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Student Extracurricular Activities Drug and Alcohol Testing Policy

The Portales Municipal Schools Board of Education, in order to:

- help prevent students from using illegal drugs and alcohol,
- protect the health and safety of its students from the use and abuse of illegal drugs, alcohol, and performance-enhancing drugs,
- ensure that students involved in extra-curricular activities set an appropriate example for their fellow students, for whom they are often role models,
- give students additional reasons for declining to use drugs, and
- provide any student athletes found to be using or abusing drugs or alcohol with assistance in overcoming this use or abuse,

hereby adopts this Student Extra-Curricular Activities Drug and Alcohol Testing Policy.

A. Statement of Purpose and Intent

1. It is the intent and desire of the Portales Municipal Schools Board of Education, administration, and staff that every student in the Portales Municipal School District (the District) refrain from using or possessing illegal drugs/alcohol. Members of the Board of Education, administration, Portales High School athletic department, community, parents, and staff joined forces in the spring of 2000 to determine the best possible means of addressing a drug use and abuse problem that had become evident in the preceding months. Evidence of a problem with experimentation and use of drugs/alcohol came by way of discussions with student athletes and parents, an increasing number of discipline referrals, observations of changing behavior patterns in student athletes, and preliminary results of a drug survey administered to student athletes and their parents grades 9 - 12. Both at that time and since, similar problems existed in the larger population of students, including those that participated in non-athletic extra-curricular activities, such as band. With a great increase in the number of violent crimes being committed in the nation's school districts, and the direct link between drug use and violent crimes, the evidence of a local problem is alarming. This Policy is intended to supplement and complement all other policies and regulations of the Portales Municipal School and the New Mexico State Board of Education regarding possession or use of illegal drugs/alcohol.
2. Participation in school-sponsored extra-curricular activities is a privilege. Students who participate in these activities are looked to as examples and admired by the student body and community and are expected to hold themselves as good examples of conduct. Accordingly, as part of the privilege of participation, students involved 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 illegal drugs or alcohol.
3. The purpose of this Policy is to prevent drug/alcohol use, to educate students as to the serious physical, mental, and emotional harm caused by illegal drug/alcohol use, to alert parents and students with possible substance abuse problems to the potential harm of illegal drug/alcohol

The Portales Municipal Schools will provide all students a Quality Education.

use, to prevent injury, illness and harm as a result of illegal drug/alcohol use, and to strive for an environment free of illegal drug/alcohol use and abuse. This policy is not intended to be disciplinary or punitive in nature. The sanctions of the Policy relate solely to limiting the opportunity of any student found to be in violation of the Policy to participate in any extra-curricular activity program. There will be no academic sanction for violation of this Policy.

4. Illegal drug/alcohol use of any kind is incompatible with participation in any program offered by the Portales Municipal Schools. For the safety and well being of the students involved in any program of extra-curricular activity, the Portales Municipal Schools Board of Education has adopted this Policy for use by all students involved in any such program.
5. Based upon the foregoing statement of purpose and intent, consent to this drug/alcohol testing Policy is a mandatory prerequisite for all students to participate in any school extra-curricular program.

B. Definitions

1. "Extra-curricular activities" are any school-sponsored non-academic activities in which students generally are invited to participate as a supplement to the curricular aspects of their educations.
2. "Drug/alcohol use test" means a scientifically substantiated method to test for the presence of illegal drugs, alcohol, performance-enhancing drugs, or the metabolites thereof, in a person's urine, blood, or saliva.
3. "Random selection basis" means a mechanism for selecting student athletes for drug/alcohol testing. The District will use a random selection process to select student athletes for testing.
4. "Illegal drugs/alcohol" means
 - a. Alcohol: Any liquor, wine, beer, or other beverage containing alcohol,
 - b. Drugs: Any drug, including illegal drugs, marijuana, inhalants, legal prescription and over-the-counter drugs used or possessed or distributed for unauthorized purposes, including, but not limited to marijuana, cocaine, opiates, amphetamines, methaqualone, benzodiazepines, phencyclidine (PCP), methadone, barbiturates, and propoxyphene.
5. "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 drug" does not include dietary or nutrition supplements such as vitamins, minerals, and proteins that can be lawfully purchased in over-the-counter transactions.
6. "Positive" when referring to a drug/alcohol test administered under this policy means a toxicological test result that demonstrates the presence of illegal drug(s)/alcohol or a performance-enhancing drug or the metabolites thereof, using the standards customarily established by the testing laboratory administering the drug/alcohol use test.
7. "Substance Use Violation" refers to a positive urinalysis, blood test, or saliva test. The District will not test for substances or purposes other than drug or alcohol use prohibited by this policy.

