

**BENNINGTON SCHOOL DISTRICT
POLICY ON STUDENT ALCOHOL AND DRUG TESTING
FOR EXTRACURRICULAR ACTIVITIES
GRADES 7-12**

The Board of Education of the Bennington School District (the "School District"), in order to protect the health and safety of students participating in extracurricular activities and who drive to school and to educate and direct these students away from drug and alcohol use and abuse, thereby setting an example for all other students of the School District, adopts the following Policy for testing for the use of illegal drugs, alcohol and performance enhancing drugs of students participating in extracurricular activities.

STATEMENT OF PURPOSE AND INTENT

1. It is the desire of the Board of Education, administration and staff that every student in the School District refrains from using or possessing alcohol and illegal or performance enhancing drugs. Notwithstanding this desire, the administration and board of education realize that their power to restrict the possession or use of alcohol and illegal or performance enhancing drugs is limited. Therefore, except as provided below, 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 supplement and complement all other policies, rules and regulations of the School District regarding possession or use of alcohol and illegal or performance enhancing drugs.
2. Participation in school-sponsored extracurricular activities at the School District is a privilege, not a right. Students who participate in these activities are respected by the student body and are expected to conduct themselves as good examples of behavior, sportsmanship and training. Accordingly, students who participate in extracurricular activities carry a responsibility to themselves, their fellow students, their parents and their school to set the highest possible example of conduct, which includes avoiding the use or possession of alcohol and illegal or performance enhancing drugs.
3. The purpose of this Policy is to prevent alcohol and illegal or performance enhancing drug use, to educate students as to the serious physical, mental and emotional harm caused by alcohol and illegal or performance enhancing drug use, to alert students who have possible substance abuse problems to the potential harms of use, to prevent injury, illness and harm as a result of alcohol and illegal or performance enhancing drug use, and to strive within the School District for an environment free of alcohol and illegal or performance enhancing drug possession and use. 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 who participates in extracurricular activities and who is found to be in violation of the Policy to participate in extracurricular activities. There will be no academic sanction solely for a violation of this Policy. Notwithstanding the foregoing, a student maybe disciplined, including suspended out of school, if a violation of this policy also results in a violation of the School District's Student Behavior Policy.
4. Parents or guardians my request their child to be placed in the drug testing program on a voluntary basis with the same rules and regulations as other students in the program.

DEFINITIONS

1. "Extracurricular" means any School District sponsored team, club, organization or activity

in which student participation is not required as a part of the School District curriculum.

2. "Student extracurricular activities participant" means any student participating in any competitive extracurricular activity.

3. "Student Athlete" means a 7th-12th grade member of any School District sponsored interscholastic sports team, including athletes and cheerleaders.

4. "Coach/Sponsor" means any person employed by the School District to coach athletic teams of the School District, to act as a sponsor or coach of a cheerleader team of the School District, or to serve as sponsor for any other extracurricular activity.

5. "Athletics" and "athletic activity" means participation by a student athlete on any athletic team or cheerleader team sponsored by the School District.

6. "Alcohol" means ethyl alcohol or ethanol and any alcoholic beverage and includes "low-point beer" as defined by Oklahoma law.

7. "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, and paraphernalia to use such drugs.

8. "Initial Testing" means the testing before any activities are preformed.

9. "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.

10. "Drug or alcohol use test" means a chemical test administered for the purpose of determining the presence or absence of alcohol or illegal or performance enhancing chemical substances or their metabolites in a student's blood, bodily tissue, fluids, products, urine, breath or hair.

11. "Random selection basis" means a mechanism for selecting student extracurricular activities participants.

a. results in an equal probability that any student extracurricular activity participant from a group of student extracurricular activity 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 extracurricular activity participant selected under the mechanism.

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

13. "Reasonable suspicion" means a suspicion based on specific personal observations concerning the appearance, speech or behavior of a student extracurricular activity 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.

14. "School Day(s)" means a day when school is in session and students are required to report to school. By way of example only and not as a limitation, school day does not include snow days, holidays, or parent-teacher conference days.

15. "School District Property" means any property owned by or under the control of the School District.

