

F. 41 EXTRACURRICULAR STUDENT ACTIVITIES POLICY ON TESTING FOR ILLEGAL OR PERFORMANCE ENHANCING DRUGS

The Hilldale Board of Education acknowledges that students participating in extracurricular activities set an example for all other students of the school district. In an effort to protect the health and safety of its students participating in extracurricular activities and to educate and direct these students away from drug and alcohol abuse, the Board of Education 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 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 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.

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.

2. 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, 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 students 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:

1. "Extracurricular" means any School District sponsored team, club, organization or activity in which student participation is not required as part of the school district curriculum and/or is sanctioned by the Oklahoma Secondary Schools Activities Association (OSSAA).
2. "Student extracurricular activities participant" means any student participating in any OSSAA extracurricular activity as defined above.
3. "Student Athlete" means a 7th-12th grade member of any school district sponsored interscholastic sports team, including athletes and cheerleaders.

4. "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.
5. "Athletics" and "athletic activity" means participation by a student athlete on any athletic team or cheerleader team sponsored by the school district.
6. "School District" means Independent School District No. 29 of Muskogee County, Oklahoma, also known as the Hilldale School District.
7. "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.
8. "Alcohol" means ethyl alcohol or ethanol and any alcoholic beverage and includes "low-point beer" as defined by Oklahoma law.
9. "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, paraphernalia to use such drugs, mood altering substances such as paint, glue, aerosol sprays and similar substances, and mate coca (also known as mate de coca and Eritroxilecea coca), whether ingested in the form of coca tea or otherwise and which can produce a positive result for cocaine in a drug use test.
10. "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.
11. "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.
12. "Random selection basis" means a mechanism for selecting students who participate in extracurricular activities for drug and/or alcohol use testing that:
 - a. 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
 - b. does not give the school district discretion to waive the selection of any student extracurricular activity participant selected under the mechanism.
13. "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 (as defined herein) or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug or alcohol use test.
14. "Reasonable suspicion" means a suspicion based on specific personal observations concerning the

appearance, speech or behavior of a student who participates in extracurricular activities 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.

15. "Games/competitions" mean regular season, tournament, and playoff games/competitions/performances and do not include practices, practice games or rehearsals. Additional games/competitions/performances may not be scheduled to alter the regular season.

Participation and Procedures:

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 participant 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 alcohol or drug use test, will be considered to have violated this policy.

Each student who participates in extracurricular activities 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 extracurricular activity unless the student has returned the properly signed contract.

The Principal and applicable coach or 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. If a violation of the policy is determined to have occurred, the Principal or Athletic Director will notify the Superintendent of the positive test and will then 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 violation of the policy will be described and the restrictions explained.

The contract for alcohol and illegal or performance enhancing drug use testing shall be to provide a urine sample: a) as part of the annual physical for student athletes and for all other student extracurricular activity participants within two weeks after the first day of classes at the beginning of the school year or upon enrollment in the district; 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 or illegal or performance enhancing drugs. All drug use testing shall be conducted by a laboratory designated by the school district.

Student participants who have physical examinations performed by their personal physicians must nonetheless sign the contract and comply with all policy requirements, including a drug test at a lab designated by the school.

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

In addition to the drug or alcohol use test required by above paragraphs, any student extracurricular activities participant may be required to submit to a drug and/or alcohol use test for illegal or performance enhancing drugs or the metabolites thereof at any time upon reasonable suspicion.

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.

Any drug or alcohol 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 alcohol or drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of student extracurricular activities participant 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 coach, sponsor, or other adult person of the same sex as the student extracurricular activities participant 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 lab personnel 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 or lab personnel 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 which disrupts the testing process of any student, then the student extracurricular activities participant will be deemed to have committed an offense under this policy and the sanctions for the next offense will be imposed. The monitor or lab personnel 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 alcohol or 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 alcohol or illegal or performance enhancing drugs shall be preserved by the laboratory for a period of six (6) months.

If the alcohol or drug use test for any student extracurricular activities participants has a positive result, the laboratory will contact the Principal or Athletic Director with the results. The Principal or Athletic Director will notify the Superintendent of the positive test. The Principal or Athletic Director will then 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 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 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 school district. Any such re-test shall be at the expense of the student

and his/her parent or custodial guardian. If the student extracurricular activities participants 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 district. The school district will rely on the opinion of the original laboratory which 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.

A student extracurricular activities participant who has been determined by the Principal or 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 extracurricular activities participant 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 extracurricular activities participant who has tested positive in an alcohol or drug use test may rejoin his/her extracurricular activity after a first, second or third offense, such student extracurricular activities participant 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 extracurricular activities participant before the offense or by more recent use.

All documents created pursuant to this policy with regard to any student extracurricular activities participant 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 education and assistance to discontinue the use of substances.

Refusal to Submit to 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 according to the number of violations previously committed by the student. Such suspension will extend into a succeeding season or school year if necessary to fulfill the suspension. In addition, the student extracurricular activities participant and parent or custodial guardian shall successfully complete the violation requirements of the offense.

For the First Offense:

Suspension from participation in all scheduled extracurricular meetings, practices, performances, games or competitions for 15 school days, which will begin 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. In addition, the student extracurricular activities participant and parent or custodial guardian shall provide documentation of beginning a district approved program of substance abuse education/counseling for a minimum of four (4) hours provided by the school district and/or approved by the school district. This program of education/ counseling must be successfully

completed within six weeks to be fully restored to eligibility. The student will also be required to miss a minimum of two games/competitions/OSSAA sanctioned events. (If the student extracurricular activities participant is not competing in 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 season or school year if necessary to fulfill the suspension. The student may not attend as an observer in meetings, practices, performances and competitions. Before returning to participate in the activity, the student must submit to and show indicators of discontinued use of any illegal substance on a drug test at a school contracted lab. The cost of testing and counseling will be paid by the student and/or his/her parent/guardian.