C. Procedures

1. Each student in grades 7-12 shall be subject to the random testing program during each year in which he or she elects to participate in any school extra-curricular program, including athletics, or in any required training program that is a prerequisite to the extra-curricular program.
2. Each student shall be provided with a copy of the "Student Extra-Curricular Activities Drug/Alcohol Testing Policy" and "Student Extra-Curricular Activities Drug/Alcohol Testing Consent" which shall be read, signed, and dated by the student and parent or legal guardian before that student shall be eligible to practice or participate in any extra-curricular program. The

consent shall be to provide a urine sample (a) as chosen by the random selection basis; (b) upon reasonable suspicion based on specific observations concerning the appearance, speech, or behavior of the student that indicate the effects of drug/alcohol use; (c) upon personal observation of a substance use violation by a Portales Municipal Schools coach, sponsor, faculty member, or administrator during the school year; (d) when a student voluntarily discloses, or a parent reports, use or abuse by the student. No student shall be allowed to practice or participate in any extra-curricular program unless the student has returned the properly signed "Student Extra-Curricular Activities Drug/Alcohol Testing Consent" and met all other eligibility requirements as set forth by Portales Municipal Schools.

3. Selection for Testing

- a. On the first day of each month, one number between 1 and 31 will be randomly selected for the date of the unannounced testing for that month. If that day falls on a weekend or a non-school day, an additional number will be drawn until a testing day has been determined.
- b. Ten percent of the students in the pool of students who have elected to participate in extra-curricular activities shall be randomly selected to be tested.
- c. Students will be selected by a random selection process on the testing dates. A random number generator will be used to determine which students are to be tested to ensure that all students in the pool will have an equal chance of being selected on an unannounced basis for the testing. Students who are selected to be tested during one test period will be eligible for future tests and if selected may be tested in successive tests.
- d. A refusal to provide a sample, or the alteration or falsification of a specimen or test result, will be treated as resignation from all extra-curricular activities programs for the remainder of the current school year. In addition, if the student refuses to provide a sample, the student must have a drug/alcohol test prior to participation in any future program of extra-curricular activities. The student's parent/legal guardian will be notified.
- e. The random testing of students will be performed by a certified drug testing company contracted by the District. The company chosen to conduct the testing shall be required to have detailed written procedures to assure proper chain of custody of the samples, proper laboratory control, and scientifically validated testing methods.
- f. The drug testing company will contact the Superintendent or his/her designee with the test results. If a test result is positive the Superintendent or his/her designee will immediately contact the student and his or her parents or legal guardians and schedule a conference at which time the student or parents or legal guardian may offer any explanation of the positive result. Parents or legal guardians may provide any doctor's prescriptions of any drugs that the student was taking that might have affected the outcome of the drug/ alcohol use test and may request that another test be conducted on the remaining portion of the urine sample.
- g. No student shall receive an academic penalty solely as the result of a positive test result.

4. In addition to students chosen at random pursuant to this paragraph, students may be required to undergo testing individually on the basis of reasonable, individualized suspicion of substance abuse violations.

D. Violations: A student found to have been in violation of this policy by his or her school principal shall be subject to the following consequences:

1. First Violation

- a. A Parent or Legal Guardian/Superintendent or his/her designee conference will be required when a student commits a first violation.

- b. The student will be suspended from participating in any program of extra-curricular activities for 50% of scheduled contests. If the violation occurs with 50% or less of scheduled regular season contests remaining, the student will forfeit participation in the remaining regular season contests and any post season contests.
- c. The student will be required to fulfill the requirements of his/her class schedule including participation in any classes during the suspension period.
- d. The student may be required to attend a drug education program at the expense of the student or his or her parent or guardian as a condition of any further participation in school extra-curricular activities.
- e. The student will be subject to a monthly drug use test for each month school is in session for the remainder of the school year and the school year to follow.
- f. The student will sign a statement acknowledging the consequences of a second offense.
- g. The student will be required to complete ten (10) hours of community service.

