

**STUDENT DRUG and/or ALCOHOL USE TESTING
EXTRACURRICULAR ACTIVITIES**

In accordance with the policy of the Board of Education, these regulations shall govern drug and/or alcohol use testing for students who choose to participate in Extracurricular Activities.

DEFINITIONS

1. "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.
2. "Extracurricular Activity" means all games, performances, presentations, and similar functions of an organization, club or team in which attendance and participation is expected as a part of the willing volunteer enrollment or membership in said team, club or organization.
3. "Student Participant" means any student participating in any Extracurricular Activity.
4. "Eligible Student" is one who has reached age 18.
5. "Coach/Sponsor" means any person employed by the School District to coach athletic teams of the School District or to serve as sponsor for any other Extracurricular Activity.
6. "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.
7. "Alcohol" means ethyl alcohol or ethanol and any alcoholic beverage and includes "low-point beer" as defined by Oklahoma law.
8. "Illegal drugs" means any substance that an individual may not sell, possess, use, distribute or purchase under 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.
9. "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 over-the-counter.
10. "Drug or alcohol use test" means a chemical test administered for the purpose of determining the presence or absence of alcohol or illegal drugs or performance enhancing drugs or their metabolites in a student's blood, bodily tissue, fluids, products, urine, breath or hair.
11. "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.

12. "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.

13. "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 can include unusual increases in size, strength, weight or other athletic abilities.

STATEMENT OF PURPOSE AND INTENT

The purpose of this Regulation is to define the District Policy to prevent the use of alcohol and illegal or performance enhancing drugs; to educate students who participate in Extracurricular Activities as to the serious physical, mental and emotional harm caused by the use of alcohol and illegal or performance enhancing drugs; 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 the use of alcohol and illegal or performance enhancing drugs; and to strive within the School District for an environment free of alcohol and illegal or performance enhancing drug possession and use.

PARTICIPATION AND PROCEDURES

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.

1. This Regulation is for use by all Student Participants at the 9th-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 District Policy.

2. Each Student Participant shall be provided with a copy of this Policy and Regulation and the “**Student Participant Drug and/or Alcohol Use Testing 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 Extracurricular Activity unless the student has returned the properly signed Contract.
3. The principal shall be responsible for determining whether a violation of District 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 the principal or designee will contact the student, the sponsor or coach, and the parent or custodial guardian of the student and schedule a conference. At the conference, the violation of District Policy will be described and the restrictions explained.
4. The Contract shall be to provide a urine sample for all Student Participants: a) as chosen by the random selection basis; and b) 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.
5. Drug or alcohol use testing for Student Participants will be chosen on a random selection basis monthly from a list provided by the District of all Student Participants.
6. In addition to the drug or alcohol use tests required by paragraph 5, any Student Participant may be required to submit to a drug or alcohol use test at any time upon reasonable suspicion.
7. Any drug or alcohol use test required by the School District under the terms of District 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.
8. All aspects of the drug or alcohol 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 vendor shall supply as a part of the contract an adult person of the same sex as the student to accompany the student to a restroom or other private facility behind a closed stall. This 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 designee 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 District 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.

9. 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.
10. If the drug or alcohol use test for any Student Participant has a positive result, the laboratory will contact the principal with the results. The principal will contact the student, the coach or sponsor, and the parent or custodial guardian of the student and schedule a conference. At the conference, the principal will solicit any explanation for the positive result. 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. 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. If the student and his/her parent or custodial guardian desire another test of the remaining portion, if any, of the specimen, the principal will arrange for another test at the same laboratory or at another laboratory agreeable to the principal. If the quantity of the original specimen is inadequate, another sample will be required in order to facilitate a test. **Any such re-test shall be at the expense of the student and his/her parent or custodial guardian.**
11. A student who has been determined by the principal or the athletic director to be in violation of District Policy shall have the right to appeal the decision to the superintendent or his/her designee. Such appeal must be lodged with the Superintendent's office 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 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.

12. Before a Student Participant who has tested positive in an drug or alcohol 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 or alcohol 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 drug or alcohol use test was produced by alcohol or illegal or performance enhancing drugs used by the student before the offense or by more recent use.
13. 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.
14. Any fees or charges required by this contract for testing will be paid by the District, **except for those mentioned in paragraph 10 of this Regulation.**

SANCTIONS

This District Policy is not intended to be disciplinary or punitive in nature. These sanctions relate solely to limiting the opportunity of any Student Participant who is found to be in violation of the Policy to participate in further Extracurricular Activities. There will be no academic sanction solely for a violation of this Regulation. 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. **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.**

VIOLATION

Any Student Participant who is determined by observation or by alcohol or drug use tests to have violated District 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: Immediate removal from participation in all scheduled Extracurricular Activities for 30 school days, which may be reduced to 10 days for participating in and successfully completing the required 8 hours

of “Wake Up Call”, a substance abuse education/counseling program provided by the District. If a student chooses to participate in “Wake Up Call” but fails to complete the “Wake Up Call” program as scheduled within 10 school days, this will result in immediate removal from all Extracurricular Activity participation for a period of 18 continuous school weeks. 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. These requirements and consequences may extend into a succeeding semester if necessary.

For the Second or Subsequent Offense (in the same school year): Complete removal from participation in all Extracurricular Activities 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 District Policy. Such removal may extend into a succeeding school year. Offenses shall not accumulate from school year to school year; the eighteen (18) week removal from participation in all Extracurricular Activities shall come into play only when two (2) or more offenses are committed in the same school year.

A student in violation of this Policy for a second time in the same school year, is referred to the Safe and Drug Free Schools Program for further evaluation and counseling.

Self-Referral: As an option to the consequences for a first offense only, a student may self-refer to the Principal, school counselor, athletic director or a coach or sponsor before being notified of a violation or prior to being asked or required to submit to an drug or alcohol use test. A student who self-refers will be allowed to remain active in all Extracurricular Activities while meeting the following conditions in a timely manner: a conference has been held with the student, the principal, athletic director, the sponsor or coach, and the parent or custodial guardian of the student to discuss the 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 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 DRUG OR ALCOHOL USE TEST

If, after signing the Contract, a Student Participant refuses to submit to a drug or alcohol use test authorized under District Policy, such student shall not be eligible to participate in any Extracurricular Activities for eighteen (18) continuous and successive school weeks. Such removal may extend into a succeeding school year if necessary.

REFERENCE: Policy FIEE, STUDENT DRUG and/or ALCOHOL USE TESTING

We have read and understand the Policy definitions and this Contract. We desire that the student named above participate in the Extracurricular Activities of the Bartlesville School District and we hereby agree to abide by all provisions of the Board of Education's Policy. We accept and consent to the method of obtaining urine samples, testing and analyses of such specimens, and all other aspects of the program. We agree to cooperate in furnishing urine specimens that may be required from time to time. We further agree and consent to the disclosure of the sampling, testing and results as provided for in this program. This consent is given pursuant to all State and Federal Privacy Statutes and is a waiver of rights to non-disclosure of such test records and results only to the extent of the disclosures authorized in the program.

_____/_____

Signature of Parent/Custodial Guardian or Eligible Student Date

[If the student is 18 years or older, he/she must also sign at this line in addition to the line above.]

PLEASE OBTAIN THE SIGNATURE OF ANY SPONSOR OR COACH OF AN EXTRACURRICULAR ACTIVITY IN WHICH YOU ARE INVOLVED:

_____/_____

Signature of Sponsor/Coach date Team/Extracurricular Activity