Self-Referral:

As an option to the consequences for a first offense only, a student extracurricular activities participant may self-refer to the Principal or Athletic Director or a coach or a sponsor before being notified of a policy violation or prior to being asked or required to submit to an alcohol or drug use test. No self-referral will be accepted for the baseline testing each summer. A student who self-refers will follow all requirements of a first offense and will not return to participate until all conditions have been fulfilled: (1) a conference has been held with the student, Principal or Athletic Director, coach or sponsor, and the parent or custodial guardian of the student to discuss the policy violation; (2) an alcohol or drug use test is provided by the student that indicates discontinued substance use, and (3) a participation commitment by the student and parent for four (4) hours of substance abuse education/counseling provided by the school district and/or approved by the school district. The student or parent must provide documentation of successful completion of this commitment to the Principal or Athletic Director. A student who self-refers will 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.

For the Second Offense:

The second offense will result in removal from OSSAA approved activities, performances, games, and competitions for a total of ninety (90) school days. Complete suspension from participation in OSSAA extracurricular activities for ninety (90) school days will begin 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. During this time, the student will successfully complete a program of substance abuse education/counseling for a minimum of six (6) hours (in addition to that required under the first offense) provided by the school district and/or approved by the school district. The student may not attend as an observer in meetings, practices, performances and competitions. While under the ninety (90) school day removal for extracurricular activities, the student must submit to and show indicators of discontinued use of any illegal substance on at least two drug tests at a school contracted lab. The cost of testing and counseling will be paid by the student and/or his/her parent/guardian. Upon completion of the ninety (90) school days, the required substance abuse education, and two drug tests through the school contracted lab indicating discontinued use of any illegal substance, the student may resume as a participant in extracurricular activities. Such suspension will extend into a succeeding season or school year if necessary to fulfill the suspension.

For the Third Offense:

The third offense will result in removal from OSSAA approved activities, performances, games, and competitions for a total of one hundred and eighty (180) school days. Complete suspension from

participation in OSSAA extracurricular activities for one hundred and eighty (180) school days will begin 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. During this time, the student will successfully complete a program of substance abuse education/counseling for a minimum of ten (10) hours (in addition to that required under the first and second offense) provided by the school district and/or approved by the school district. The student may not attend as an observer in meetings, practices, performances and competitions. While under the one hundred and eighty (180) school day removal for extracurricular activities, the student must submit to and show indicators of discontinued use of any illegal substance on at least two drug tests at a school contracted lab. The cost of testing and counseling will be paid by the student and/or his/her parent/guardian. Upon completion of the one hundred and eighty (180) school days, the required substance abuse education, and two drug tests through the school contracted lab indicating discontinued use of any illegal substance, the student may resume as a participant in extracurricular activities. Such suspension will extend into a succeeding season or school year if necessary to fulfill the suspension.

For the Fourth Offense:

Suspension from OSSAA extracurricular activities for the remainder of the student's school career.

Participation & Procedures:

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, second or third offense, such student extracurricular activities participant 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 extracurricular activities participant 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 a year following the date of the positive result, notwithstanding that such student has been permitted to rejoin his/her extracurricular activity.

HILLDALE SCHOOL DISTRICT STUDENT EXTRACURRICULAR PARTICIPANT

ALCOHOL AND ILLEGAL OR PERFORMANCE ENHANCING DRUGS CONTRACT

Statement of Purpose and Intent:

Participation in school sponsored extracurricular activities at the Hilldale School District is a privilege and not a right. Such privilege is governed by the attached Hilldale School District Policy on Testing for Alcohol and Illegal or Performance Enhancing Drugs (the "Policy"). Alcohol and illegal or performance enhancing drug use of any kind is incompatible with participation in extracurricular activities on behalf of the Hilldale School District. Students who participate in activities are respected by the student body and are expected to hold themselves as good examples of conduct, sportsmanship and training. Accordingly, student extracurricular activities participants carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible examples of conduct, which includes avoiding the use or possession of alcohol or illegal or performance enhancing drugs.

Participation in Student Extracurricular Activities:

For the safety, health and well-being of the students of the Hilldale School District, the Hilldale School District has adopted the attached Policy and this Student Extracurricular Activities Participant Alcohol and Illegal or Performance Enhancing Drugs Contract (the "Contract") which shall be read, signed and dated by the student extracurricular activities participant, parent or custodial guardian and coach/sponsor before such student extracurricular activities participant 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 this properly signed Contract and submitted to the required drug/alcohol test to meet this policy.**

Student's Last Name (Print)

First Name

Middle Initial

Coach/Sponsor Signature

I understand after having read the Policy and this Contract that, out of care for my safety and health, the Hilldale School District enforces the rules applying to the consumption or possession of ALCOHOL AND ILLEGAL OR PERFORMANCE ENHANCING DRUGS. As a student extracurricular activities participant, I realize that the personal decision that I make daily in regard to the consumption or possession of alcohol and illegal or performance enhancing drugs may affect my health and well-being as well as the possible endangerment of those around me and reflect upon any organization with which I am associated. If I choose to violate the Policy regarding the use or possession of alcohol and illegal or performance enhancing drugs any time during the school year, I understand upon determination of that violation I will be subject to the restrictions of my participation as outlined in the Policy.

Signature of Student

Date

We have read and understand the Policy and this Contract. We desire that the student named above participate in the extracurricular activities of the Hilldale School District and we hereby agree to abide by all provisions of the Hilldale School District'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 or Custodial Guardian Date

(If the student athlete is 18 years or older, he/she must also sign at this line in addition to the line above)

This policy applies to all Oklahoma Secondary School Activities Association extracurricular activity groups.