

## **Policy 4011 DRUG TESTING PROGRAM FOR ACTIVITY STUDENTS**

It is the responsibility of the Board of Education to safeguard the health and safety of the students in its schools. The district, therefore, maintains that the unlawful use and possession of drugs and alcohol by students is harmful and should be deterred. The Board of Education recognizes that the problem of illegal drug and alcohol use presents a continuing challenge in 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 related to the detection and prevention of substance abuse by students and the encouragement of rehabilitation of identified users.

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, the Norman Public Schools Board of Education directs the Superintendent of Schools to implement and conduct a program of random drug testing of students participating in interscholastic competition or extra-curricular activities requiring registration with the Oklahoma Secondary Schools Athletic Association (OSSAA). Participation in athletics and extra-curricular activities is a privilege and 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.

Though the purpose of this policy is limited to extra-curricular activities, the district recognizes that there are parents in the school community who may wish their child to participate in the program regardless of whether their child is involved in an extra-curricular activity. For this reason, the district will allow the participation of non-activity students (under the age of 18), at parent request, even though such participation is outside the original scope of this policy.

The principal and their designee will oversee the enforcement of this policy and related regulations at each school site. The District Athletic Director will oversee districtwide program direction. The district is committed to being proactive in ensuring the safety of all students and sees this as an important component of student safety efforts.

The primary emphasis in administering this program will be deterrence and remediation rather than the punishment of pupils who test positive for non-prescribed medications, illegal drugs, or their metabolites. This emphasis does not preclude application of existing policies concerning alcohol and drugs if a student is found to be in possession, engaged in distribution, 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 it relates to loss of instructional time. No student will be suspended from school as a sole result of any confirmed positive test conducted by the school district under this random drug testing program.

This policy and its implementing regulations will be made available to all staff, students, and parents/guardians on an annual basis. Copies will be available in each high school building and notification of its availability will appear annually in student handbooks at the high school and middle school level. Student consent is required for parent notification regarding results of testing once a student reaches their eighteenth (18<sup>th</sup>) birthday, even if it was the parent who originally requested testing. Students aged eighteen (18) and over may request to be withdrawn from this program at any time without parent consent; however, students who do so and who are activity students will not be allowed to participate or enroll in any athletic or other extra-curricular activity unless a new “Student Drug Testing Consent Form” is signed by the adult student.

### **Regulation 4011-1 Student Drug Testing Program Procedures**

#### **I. Definitions**

- a. “Participant” includes any high school student that represents Norman Schools in any extra-curricular activity and any student, under 18, not involved in extra-curricular activities whose parent or guardian submits a completed “Student Drug Testing Consent Form.”
- b. “Drug use test” means a scientifically substantiated method to test for the presence of illegal drugs or their metabolites.
- c. “Extra-Curricular Activity” means (1) an athletic program sponsored by Norman Public Schools, (2) an organization that participates in inter-scholastic competition and is sponsored by Norman Public Schools, or (3) an organization that requires registration with the OSSAA. In the case an elective class requires participation in extra-curricular activities as a part of its curriculum, the consequences of a positive result under this policy are only intended to affect the portion of the extra-curricular activity that happens outside of scheduled class time. Such an elective class may pre-condition enrollment upon consenting to drug testing under this policy and regulation.
- d. “Random selection method” means a basis for selecting student participants for drug testing that: (1) results in an equal probability that any participant from a group of participants subject to the selection mechanism will be selected and (2) does not give the school district discretion to waive the selection of any participant selected under the mechanism.
- e. “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” will also include alcohol (ethyl alcohol, ethanol, other

alcoholic beverages and “low point” beer).

- 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 drug or its metabolites using the standards customarily established by the testing laboratory administering the drug use test.
- g. “Medical Review Officer” (MRO) means a physician with specialized training and certification in the evaluation of drug test results.

## II. Procedures

- a. Each participant will be provided with a copy of the “Student Drug Testing Consent Form” which will be read, signed, and dated by the student, parent or custodial guardian, and coach/sponsor before each participant will be eligible to participate in any extra-curricular activities. Consent will not be invalidated because of the absence of a coach’s signature. The consent requires these students to provide an appropriate sample when the participant is selected by the random selection method to provide a sample.

No student will be allowed to practice, participate or enroll in any extra-curricular activities unless the student has returned the properly signed “Student Drug Testing Consent Form.” If a student fails to return a properly signed “Student Drug Testing Consent Form,” within the first week of participating in an elective class that involves participation in extra-curricular activities, a schedule change—dropping the elective class—may be required. Provided, however, no student will be required to change their schedule under this policy if it will make them ineligible to receive full academic credit for any course.

- b. Prior to the commencement of drug testing each year an orientation will be held to educate students regarding the sample collection process, privacy arrangements, drug testing procedures, and other areas that may help to reassure students and help avoid embarrassment or uncomfortable feelings about the drug testing process.
- c. Each participant will receive a copy of the Student Drug Testing Policy and the Policy and implementing regulations will be included in the Student Parent Policy Guide.
- d. Participants will be chosen for monthly drug testing on a random selection basis from a pool of all participants. Students involved in extra-curricular activities will be eligible for testing regardless of whether their activity is in or out-of-season. The Norman Public School District will determine a monthly number of student names to be drawn, at random, to provide a sample for drug use testing for illegal drugs only.

