

DRUG TESTING PROGRAM FOR STUDENTS

It is the responsibility of the Board of Education to safeguard the health, character, citizenship, and personality development of the students in its schools. We, therefore, maintain that the unlawful use and possession of drugs and alcohol by our students is harmful and should be deterred. The Board recognizes that the misuse and abuse of drugs or alcohol, threatens the positive development of pupils and the welfare of the entire school community. The Board of Education is committed to the prevention of drug or alcohol, abuse and the encouragement of rehabilitation by identified users.

The Board of Education recognizes that the problem of illegal drug and alcohol use presents a continuing challenge in its schools and a clear danger to students. The district's commitment to maintaining athletics, extra-curricular programs, and secure educational environments requires a clear policy and supportive programs relating to the detection and prevention of substance abuse by students involved in these activities.

Participation in athletics and extra-curricular activities is a privilege. Student participants, by virtue of their voluntary decision to participate, and because of their position as school leaders and role models in the school community, have a heightened responsibility to be drug and alcohol free. The district is committed to being proactive in ensuring the safety of all students and sees this as an important component of our safety efforts.

Consistent with the U.S. Supreme Court ruling in *Board of Education of Independent School District No. 92 of Pottawatomie County et al v. Earls et al*, 536 U.S. 822 (2002) and other court decisions, it is the policy of the Board of Education to direct the Superintendent of Schools to implement and conduct a program of random drug testing of students participating in interscholastic competition or extra-curricular activity requiring registration with the Oklahoma Secondary Schools Athletic Association (OSSAA). The principal and his/her designee shall oversee the policy and procedure at each school site with overall program direction being conducted by the District Athletic Director and the District Safety Coordinator.

Primary emphasis in administering this program should be directed toward deterrence and remediation rather than punishment of pupils who test positive for alcohol, non-prescribed medications, illegal drugs, or their metabolites. This does not preclude application of existing policies concerning alcohol and drugs if a student is found to be in possession or under the influence of alcohol or drugs. Consequences for a pupil who tests positive for these substances will be administered according to Board policy. This policy is NOT intended to be disciplinary or punitive in nature as indicated by existing court decisions as it relates to loss of instructional time. No student shall be suspended from school as a sole result of any verified positive test conducted by the school district under this random drug testing program.

This policy will comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II. This policy and its implementing regulations will be made available to all staff, students, and parents/guardians on an annual basis. Copies should be available in each

high school building and notification of its availability shall appear annually in student handbooks at the high school and middle school level.

Definitions

“Participant” means a member of any high school extra-curricular organization, which participates in inter-scholastic competition, and is sponsored by the Edmond Public schools. This includes any student that represents Edmond Schools in any extra-curricular activity requiring registration with the OSSAA.

“Drug use test” means a scientifically substantiated method to test for the presence of illegal drugs or performance-enhancing drugs.

□Random selection method□ means a basis for selecting student participants for drug testing that results in an equal probability that any participant from a group of participants subject to the selection mechanism will be selected and does not give the school district discretion to waive the selection of any 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 law, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. “Illegal drugs” shall also include alcohol.

“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.

“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 using the standards customarily established by the testing laboratory administering the drug use test.

“Reasonable suspicion” means a suspicion of illegal or performance-enhancing drug use based on specific observations made by coaches/administrators/sponsors of the appearance, speech, or behavior of a participant; the reasonable inferences that are drawn from those observations; and/or information of illegal or performance-enhancing drug use by a participant supplied to school officials by other students, staff members, or patrons.

“Medical Review Officer” (MRO) means a physician with specialized training and certification in the evaluation of drug test results. The MRO is tasked with verification of any prescription medications the student may be taking. The MRO will make a final determination of the result.

status based on this review prior to test results being reported to the designated contact at Edmond Public Schools.

Procedures

Each student participant shall be provided with a copy of the “Student Drug Testing Consent Form” which shall be read, signed, and dated by the student, parent or custodial guardian, and coach/sponsor before each participant shall be eligible to participate in any extra-curricular activities. The consent requires these students to provide an appropriate sample: (a) when the participant is selected by the random selection method to provide a sample; and (b) at any time when there is reasonable suspicion to test for illegal or performance-enhancing drugs or alcohol. No student shall be allowed to participate in any interscholastic competition unless the student has returned the properly signed “Student Drug Testing Consent Form.”