2. Second Violation

- a. The student will be suspended from participating in all extra-curricular activities programs for the remainder of the school year and for all of the following school year.
- b. The student may be required to attend a drug education program at the expense of the student or his or her parent or guardian as a condition of any further participation in school extra-curricular activities.
- c. The student will be required to complete twenty (20) hours of community service.

3. Third and Subsequent Violations

- a. The student will be suspended from participating in all programs or extra-curricular activities for the remainder of the school year and for all of the following two school years.
- b. The student may be required to attend a drug education program at the expense of the student or his or her parent or guardian as a condition of any further participation in school extra-curricular activities.

E. Appeals Process

- 1. A student may appeal a suspension under this policy by providing a written notice of appeal with the Superintendent and a copy to the Principal whose decision is being appealed within five (5) school days of the Principal's decision. The notice shall state the reasons the suspension should be reversed. The Principal shall provide the Superintendent the reasons the suspension should be sustained.
- 2. The Superintendent or his/her designee shall review the Principal's suspension decision in light of the provisions of this policy and issue a decision in writing sustaining or reversing the suspension.
- 3. A student may appeal the Superintendent's decision to the Board of Education by providing a notice of appeal to the Superintendent within five (5) school days of the date of the Superintendent's decision. The Superintendent may provide the Board with the reasons the suspension should be sustained. The Board's decision shall be final.
- 4. Students will remain ineligible for extra-curricular activities pending appeals.

Adopted: April 9, 2001
Revision Adopted: June 5, 2001
Revision Adopted: July 9, 2001
Revision Adopted: July 29, 2002
Revision Adopted: July 14, 2005
Revision Adopted: August 12, 2013
Revision Adopted: July 10, 2018

PORTALES MUNICIPAL SCHOOL DISTRICT

STUDENT EXTRA-CURRICULAR ACTIVITIES DRUG/ALCOHOL TESTING CONSENT FORM

According to District policy, each student participating in any program of extra-curricular activities shall be provided with a copy of the "Student Extra-Curricular Activities Drug/Alcohol Testing Policy" and the "Student Extra-Curricular Activities Drug/Alcohol Testing Consent Form" which shall be read, signed, and dated by the student and parent or legal guardian before the student shall be eligible to practice or participate in any program of school-sponsored extra-curricular activities. By signing the consent form, the student and parent/guardian consent to the student's providing a sample of urine, saliva, or blood, under the conditions stated in the policy --- by random selection, on the basis of reasonable suspicion, or on the basis of parent/student report --- to be tested for illegal drugs/alcohol. **No student shall be allowed to practice or participate in any extra-curricular activities program until the student has returned the properly signed Drug/Alcohol Testing Consent Form.**

Student's Last Name	First Name	Middle Name	Social Security
Number			

I have read the "Student Extra-Curricular Activities Drug/Alcohol Use Testing Policy" and the "Student Extra-Curricular Activities Drug/Alcohol Testing Consent Form" and any questions I have about the Policy or the Consent Form have been answered. I understand the Policy and the Consent Form. I further understand that if I violate the Policy regarding the use of illegal drugs/alcohol, I will be subject to the consequences provided in the Policy.

Signature of Student	Date
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We have read and understand the Portales Municipal Schools "Student Extra-Curricular Activities Drug/Alcohol Testing Policy" and the "Student Extra-Curricular Activities Drug/Alcohol Testing Consent Form". We desire that _____ (the Student) participate in extra-curricular activities programs offered by the Portales Municipal School District, and we hereby agree that the Student shall be subject to the terms of the Policy and Consent Form. We understand and agree to the requirements and procedures specified by the Policy, and to all other aspects of the program. We further agree and consent to the reporting of the results of testing as provided in this Policy.

Signature of Parents or Legal Guardian	Date
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Signature of Coach/Athletic Director/Activities Director/Sponsor	Date
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Authorization to be Automatically Tested Each Month on reverse.

PORTALES MUNICIPAL SCHOOL DISTRICT

REQUEST FOR REGULAR TESTING

The undersigned parent of _____(the student), in addition to the foregoing agreements and consents, further requests that the student be subject to testing by the school as part of every testing cycle, subject to written revocation of this request by the undersigned parent.

We also agree to pay the cost of this testing in advance, at the beginning of each school year in which this authorization remains in effect. For the 20__-20__ school year, the cost of this testing will be \$_____, which we agree to pay to the Portales Municipal School District by August __, 20__.

Signature of Parent or Legal Guardian

Date