- e. Any drug use test will be administered by or at the direction of a professional laboratory chosen by the Norman Public School District. The professional laboratory will 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.
- f. All aspects of the drug testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the student while still maintaining the validity of the test. The test specimen will be obtained in a manner designed to minimize intrusiveness.
- g. If an initial drug use test is positive, it will be subject to confirmation by a second and different test of the same specimen. No specimen will be reported as positive unless the laboratory's confirmation test is also positive. The MRO will report positive tests to the parent/guardian or adult student. During this report, the MRO will be tasked with verification of any prescription medications the student may be taking and seeking a legitimate explanation for positive result.
- h. The MRO will make a final determination of the result status based on his or her review and/or the confirmation test results prior to test results being reported to the designated contact at Norman Public Schools, who will then alert the student's principal, if necessary. The district will rely on its lab's opinion as to whether a positive test was caused by something other than a prohibited substance.
- i. The principal will set up a conference with the student, parent/guardian, site athletics and activities coordinator, and the principal or his/her designee concerning the positive drug test or the student's refusal to submit to a drug test. During this conference, the principal will explain to the parents the consequences of the positive result.
- j. During or prior to this conference, a parent/guardian, or student (if 18 years of age or older), may request a re-confirmation test, of the laboratory-based confirmed positive sample. The student or student's parent or guardian may choose from a list of approved independent federally certified laboratories, provided by the MRO. The cost of the re-confirmation test shall be the sole responsibility of the student or student's parent or guardian. However, the district will reimburse the student or student's parent or guardian if the re-confirmation test results are found to be negative.

- k. Any necessary interpretation or application of this regulation will be in the sole and exclusive judgment and discretion of the Superintendent or his/her designee, which will be final and non-appealable.
- l. All documents created pursuant to this policy with regard to any student will be kept in a confidential folder and will never be made a part of the student's cumulative folder. These documents will not become a part of a student's disciplinary record.

### III. Consequences

All consequences, restrictions and requirements will begin immediately following the conference and be consecutive in nature. Any participant who tests positive in a drug test under this regulation will be subject to the following restrictions:

- a. For the First Positive Result (in the same school year):  
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 alcohol/drug counselor, agency, treatment center, or hospital, 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. Additionally, the student must voluntarily submit to a second drug test in accordance with the testing schedule and provisions of this regulation.

If parent/guardian and student agree to these provisions during the conference, the student will continue to participate in the activity. Should the parent/guardian/student not agree to these provisions or fail to provide the assessment within five (5) days, the consequences listed in this regulation for the second positive result will be imposed immediately.

- b. For the Second Positive Result (in the same school year):  
Suspension from participation in all activities covered under this regulation for fourteen (14) calendar days, and proof of successful completion of a minimum of four (4) hours of substance abuse education/counseling from a licensed alcohol/drug counselor, agency, treatment center, or hospital. The cost of the counseling, education, treatment, etc., will be the sole responsibility of the student or student's parent or guardian. The student may not participate in any meetings, practices, scrimmages, games, or competitions until the proof of successful completion is presented to the student's principal and the suspension period has elapsed. The student will be drug tested monthly for the remainder of the school year. The time and date of the drug tests will be unknown to the student and determined by the principal/or designee in accordance with the testing schedule and provisions of this

regulation.

- c. For the Third Positive Result (in the same school year):  
Suspension from participation in all activities covered under this regulation for the remainder of the school year, or one school semester, whichever is longer. Though the disbarment of participation in activities will not be reduced, students are encouraged to complete a counseling program from a licensed alcohol/drug counselor, agency, treatment center, or hospital. The cost of the counseling, education, treatment, etc., will be the sole responsibility of the student or student's parent or guardian.
- d. Self-Referrals  
Provided, however, a student who on his or her own volition informs (self-refers) to 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 regulation. Such student will however, be considered to have committed his/her first positive test result under the policy, and will be required to re-test as would a student who has tested positive.
- e. Refusal to Submit to Drug Use Test  
A participating student, who refuses to submit to a drug test authorized under this regulation, will not be eligible to participate in any activities covered under this regulation including all meetings, practices, performances, games, and competitions for the remainder of the school year. Additionally, such student will not be considered for any interscholastic activity honors or awards given by the school.

#### IV. Assurances Provided to Participants

- a. Results of student drug tests will not be disclosed to law enforcement, except pursuant to a subpoena or other lawful process.
- b. Results of student drug tests will be destroyed when the student graduates or otherwise leaves the Norman School District.
- c. Legal counsel for the Norman School District has reviewed and approved this policy.
- d. 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).
- e. There will be no academic consequences resulting from testing under this policy.

- f. Parents/guardians/students economically unable to meet financial obligations resulting from this Policy will be referred for financial assistance.