

STUDENT DRUG TESTING PROGRAM EXTRACURRICULAR ACTIVITIES

The Miami 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 Miami Public School District, has adopted the following policy for drug testing of students participating in extracurricular activities.

Purpose and Intent

It is the desire of the board of education, administration, and staff that every student in the Miami Public School District refrain from using or possessing illegal drugs. The administration and board of education realize that their power to restrict the possession or use of illegal drugs is limited. 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 complement all other policies, rules, and regulations of the Miami Public School District regarding possession or use of illegal drugs.

Participation in school-sponsored extracurricular activities such as interscholastic athletics at the Miami Public School District is a privilege. Students who participate in extracurricular activities are respected by the student body and are expected to hold themselves as good examples of conduct, sportsmanship, and training. Accordingly, students in extracurricular 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. Additionally, this school district is contracted to follow the rules and regulations of the OSSAA whose rules specifically state: A student under a discipline plan or whose conduct or character outside the school is such as to reflect discredit upon the school shall be ineligible until reinstated.

The purposes of this policy are 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 help students avoid drugs; to help students get off drugs; to prevent injury, illness, and harm as a result of illegal drug use; and to strive within this 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 any extracurricular activities. There will be no academic sanction for violation of this policy.

Illegal drug use of any kind is incompatible with participation in any extracurricular activities on behalf of the school district. For the safety, health, and well-being of the students of the district, this policy has been adopted for use by all participant students in grades 7-12.

Definitions

1. **Student athlete or athlete** means a member of the middle school or high school district-sponsored interscholastic sports team. This includes athletes and cheerleaders.
2. **Extracurricular activities** means those activities that take place outside the regular course of study in school and **participants** are those students involved in those activities.
3. **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.

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4. **Random tests** may be given **periodically throughout** the school year.
5. **Random selection basis** means a mechanism for selecting students for drug testing that:
 - A. Results in an equal probability that any student from a group of students subject to the selection mechanism will be selected, and
 - B. Does not give the school district discretion to waive the selection of any student athlete or extracurricular activities participant selected under the mechanism.
6. **Follow up tests** can be weekly, at random, or any time a student who has tested positive may be under suspicion of being under the influence.
7. **Illegal drugs** means any substance that an individual may not sell, possess, use, distribute, or purchase under either federal or state law. Illegal drugs include, 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.
8. **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 that can be lawfully purchased in over-the-counter transactions.
9. **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.
10. **Reasonable suspicion** means a suspicion based on specific personal observations concerning the appearance, speech, or behavior of a student athlete or extracurricular 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.
11. **Self-referral** is when a participant believes he/she will test positive for illegal or performance enhancing drugs, prior to submission for a drug test under this policy, **and** notifies the principal, athletic director, coach, or sponsor of such belief.

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Student participants in extracurricular activities shall be provided a copy of this policy and an extracurricular activities student drug testing program consent form that must be read, signed, and dated by the student, parent or custodial guardian, and coach/sponsor before a participant student shall be eligible to practice in any extracurricular activity. The consent shall provide a urine sample (a) as chosen by the random selection basis; and (b) 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 extracurricular activity unless the student has returned the properly signed drug consent form.

In addition to the drug test required above, any extracurricular 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, principal, sponsor, or coach of the student.

Any 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 that uses 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 extracurricular activities participants will be assigned a number for identification. The drug testing company will conduct random testing throughout the academic year. For the random testing, each student will be assigned a number that will be maintained in the athletic office. A random selection of pool numbers will be chosen by the testing agency. Such random testing may occur up to once per month or as often as deemed necessary and encompass 15-25 of the students in the testing pool. Any participant who is selected to provide a urine specimen and is unable to produce a sample within three (3) hours will be interpreted as producing a positive test. Any student who is selected for testing will be put back in the random testing pool once they have completed their test. Extracurricular participants who move into the district after the school year begins will immediately be added to the testing pool and assigned a number for identification.

All aspects of the drug use testing program, including the taking of specimens, will be conducted to safeguard the personal and privacy rights of students to a 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 with an enclosed stall or stalls. The technician shall not observe the student while the specimen is being produced, but the technician 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 technician shall verify the normal warmth and appearance of the specimen. If at any time during the testing procedure the technician has reason to believe or suspect that a student is tampering with the specimen, the technician may stop the procedure and inform the athletic director/sponsor who will then determine if a new sample should be obtained. The technician shall give each student a form on which the student may list any medications he/she has taken or is taking or any other legitimate reasons for having been in contact with illegal drugs or performance-enhancing drugs in the preceding 30 days. The parent or legal guardian shall be able to confirm the medication list submitted by their child during the 24 hours following any drug test. The medication list shall be submitted to the lab in a sealed and confidential envelope.

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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 nine months or to the end of the school year, whichever is shorter. Student records will be retained until the end of the school year.

Confidentiality

If the drug use test for any student has a positive result, the laboratory will contact the athletic director or designee with the results. Procedures for maintaining confidentiality will be practiced. The athletic director or designee will contact the principal, the student, the head coach/sponsor, and the parent or custodial guardian of the student and schedule a conference. At the conference, the student will be given the opportunity to submit additional information to the athletic director or to the lab. The school district will rely on the opinion of the laboratory that performed the test in determining whether the positive test result was produced by other than consumption of an illegal drug or performance-enhancing drug. Under no circumstance will results from a drug test under this policy be turned over to any law enforcement officer or agency.

Appeal

A student who has been determined by the athletic director or designee to be in violation of this policy shall have the right to appeal the decision to the superintendent or the superintendent's designee(s). Such appeal must be lodged within five business days of notice of the initial report of the offense as stated in this policy, during which time the student will remain eligible to participate in any extracurricular activities. The superintendent or designee(s) shall then determine whether the original finding was justified. There is no further appeal right from the superintendent's decision and the 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 nonappealable.

Consequences

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

1. **First positive test.** The student will be suspended from participation in all extracurricular activities including all meetings, practices, performances, and competitions for thirty (30) calendar days. The student and parent/guardian must attend counseling two times during the suspension period and one follow-up session. Counseling will consist of a session with the Miami Public Schools counselor and a session with a counseling service provided by the school. Follow-up sessions may be with one or both counselors. Before returning to any extracurricular activity, the student will be required to pass a drug test. All subsequent drug tests will need to be paid for by the parent/guardian.
2. **Second positive retest.** The student will be suspended from participation in any extracurricular activity for the remainder of the semester. Before returning to any extracurricular activity, the student will be required to pass a drug test. All subsequent drug tests will need to be paid for by the parent/guardian.

3. **Third positive retest.** The student will be suspended from participation in any extracurricular activity for 180 school days. Before returning to any extracurricular activity, the student will be required to pass a drug test. All subsequent drug tests will need to be paid for by the parent/guardian.

If a student tests positive for illegal drug use and is suspended at the end of the school year, the violation will carry over into the following school year.

4. **Self Referral.** A student who self-refers to the athletic director, principal, coach, or sponsor before being notified to submit to a drug test will be allowed to remain active in all extracurricular activities. However, the student will be considered to have committed his/her first offense under this policy, and will be required to retest as would a student who has tested positive.
5. **Refusal to submit to a drug test.** If a student in an extracurricular activity refuses to submit to a drug test under this policy, such student shall not be eligible to participate in any extracurricular activity, including all meetings, practices, performances, and competition for 180 school days, upon completion of which, the participating student shall again be subject to this policy.

The cost per test is subject to change and will be determined by the board of education on an annual basis.