PARTICIPATION AND PROCEDURES EXTRACURRICULAR ACTIVITIES

1. Alcohol and illegal or performance enhancing drug possession or use is incompatible with participation in extracurricular activities on behalf of the School District. For the safety, health and well being of the student extracurricular activity participants of the School District, the School District has adopted this Policy for use by all participating students at the 7th- 12th grade level. Any student found to be in possession of, or having used alcohol or illegal or performance enhancing drugs, either by observation or drug or alcohol use test, will be considered to have violated this Policy.
2. Each student extracurricular activity participant shall be provided with a copy of this Policy and the "Student Extracurricular Activity Participant Alcohol and Illegal or Performance Enhancing Drug Contract (the "Extracurricular Activities Contract") which shall be read, signed and dated by the student parent or custodial guardian and a coach/sponsor before such student shall be eligible to practice or participate in any extracurricular activity. No student shall be allowed to practice or participate in any extracurricular activity unless the student has returned the properly signed Contract.
3. The principal and sponsor, or, in the case of student athletes only, the athletic director and applicable coach, shall be responsible for determining whether a violation of this Policy has occurred when an observation of possession or use of alcohol or illegal drug by a student extracurricular activity participant has been reported. If a violation of the Policy is determined to have occurred by a student extracurricular activities participant other than a student athlete, the superintendent or designee will contact the student, the sponsor, and the parent or custodial guardian of the student and schedule a conference. If a violation of the Policy is determined to have occurred by a student athlete, the superintendent or designee will contact the student, the sponsor or head coach, the applicable principal, and the parent or custodial guardian of the student and schedule a conference. At the conference, the violation of the Policy will be described and the restrictions explained.
4. The Extracurricular Activities Contract for alcohol and illegal or performance enhancing drug and/or alcohol use testing shall be to provide a urine sample: a) prior to participating in school activities, an initial drug test will be administered; b) monthly/as chosen by the random selection basis; and c) at any time a student extracurricular activities participant is requested by the superintendent or designee or athletic director or by the sponsor or coach, based on reasonable suspicion, to be tested for alcohol and illegal or performance enhancing drugs.
5. Drug and/or alcohol use testing for student extracurricular activities participants will be chosen on a random selection basis monthly from a list of all applicable student participants. The School District will determine a monthly number of student names to be drawn at random to provide a urine sample for drug and/or alcohol use testing for alcohol and/or illegal or performance enhancing drugs.
6. In addition to the drug and alcohol use tests required above, any student extracurricular activities participant may be required to submit to a drug and/or alcohol use test for alcohol or illegal or performance enhancing drugs or the metabolites thereof at any time upon reasonable suspicion.
7. The School District will set a fee charge to be collected from each student when the Extracurricular Activities Contract is signed and returned to the coach or sponsor.

TESTING PROCEDURES

1. Any alcohol or 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 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.

2. All aspects of the alcohol or drug use testing program, including the taking of specimens, will be conducted so as to safeguard the personal and privacy rights of the 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 superintendent or designee shall designate a sponsor or coach or other adult person 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 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 is tampering with the specimen, the monitor may stop the procedure and inform the principal or athletic director who will then determine if a new sample should be obtained. If a student is determined to have tampered with any specimen or otherwise engaged in any conduct that disrupts the testing process of any student, then the student will be deemed to have committed a second offense under this Policy and the sanctions for a second offense will be imposed. The monitor shall give each student a form on which the student may but is not required to 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.

3. If an 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

spectroscopy 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 performance enhancing drug or the metabolites thereof. If an initial alcohol use test is positive for the presence of alcohol, the initial test result will be subject to confirmation by a second test using any scientifically accepted method. The unused portion, if any, of a specimen that tests positive for alcohol or illegal or performance enhancing drugs shall be preserved by the laboratory for a reasonable period of time as determined by the laboratory.

4. If the alcohol or drug use test for any student has a positive result, the laboratory will contact the superintendent or designee with the results. In the case of student extracurricular activities participants who are not athletes, the superintendent or designee will contact the student, the sponsor, and the parent or custodial guardian of the student and schedule a conference. In the case of student athletes, the superintendent or designee will contact the student, the sponsor or head coach, the applicable principal, and the parent or custodial guardian of the student and schedule a conference. At the conference, the superintendent or designee will solicit any explanation for the positive result and ask for doctor prescriptions of any drugs that the student was taking that might have affected the outcome of the alcohol or drug use test. If the student and his/her parent or custodial guardian desires another test of the remaining portion, if any, of the specimen, the superintendent or designee will arrange for another test at the same laboratory or at another laboratory agreeable to the superintendent or designee. Any such re-test shall be at the expense of the student and his/her parent or custodial guardian.

5. If the student asserts that the positive test results are caused by other than consumption of alcohol or an illegal or performance enhancing drug by the student, then the student will be given an opportunity to present evidence of such to the superintendent or designee. The School District

will rely on the opinion of the appropriate person from the original laboratory that performed the test in determining whether the positive test result was produced by other than consumption of alcohol or an illegal or performance enhancing drug.

