

GALENA USD 499

SUBSTANCE ABUSE POLICY

STUDENT EXTRACURRICULAR AND/OR CO-CURRICULAR ACTIVITIES DRUG/ALCOHOL TESTING AND POSSESSION POLICY

The Galena USD 499 Board of Education, in an effort to protect the health and safety of its student athletes from illegal and/or performance-enhancing drug/alcohol use and abuse or injuries resulting from the use of drugs/alcohol, thereby setting an example for all other students of the Galena USD 499 School District adopts the following policy for drug/alcohol testing of students participating in extracurricular and/or co-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 Galena USD 499 School District refrain from using, possessing, or distributing illegal drugs and alcohol. The sanctions of this policy relate solely to limiting the opportunity of any student in violation of this policy to participate in extracurricular and/or co-curricular activities. This policy is intended to supplement and complement all other policies, rules, and regulations of the Galena USD 499 School District regarding possession and/or use of illegal drugs and alcohol.
- B. Participation in school sponsored extracurricular and co-curricular activities at the Galena USD 499 School District is a privilege. Accordingly, students in extracurricular and co-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 and alcohol.
- C. The purpose of this policy is to prevent illegal drug use and to strive within the Galena USD 499 School District for an environment free of illegal drug use and abuse. 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 extracurricular and/or co-curricular activities. There will be no academic sanction for violation of this policy, except to the extent that if a violation of this policy would also constitute violation of the District's discipline policy. If the discipline drug/alcohol policy is violated, the student will be subject to the penalties of the discipline policy.
- D. Illegal drug/alcohol use of any kind is incompatible with participation in extracurricular and/or co-curricular activities of the Galena USD 499 School District. For the safety, health, and well being of the students of the Galena USD 499 School District, the Galena USD 499 School District has adopted this policy for use by all students participating in extracurricular and co-curricular activities in grades 7-12.

2) DEFINITIONS

- A. "Extracurricular activities" means those activities that take place outside the regular course of study in school and those students involved in those activities including all Galena USD 499 School District sponsored activities, interscholastic sports teams, cheerleaders, and dance teams.
- B. "Co-curricular activities" means those activities that students participate in outside of the classroom as a result of being enrolled in a school-offered class.
- C. "Drug Use Test" means a scientifically substantiated method to test for the presence of illegal, performance-enhancing drug, alcohol, or the metabolites thereof in a person's bodily fluids.
- D. "Illegal Drugs" means any substance which an individual may not sell, possess, use, distribute, or purchase under either Federal or Kansas Law, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose as well as alcohol and tobacco.
- 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 that can be lawfully purchased in over-the-counter transactions.
- F. "Positive" when referring to a drug 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. "Positive" when referring to an alcohol test administered under this policy means a breath analyzer test result that is considered to demonstrate the presence of alcohol.

- 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 could also include unusual increases in size, strength, weight, or other athletic abilities.
- H. "Possession" means use or consume, have in possession, buy, sell or give away any controlled substance defined by law as a drug, alcohol, and/or tobacco including chewing tobacco on school property or at school supervised activity. It is not a violation for a student to be in possession of a controlled substance specifically prescribed for the student's own use by his/her doctor.

### 3) PROCEDURE

- A. Each student in extracurricular and/or co-curricular activities shall receive copies of the "Student Extracurricular and/or Co-Curricular Activities Drug/Alcohol Testing Policy" and "Student Extracurricular and/or Co-Curricular Activities Drug/Alcohol Testing Consent Form" which shall be read, signed and dated by the student, parent and/or guardian. Students must turn in the "Student Extracurricular and/or Co-Curricular Activities Testing Consent Form" to the school office during the first week of school before the student will be allowed to begin or continue to practice, or participate in any extracurricular and/or co-curricular activity. Any student who does not turn in the required forms during the first week of the school year will not be eligible to participate in any extracurricular and/or co-curricular activities during the remainder of the school year. Transfer students will be given one week of their enrollment date in Galena Schools to sign and complete the form.
- B. Students will be required to provide urine samples as follows:
  - 1. On a random selection basis, from a list of all students in the testing pool, extracurricular and/or co-curricular participants will be drawn at random to provide a urine sample; and
  - 2. At any time requested based on reasonable suspicion to be tested for illegal of performance-enhancing drugs and/or alcohol;
- C. Any drug use test required by the Galena USD 499 School District under the terms of the policy will be administered by or at the direction of a professional laboratory chosen by the Galena USD 499 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.
- D. Students attending school sponsored extracurricular activities may be randomly required to submit to an alcohol breath analyzer test to determine the presence of alcohol. This test will be conducted in the office behind closed doors to minimize intrusiveness of the procedure and the results of the test.
- 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 student will empty their other private facility behind a closed stall. The student will empty their pockets and remove their coat and other excess clothing prior to entering laboratory employee, a coach, or school employee of the same sex as the student to accompany the student to a restroom or other private facility. 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 another sample should be obtained.