Prior to the commencement of drug testing each year for students in athletics or extra-curricular activities, an orientation will be held to educate them of the sample collection process, privacy arrangements, drug testing procedures, and other areas which may help to reassure students and help avoid embarrassment or uncomfortable feelings about the drug testing process.

Each participant shall receive a copy of the Student Drug Testing Policy. The head coach or sponsor shall be responsible for explaining the Policy to all prospective students, and for preparing an educational presentation to acquaint the student with the harmful consequences of drug and alcohol use and abuse.

Participants will be chosen for drug use testing on a random selection basis monthly from a list of all participants who are involved in off-season or in-season activities. The Edmond Public School District will determine a monthly number of student names to be drawn at random to provide a saliva sample for drug use testing for illegal drugs only.

In addition to the drug tests required above, any participant may be required at any time to submit to a saliva and/or urine test for illegal or performance-enhancing drugs-when an administrator, coach, or sponsor has reasonable suspicion of illegal or performance-enhancing drug use by that particular student.

Any drug use test will be administered by or at the direction of a professional laboratory chosen by the Edmond Public School District. The professional laboratory shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and 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 the student to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize intrusiveness. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision will be provided 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.

Consequences

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

For the First Offense:

The parent/guardian or student if 18 years of age or older will be contacted to present the test results to the parent/guardian. A conference will then be set up with the student, parent/guardian, site activities coordinator, and/or an administrator concerning the positive drug test. In order to continue participation in the activity the student and parent/guardian must, within five (5) school days of the conference obtain, from a licensed practitioner, an alcohol/drug use assessment which may recommend counseling, education, and/or treatment. The cost of any assessment or recommended counseling, education, treatment, etc., will be the sole responsibility of the student or student's parent or guardian. EPS counselors are available to assist families in seeking low-cost assessment options as needed. Additionally, the student must voluntarily submit to a second drug test to be administered within the next fifteen (15) to forty-five (45) days of the conference in accordance with the testing schedule and provisions of this policy.

If parent/guardian and student agree to these provisions, the student will continue to participate in the activity. Should the parent/student not agree to these provisions the consequences listed in this policy for the second offence will be imposed.

For the Second Offense (in the same school year):

Suspension from participation in all activities covered under this policy for fourteen (14) calendar days, and proof of successful completion of four (4) hours of substance abuse education/counseling from a licensed practitioner. The cost of the counseling, education, treatment, etc., will be the sole responsibility of the student or student's parent or guardian. EPS counselors are available to assist families in seeking low-cost counseling options as needed. The student may not participate in any meetings, practices, scrimmages or competitions during this period. The student will be tested monthly for the remainder of the school year. The time and date will be unknown to the student and determined by the
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principal or designee in accordance with the testing schedule and provisions of this policy.

These restrictions and requirements shall begin immediately, consecutive in nature, unless a review appeal is filed following receipt of a positive test. Provided, however, a student who on his or her own volition informs (self-refers) the administrator, activities coordinator or coach/sponsor of usage before being notified to submit to a drug use test will be allowed to remain active in all activities covered under this policy. Such student will however, be considered to have committed his/her first offense under the policy, and will be required to re-test as would a student who has tested positive.

For the Third Offense (in the same school year):

Complete suspension from participation in all extra-curricular activities including all meetings, practices, performances, and competition and/or loss of parking privileges for the remainder of the school year, or eighty-eight (88) school days (1 semester) whichever is the longer.

Consequences: Refusal to Submit to Drug Use Test

A participating student, who refuses to submit to a drug test authorized under this policy, shall not be eligible to participate in any interscholastic competitions covered under this policy for the remainder of the school year.

Assurances Provided to Participants

1. Results of student drug tests will not be disclosed to law enforcement.
2. Results of student drug tests will be destroyed when the student graduates or otherwise leaves the Edmond School District.
3. All positive drug tests of a substance other than marijuana or cocaine will be reviewed by a certified Medical Review Officer (MRO) who will verify whether the positive test was the result of the student taking legally prescribed medicine(s) prior to results being reported to the school district.
4. Legal counsel for the Edmond School District has reviewed and approved this policy.
5. Activities described herein will be carried out in accordance with requirements of the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA).
6. There will be no academic consequences resulting from testing under this policy.