6. A student who has been determined by the superintendent or designee to be in violation of this Policy shall have the right to appeal the decision to the superintendent or designee(s). Such appeal must be lodged within five (5) school days of notice of the initial report of the offense, during which time the student will remain ineligible 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 or designee's decision and that decision shall be conclusive in all respects. Any necessary interpretation or application of this Policy shall be the sole and exclusive judgment and discretion of the superintendent which shall be final and nonappealable.

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

8. 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 nor be considered a "disciplinary" record.

VIOLATION

1. Any student who is determined by observation or by alcohol or drug use tests to have violated the Policy shall be subject to the loss of the privilege to participate in extracurricular activities and offered educational and support assistance to stop using

2. **For the First Offense: Suspension from participation in all** scheduled extracurricular activities (including all meetings, practices, performances and games/competitions) for 20 school days which may be reduced to ten school days for participating in and successfully completing at least four (4) hours of substance abuse education/counseling provided by the School District or an outside agency). These restrictions and requirements shall begin immediately following the determination of an observed violation or the reporting of the results of a positive alcohol or drug use test. Such suspension will extend into a succeeding school year if necessary to fulfill the suspension.

3. **For the Second or Subsequent Offense (in the same school year): Complete** suspension from participation in all extracurricular activities including all meetings, practices, performances and competitions for ninety (90) continuous school days and successive school days from the date of the determination of a violation or the reporting of the results of a positive alcohol or drug use test under this Policy. Such suspension will extend into a succeeding school year if necessary to fulfill the suspension. Offenses shall not accumulate from school year to school year; the ninety (90) day suspension shall come into play only when two (2) or more offenses are committed in the same school year.

4. **Self-Referral:** As an option to the consequences for a first offense only, a student may self-refer to the superintendent or designee or to a coach or sponsor before being notified of a

Policy violation or prior to being asked or required to submit to an alcohol or drug use test. A student who self-refers will be allowed to remain active in all extracurricular activities after the following conditions have been fulfilled: a conference has been held with the student, the superintendent or designee and the parent or custodial guardian of the student to discuss the Policy violation; an alcohol or drug use test is provided by the student that is not positive, and a written participation commitment by the student and parent for four (4) hours of substance abuse education/counseling provided by the school or an outside agency. The student or parent must provide documentation of successful completion of this commitment to the superintendent or designee. A student, who self-refers will, however, be considered to have committed his/her first offense under this Policy. A self-referral may be used only once in a student's time in the School District.

REFUSAL TO SUBMIT TO ALCOHOL OR DRUG USE TEST

If, after signing the Extracurricular Activities Contract a student who refuses to submit to an alcohol or drug use test authorized under this Policy, such student shall not be eligible to participate in any extracurricular activities including all meetings, practice, performances and competitions for eighteen (18) continuous and successive school weeks. Such suspension will extend into a succeeding school year if necessary to fulfill the suspension.

BENNINGTON ISD Student
Extracurricular Activities Participant Alcohol and Illegal
Or Performance Enhancing Drugs Contract

Statement of Purpose and Intent:

Participation in school sponsored extracurricular activities at the Bennington School District is a privilege and not a right. Such privilege is governed by the attached Bennington ISD Policy on Student Alcohol and Drug Testing (the "Policy"). Alcohol and illegal or performance enhancing drug use of any kind is incompatible with participation in extracurricular activities on behalf of the Bennington School District. Students who participate in activities are respected by the student body and are expected to hold themselves as good examples of conduct, sportsmanship and training. Accordingly, student extracurricular activities 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 alcohol or illegal or performance enhancing drugs.

Participation in Extracurricular Activities:

For the safety, health and well-being of the students of the Bennington School District, the Bennington ISD has adopted the attached Policy and this Student Extracurricular Activities Participant Alcohol and Illegal or Performance Enhancing Drugs Contract (the "Contract") which shall be read, signed and dated by the student, parent or custodial guardian and sponsor or coach before such student shall be eligible to practice or participate in any extracurricular activity. No student shall be allowed to practice or participate in any extracurricular activity unless the student has returned the properly signed Contract.

