

### **STUDENT PARTICIPANT DRUG TESTING POLICY**

The McAlester School Board of Education, in an effort to protect the health and safety of its students from illegal and/or performance-enhancing drug use and abuse, thereby setting an example for all other students of the McAlester Public School District, adopts the following policy for a random drug testing program of any student in grades 9-12 who chooses to participate in school-sponsored extra-curricular activities.

#### **STATEMENT OF PURPOSE AND INTENT**

It is the desire of the Board of Education, administration, and staff that every student in the McAlester Public School District refrain from using or possessing illegal drugs. Notwithstanding this desire, the administration and Board of Education realize that their power to restrict the possession or use of illegal drugs is limited. Therefore, 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 extra-curricular activities. This policy is intended to supplement and complement all other policies, rules and regulations of the McAlester Public School District regarding possession or use of illegal drugs.

Participation in school sponsored extra-curricular activities at the McAlester Public School District is a privilege. Students who participate in these activities are respected by the student body and are expected to hold themselves as good examples of conduct, sportsmanship, and training. Accordingly, student extra-curricular 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 illegal drugs.

The purpose of this policy is to prevent illegal drug use, to educate students as to the serious physical, mental and emotional harm caused by illegal drug use, to alert students with possible substance abuse problems to the potential harms of illegal drug use, to prevent injury, illness and harm as a result of illegal drug use, and to strive within the McAlester Public School District for an environment free of illegal drug use and abuse. 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 found to be in violation of the policy to participate in extra-curricular activities. There will be no academic sanction for violation of this policy.

Illegal drug use of any kind is incompatible with participation in extra-curricular activities on behalf of the McAlester Public School District. For the safety, health and well-being of the student extra-curricular participants of the McAlester Public School District, the McAlester Public School District has adopted this policy for use by all participating students at the grades 9-12 level.

#### **DEFINITIONS**

*"Student extra-curricular participant" or "participant"* means either/or a member of any high school McAlester Public School District sponsored activity.

*"Extra-curricular activity"* means any competition or performance that is done outside the school day that represents McAlester Public School District.

*"Drug use test"* means a scientifically substantiated method to test for the presence of illegal or performance-enhancing drug or the metabolites thereof in a person's urine.

*"Random Selection Basis"* means a mechanism for selecting student participants for drug testing that:

- A. Results in an equal probability that any student participant from a group of student extra-curricular 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.

*"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 with authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose.

*"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.

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

*"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.

## **PROCEDURES**

Each student participant shall be provided with a copy of the "Student Participant Drug Testing Policy" and "Student Participant Drug Testing Consent" which shall be read, signed and dated by the student participant, parent or custodial guardian, and coach/sponsor before such student participant shall be eligible to practice or participate in any extra-curricular activity. The consent shall be to provide a urine sample as chosen by the random selection basis, and at any time requested based on reasonable suspicion, to be tested for illegal or performance-enhancing drugs. No student shall be allowed to practice or participate in any extra-curricular activities unless the student has returned the properly signed "Student Participant Drug Testing Consent."

Drug use testing for student extra-curricular participants will be chosen by random selection from a list of all participants who are involved in off-season or in-season extra-curricular activities. The McAlester Public

School District will determine the number of student names to be drawn at random to provide a urine sample for drug use testing for illegal or performance-enhancing drugs, a minimum of fourteen times per school year.

In addition to the drug tests required above, any student participant may be required to submit to a drug use test for illegal drugs or performance-enhancing drugs or the metabolites thereof at any time upon reasonable suspicion by the athletic director, fine arts director principal, coach or sponsor of the student participant.

The McAlester Public School District will set a fee to be collected from each student participant when this consent is signed and returned to the coach/sponsor before the beginning of the activities season. No student will be allowed to compete until necessary fees have been paid or a waiver of hardship in lieu of fee is signed and returned.

Any drug use test required by the McAlester Public School District under the terms of the policy will be administered by or at the direction of a professional laboratory chosen by the McAlester Public School District using scientifically validated toxicological methods. The professional laboratory shall be required to have detailed written specifications to assure chain of custody of the specimens, proper laboratory control and scientific testing.

All aspects of the drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of student 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 athletic director/fine arts director/principal shall designate a staff member to accompany the student participant to a restroom or other private facility behind a closed stall. The monitor shall not observe the student participant 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 participant is tampering with the specimen, the monitor may stop the procedure and inform the athletic director/fine arts director/principal who will then determine if a new sample should be obtained. The monitor shall give each student participant a form on which the student participant 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 shall be submitted to the lab in a sealed and confidential envelope.

