes, the principal will contact the student, the sponsor, 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, 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 desire another test of the remaining portion, if any, of the specimen, or athletic director will arrange for another test at the same laboratory or at another laboratory agreeable to the athletic director or principal. Any such re-test shall be at the expense of the student and his/her parent or custodial guardian.
13. If the student extracurricular activities 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 athletic director or principal. 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.
14. A student who has been determined by the athletic director or principal 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 non-appealable.
15. Before a student extracurricular activities participant who has tested positive in an alcohol or 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 alcohol or drug use tests to determine whether the student is no longer using alcohol or illegal or performance enhancing drugs. 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. In addition, a student extracurricular activities participant who has tested positive in an alcohol or drug use test may be required to submit to one or more additional alcohol or drug use tests for up to 6 months following the date of the positive result, notwithstanding that such student has been permitted to rejoin his/her extracurricular activity.

16. 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 alcohol or drug use tests to have violated this policy shall be subject to the loss of the privilege to participate in extracurricular activities and offered educational and support assistance to stop using.

#### *For the First Offense*

Suspension from participation in 30% of the games, competitions, and/or contests allotted by the school district for the sport or activity for which the student is involved. The suspension may be reduced to 20% provided the student successfully completes at least four (4) hours of substance abuse education/counseling provided at the parent's expense. The student must also pass a physical so that a doctor clears the student and it is determined the student is okay for physical activity, also at the parent's expense. The student can continue to practice during the suspension only after the new physical is complete. The student will be required to fulfill the suspension period if the activity season is finished or has not started for that 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.

#### *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 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 shall come into play only when two (2) or more offenses are committed in the same school year.

### *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 after the following conditions have been fulfilled: a conference has been held with the student, the principal or athletic director, the sponsor or coach, 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 at the parent's expense. 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 extracurricular activities 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 for eighteen (18) continuous and successive school weeks. Such suspension will extend into a succeeding school year if necessary to fulfill the suspension.