- F. If the initial drug use urine test is positive, the initial test result will then be subject to confirmation by a second and different test of the same specimen. In order to keep the results of the initial testing confidential, the school district may also choose a certain number of samples for a confirmation test. The second test will use gas chromatography/mass spectrometry procedure is positive for the presence of an illegal drug or metabolites thereof.
- G. If the test for any student has a positive result, the laboratory will contact the parents or guardians and solicit any information on medication that would create a positive test. A medical review officer will confirm the positive result and contact the testing coordinator and principal with the results. The Principal will contact the Superintendent, Athletic Director, Activities Director, the student; the head coach/head sponsor, and the parent or guardian of the student and schedule a conference. At the conference, the principal will solicit any explanation of the positive result. Once a positive result is determined, the student will become ineligible compete in extracurricular and/or co-curricular activities.
- H. If the student asserts that the positive test results are caused by other than consumption of an illegal drug, performance-enhancing drug, or alcohol by the student, then the student will given an opportunity to present evidence of such to the Principal, Testing Coordinator, the Athletic Director, the Activities Director, and the head coach/sponsor. The Galena USD 499 School District will rely on the opinion of the laboratory that performed the confirmation test in determining whether the positive test result was produced by other than consumption of an illegal drug, performance-enhancing drug, or alcohol. The Principal, Testing Coordinator, Athletic Director, Activities Director, and head coach/sponsor will make a decision within five (5) working days.
- I. This decision may be appealed in writing to the Galena USD 499 School District's Superintendent within (5) working days. The Superintendent will make a written decision within five (5) working days.
- J. The decision of the Superintendent may be appealed in writing to the Galena USD 499 Board of Education within five (5) working days. The Galena USD 499 School District's rules and regulations will be followed in case of appeal.
- K. A student who has tested positive for illegal drugs or performance-enhancing drugs will be required to undergo one or more additional urine drug use tests, at the next scheduled random testing date, to determine whether the student is no longer using illegal drugs or performance-enhancing drugs before he or she may rejoin an activity. The Galena USD 499 School District will rely on the opinion of the laboratory that performed or analyzed the additional drug use test in determining whether a positive result in the additional drug test was produced by illegal or performance-enhancing drugs used by the student that caused the fist positive result or by more recent use. The cost of the retest will be the obligation of the student or the parent or custodial guardian.
- L. All parents or guardians of students who tested negative for illegal drugs or performance-enhancing drugs in the initial screening will be contacted be personnel of the Galena USD 499 School District within five (5) working days after testing.
- M. Confirmation of possession shall be made by:
  - 1. A student admitting to a violation after or during a conference with the administration.
  - 2. A USD 499 faculty member eye witnessing the violation.
  - 3. A law enforcement agent witnessing the violation.

#### 4) VIOLATIONS

Any student who has a confirmed positive in a drug/alcohol use test or possession under this policy shall be subject to the following restrictions:

- A. First Offense Alcohol/Tobacco
  - 1. The student/athlete must attend and participate in all practices during his/her days of ineligibility.
  - 2. The student/athlete must complete any additional conditioning program or outside work the coach or sponsor assigns.
  - 3. The student shall be suspended from participation in all extracurricular competitions, for two (2) weeks (14 days).

**B. Second offense Alcohol/Tobacco-(First Offense Drugs)**

1. The student/athlete must attend and participate in all practices during his/her days of ineligibility.
2. The student/athlete must complete any additional conditioning program or outside work the coach or sponsor assigns.
3. The student shall be suspended from participation in all extracurricular and/or co-curricular activities including all performances and competitions, for eight (8) weeks (56 days).
4. During this time, it is recommended that the parent/guardian obtain a substance abuse evaluation and education/counseling for the student. If the student and/or parent/guardian can provide proof of enrollment and regular attendance at a school approved substance abuse program, the suspension will be reduced to four (4) weeks (28 days).

**C. Third Offense Alcohol/Tobacco-(Second Offense Drugs)**

1. The student shall be suspended from participation in all extracurricular and/or co-curricular activities including all meetings , practices, performances, and competitions for thirty six (36) weeks (252) days continuous and successive weeks from the date of the initial report of the second offense as stated in this policy.
2. If the student and/or parent/guardian can provide proof of enrollment and regular attendance at a school approved substance abuse program, the suspension will be reduced to eighteen (18) weeks (126 days).

**D. Fourth Offense Alcohol/Tobacco-(Third Offense Drugs)**

1. The student shall be suspended from participation in all extracurricular and/or co-curricular activities including all meetings, practices, performances, and competitions for the remainder of the student's career at Galena USD 499 School District from the date of the initial report of the third offense as stated in this policy.

**5) REFUSAL TO SUBMIT TO DRUG USE TEST**

- A. If an extracurricular and/or co-curricular participant refuses to submit to a drug/alcohol use test authorized under this policy, such student shall be subject to the appropriate suspension as stated in sections 4A, 4B, 4C, and 4D.
- B. Any student who has a positive initial test and refuses to submit the required retest will be treated as a refusal to submit to testing. See 3K.