

**STUDENT EXTRA-CURRICULAR ACTIVITY
DRUG TESTING POLICY**

The Commerce 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 Commerce Public School District, adopts the following policy for drug testing of students participating in extra-curricular activities.

1. STATEMENT OF PURPOSE AND INTENT

- a. It is the desire of the Board of Education, administration, and staff that every student in the Commerce 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 Commerce Public School District regarding possession or use of illegal drugs.
- b. Participation in school sponsored extra-curricular activities at the Commerce 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, students in extra-curricular activities 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.
- c. 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, and to strive within the Commerce 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 this policy to participate in extra-curricular activities. There will be no academic sanction for violation of this policy.
- d. Illegal drug use of any kind is incompatible with participation in extra-curricular activities on behalf of the Commerce Public School District. For the safety, health and well being of the students of the Commerce Public School District, the Commerce Public School District has adopted this policy for use by all participating students in grades 6-12.

2. DEFINITIONS

- a. "Student Athlete" or "Athlete" means a high school (grades 9-10-11-12) / middle school (grades 6-7-8) member of any Commerce Public School District sponsored interscholastic sports team, including athletes, and cheerleaders.
- b. "Extra-Curricular" means those activities that take place outside the regular course of study in school and those students involved in those activities.
- c. "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.
- d. "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.

- e. "Performance-Enhancing Drugs" includes 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.
- f. "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.
- g. "Reasonable Suspicion" means a suspicion based on specific personal observations concerning the appearance, speech or behavior of a participating student, 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.

3. PROCEDURE

- a. A physical examination signed by parent/guardian is required before a student may participate on a Commerce Public School athletic team. A urine screen to detect the presence of illegal or performance-enhancing drugs which could have a harmful effect of the prospective athlete's health and athletic performance shall be included as part of that physical examination.
- b. Each student in extra-curricular activities shall be provided with a copy of the "Student Extra-Curricular Drug Testing Policy" and "Student Extra-Curricular Drug Testing Consent" which shall be read, signed and dated by the student, parent or custodial guardian, and coach/sponsor before such student shall be eligible to practice or participate in any extra-curricular activity. The consent shall be to provide a urine sample:
 - 1. as part of the required physical examination for participation in athletics,
 - 2. on a random selection basis from a list of all extra-curricular participants in off-season or in-season activities, and (The Commerce Public School District will draw at random 5% of the extra-curricular activity participants to provide a urine sample for drug use testing for illegal or performance-enhancing drugs every one to fourteen days.)
 - 3. 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 activity unless the student has returned the properly signed "Student Extra-Curricular Drug Testing Consent".

Each head coach/head sponsor shall be responsible for explaining this policy to all prospective students under his/her charge.

- c. The Commerce Public School District will determine any necessary fees to be collected from students who are drug tested and when those fees will be collected.
- d. Any drug use test required by the Commerce Public School District under the terms of the policy will be administered by or at the direction of a professional laboratory chosen by the Commerce 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.

- e. 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 students 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 shall designate a coach or school employee 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 ensure 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 who will then determine if a new sample should be obtained. 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.
- f. 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.
- g. If the drug use test for any student has a positive result, the laboratory will contact the Principal with the results. The Principal will contact the Drug Education Coordinator, the student, the head coach/head sponsor, and the parent or custodial guardian of the student and schedule a conference. At the conference, the principal will solicit any explanation of 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 desire another test of the remaining portion of the specimen, the principal will arrange for another test at the same laboratory or at another laboratory agreeable to the principal. Any such re-test shall be at the expense of the student and his/her parent or custodial guardian.
- h. If the student asserts that the positive test results are caused by other than consumption of an illegal drug or performance-enhancing drug by the student, then the student will be given an opportunity to present evidence of such to the principal. The Commerce 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 performance-enhancing drug.
- i. A student who has been determined by the drug test results to be in violation of this policy shall have the right to appeal the to the Principal. Such appeal must be lodged within 72 hours (3 days) of notice of the initial report of the offense as stated in paragraph 3.g. of this policy, during which time the student will remain ineligible to participate in any extra-curricular activity. The Principal shall convene a Review Committee comprised of himself/herself, one certified school staff member identified by the parent or custodial guardian of the student and one certified school staff member identified by the Principal. This committee shall then determine whether the original finding was justified and shall deliver such finding to the Superintendent of Schools for review. 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 in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable.
- j. Before a student who has tested positive in a drug use test may rejoin his/her extra-curricular activity after a first or second offense, such student may be required to undergo one or more additional drug use tests to determine whether the student is no longer using illegal drugs or performance-enhancing drugs. The Commerce 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 before the offense or by more recent use.

4. VIOLATION

- a. Any student who tests positive in a drug use test under this policy shall be subject to the following restrictions:
1. For the first offense, the student shall be suspended from participation in all extra-curricular activities for one (1) month. During this time, an appointment will be made at an adolescent care unit for a professional evaluation to determine the extent of drug involvement. The appointment will be made by the parent/guardian and when needed with help from the school counselor and/or school administration. Information for students and their parents about drug and alcohol counseling and rehabilitation programs in the geographic area is available from the counselor and/or principal at each school. A parent or legal guardian must attend the evaluation with the student. It will be the responsibility of the parent or legal guardian to complete the recommendations made by the adolescent care unit and keep the school informed of the recommendations and the progress made by the student and parent/guardian. In addition, the student must successfully complete substance abuse education/counseling provided by the school. These restrictions and requirements shall be consecutive in nature and begins immediately following the reporting of the results of a positive drug use test as stated in paragraph 3.g. of the policy. A student who self-refers to the Principal/Athletic Director, Athletic trainer, Drug Education Coordinator, or Coach/Sponsor after the initial drug screening as part of the athletic physical and before being notified to submit to a random drug test will be allowed to remain active in all extra-curricular activities pending approval from a medical professional; such student will, however, be considered to have committed his/her first offense under this policy and will be required to re-test as would a student who has tested positive. Self-referral may be used only once in a student's lifetime.

While a student is serving his/her suspension, non-contact practice such as running, conditioning, and/or weight training will be allowed with the approval of a medical professional. The student will not be permitted to participate in any scheduled events or activities.

2. For the second offense, complete suspension from participation in all extra-curricular activities including all meetings, practices, performances, and competition for eighteen (18) continuous and successive school weeks from the date of the initial report of the offense as stated in paragraph 3.g. of this policy. Such suspension will extend into a succeeding school year if necessary to fulfill the suspension.
3. For the third offense, complete suspension from participation in all extra-curricular activities including all meetings, practices, performances, and competition for the student's lifetime from the date of the initial report of the offense as stated in paragraph 3.g. of this policy. Such suspension will extend into a succeeding school year(s) if necessary to fulfill the suspension.

5. REFUSAL TO SUBMIT TO DRUG USE TEST

- a. If a participating student 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 competitions for 180 school days, and until such time that a drug test has been administered and passed. After the 180 school days, the participating student shall again be subject to the Commerce Public School Student Extra-Curricular Drug Testing Policy.