Student's Last Name	First Name	Middle Initial	Student ID #
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I understand after having read the Policy and this Contract that, out of care for my safety and health, the Bennington School District enforces the rules applying to the consumption or possession of alcohol and illegal or performance enhancing drugs. As a student extracurricular activities participant, I realize that the personal decision that I make daily in regard to the consumption or possession of alcohol and illegal or performance enhancing drugs may affect my health and well being as well as the possible endangerment of those around me and reflect upon any organization with which I am associated. If I choose to violate the Policy regarding the use or possession of alcohol and illegal or performance enhancing drugs any time during the school year, I understand upon determination of that violation I will be subject to the restrictions of my participation as outlined in the Policy.

Signature of Student

Date

We have read and understand the Policy and this Contract. We desire that the student named above participate in the extracurricular activities of the Bennington School District and we hereby agree to abide by all provisions of the Bennington School District's Policy. We accept and consent to the method of obtaining urine samples, testing and analyses of such specimens, and all other aspects of the program. We agree to cooperate in furnishing urine specimens that may be required from time to time. We further agree and consent to the disclosure of the sampling, testing and results as provided for in this program. This consent is given pursuant to all State and Federal Privacy Statutes and is a waiver of rights to non-disclosure of such test records and results only to the extent of the disclosures authorized in the program.

Signature of Parent or Custodial Guardian

Date

(If the student athlete is 18 years or older, he/she must also sign at this line in addition to the line above.)

BELOW PLEASE OBTAIN THE SIGNATURE OF ANY SPONSOR OR COACH OF AN EXTRACURRICULAR ACTIVITY IN WHICH YOU ARE INVOLVED:

Signature of Sponsor/Coach Team/Extracurricular Activity

Date

BENNINGTON SCHOOL DISTRICT
EXTRACURRICULAR ACTIVITIES STUDENT DRUG TESTING CONSENT

Statement of Purpose and Intent

Participation in school sponsored extracurricular activities at the Bennington ISD is a privilege. Extracurricular activity students 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 alcohol or illegal or performance enhancing drugs.

Drug use of any kind is incompatible with participation in extracurricular activities on behalf of the Bennington ISD. For the safety, health, and well-being of the extracurricular activity students of the Bennington ISD, the Bennington Board of Education has adopted the attached Student Drug Testing Program Policy for extracurricular activities and this Student Drug Testing Consent Form for use by all participating activity students in grades 7- 12.

Participation in Extracurricular Activities

Each extracurricular activity student shall be provided with a copy of the policy and this Student Drug Testing Program Consent Form that must be read, signed, and dated by the student, parent or custodian guardian, and coach/sponsor before participation in any extracurricular activity. The consent shall be to provide a urine sample (a) prior to participating in school activities, an initial drug test will be administered; b) monthly/ as chosen by the random selection basis; and c) at any time a student extracurricular activities participant is requested by the superintendent or designee or athletic director or by the coach or sponsor, based on reasonable suspicion, to be tested for alcohol and 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 consent form.

Student's Last Name	First Name	Middle Initial
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I understand, after having read the policy on Student Drug Testing Program of Extracurricular Activities and this Extracurricular Activities Student Drug Testing Consent, form, that, out of care for my safety and health, the Bennington ISD enforces the rules applying to the consumption or possession of alcohol or illegal and performance enhancing drugs. As a member of a Bennington extracurricular activity, I realize that the personal decisions that I make daily in regard to the consumption or possession of alcohol or illegal or performance-enhancing drugs may affect my health and well-being as well as the possible endangerment of those around me and reflect upon any organization with which I am associated. If I choose to violate school policy regarding the use or possession of alcohol or illegal or performance-enhancing drugs any time while I am involved in in-season or off-season activities, I understand, upon determination of that violation, I will be subject to the restriction of my participation as outlined in the Policy.

Signature of Student	Grade	Date
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BENNINGTON SCHOOL DISTRICT

EXTRACURRICULAR ACTIVITIES STUDENT DRUG TESTING CONSENT

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We have read and understand the Bennington Public School District Policy on Student Drug Testing Program for Extracurricular Activities and this Extracurricular Activities Student Drug Testing Consent Form. We desire that the student named above participate in the interscholastic extracurricular activity program at Bennington ISD and we hereby voluntarily agree to be subject to its terms. We accept the methods of obtaining urine samples, testing and analysis of specimens, and all other aspects of the program. We further agree and consent to the disclosure of the sampling, testing, and results as provided in the program.

Signature of Parent or Custodial Guardian

Date

Signature of Coach/Sponsor

Date

MEDICATION LIST

I, _____, am currently taking or have taken the following drugs, substances, or medications in the last 96 hours: (48 hrs.)

Additional
Information _____