If the 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 spectrometry 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 the metabolites thereof. The unused portion of a specimen that tested positive shall be preserved by the laboratory for a period of six (6) months or the end of the school year, whichever is shorter. Student participant records will be retained until the end of the school year.

If the drug use test for any student participant has a positive result, the laboratory will contact the Athletic Director/Fine Arts Director/Principal with the results. Procedures for maintaining confidentiality will be practiced. The Athletic Director/Fine Arts Director/Principal will contact the Principal, the student participant, the head coach/sponsor, and the parent or custodial guardian of the student participant and schedule a

conference. At the conference the student participant will be given the opportunity to submit additional information to the athletic director/fine arts director or to the lab. If the student participant and his/her parent or custodial guardian desires another test of the remaining portion of the specimen, the athletic director/fine arts director will arrange for another test at the same laboratory or at another laboratory agreeable to the athletic director/fine arts director/principal. Any such re-test shall be at the expense of the student participant and his/her parent or custodial guardian. The McAlester Public School District will rely on the opinion of the laboratory which performed the test in determining whether the positive test result was produced by other than consumption of an illegal drug or a performance-enhancing drug.

A student participant who has been determined by the athletic director/fine arts director/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 as stated in this policy, during which time the participant shall be ineligible to participate in any extra-curricular activities. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable.

#### **VIOLATION**

Any student participant who tests positive in a drug use test under this policy shall be subject to the following restrictions:

A. For the First Offense:

Suspension from extra-curricular activity performances and competitions for fifteen (15) consecutive school days. The student must successfully complete four (4) hours of substance abuse counseling at his/her own expense, produce a documented completion of counseling, and must test every other month at random times at his/her own expense, for the remainder of his/her high school career. The student may reduce their suspension by five (5) days by completing the required substance abuse counseling within the first ten (10) days of their suspension. Any suspension from competitive extra-curricular activities that is not completed during the course of the school year shall be extended to the following school year.

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

These restrictions and requirements shall be consecutive in nature and begin immediately following the reporting of the results of a positive drug use test as stated in this policy.

**B. For the Second Offense:**

Suspension from participation in ALL extra-curricular activities for sixty (60) consecutive school days. student cannot participate in any meetings, practices, scrimmages, performances, or competitions during this period and must test monthly at random times for the remainder of his/her high school career. Any suspension from competitive extra-curricular activities that is not completed during the course of the school year shall be extended to the following year. Student must test clean to re-enter.

**C. For the Third Offense:**

Suspension from participation in ALL extra-curricular activities for the remainder of their high school career. The student cannot participate in any meetings, practices, scrimmages, performances, or competitions during this period and must test monthly at random times for the remainder of his/her high school career.

**REFUSAL TO SUBMIT TO DRUG USE TEST**

If a participating student participant refuses to submit to a drug use test authorized under this policy, such student shall not be eligible to participate in any extra-curricular activities including all meetings, practices, performances and competition for ninety (90) continuous school days and a clean test result is entered.

If a student has previously tested positive the student athlete will not be eligible to participate in any extra-curricular activity, including all meetings, practices, performances, and competitions for one (1) calendar year and a clean test result is entered.

**TESTING FOR ALCOHOL**

It is further authorized by this policy that any head athletic coach or sponsor may request of the Superintendent the implementation of testing for alcohol of student participants involved in his/her particular program during season on a random and reasonable suspicion basis, not inconsistent with the provisions of this policy.

As used herein, alcohol shall mean intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl and isopropyl alcohol. Alcohol use shall mean the consumption of any beverage mixture or preparation, including any medication, containing alcohol. Alcohol concentration shall mean the alcohol in volume of breath expressed in terms of grams of alcohol per 210 liters of breath, as indicated by an evidential breath test under this part, or alcohol in volume of urine expressed in terms of percentage by weight or content.

It shall be the policy of the Board of Education that no student participant use alcohol while participating in any extra-curricular program of the District. Any such use as determined by the testing program which shall be implemented, or refusal to submit to testing shall incur those sanctions set out elsewhere in this policy.

**DRUG TESTING FOR NON-EXTRA-CURRICULAR PARTICIPANTS**

The McAlester Board of Education will make available to any student and parent the drug testing program offered by the school. A written request for the testing must be made by the student and parent, and the drug test will not be used as a requirement for participation in any group except athletics. The drug testing results will be released only to the student and parent. The parent would pay the cost of a one-time test since these individuals would not be subject to random testing.