



SECTION IV: STUDENTS

POLICY 4090

DRUG TESTING OF STUDENTS PARTICIPATING IN COMPETITIVE PHYSICAL ACTIVITIES

The Board of Education of the Broken Arrow School District (the “School District”), in order to protect the health and safety of students participating in competitive physical extracurricular activities 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 competitive physical extracurricular activities.

STATEMENT OF PURPOSE AND INTENT

1. It is the desire of the Board of Education, administration and staff that all students in the School District refrain 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 competitive physical 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 competitive physical extracurricular activities and who is found to be in violation of the Policy to participate in such extracurricular activities. There will be no academic sanction solely for a violation of this Policy. Notwithstanding the foregoing, a student may be 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.



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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 competitive physical extracurricular activities participant” means any student participating in any competitive physical extracurricular activity, including any 7th-12th grade member of any School District sponsored interscholastic sports team or other extracurricular activity requiring physical activity, including athletes, cheerleaders, dance team members, BAHS Show Choirs, Jungle Squad and members of “The Pride” marching band and color guard, hereinafter referred to as “student participant(s).”

3. “Coach/Sponsor/Director/Instructor” 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 or dance team of the School District, BAHS Show Choirs, Jungle Squad or to direct and/or instruct “The Pride” marching band and color guard.

4. “Competitive physical extracurricular activity” means participation by a student on any athletic team, cheerleader or dance team sponsored by the School District, or participation in “The Pride” marching band and color guard.

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

6. “Illegal drugs” means any substance that an individual may not sell, possess, use, distribute or purchase under either federal or Oklahoma law. For purposes of this policy "Illegal drugs" also 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 legally-obtained prescribed and over-the-counter drugs and other substances including, but not limited to, paint, glue, aerosol sprays, spices, potpourri, bath salts, etc. being used for an abusive, mood-altering or illicit purpose, and paraphernalia to use such drugs and substances.

7. “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 that can be lawfully purchased in over-the-counter transactions.



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8. “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.

9. “Random selection basis” means a mechanism for selecting student participants for drug and/or alcohol use testing that:

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

10. “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.

11. “Reasonable suspicion” means a suspicion based on specific personal observations concerning the appearance, speech or behavior of a student 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.

PARTICIPATION AND PROCEDURES – COMPETITIVE PHYSICAL EXTRACURRICULAR ACTIVITIES

1. Alcohol and illegal or performance-enhancing drug possession or use is incompatible with participation in competitive physical extracurricular activities on behalf of the School District. For the safety, health and well-being of the student 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 participant shall be provided with a copy of this Policy and the “Student Competitive Physical Extracurricular Activity Participant Alcohol and Illegal or Performance-Enhancing Drugs Contract (the “Competitive Physical Extracurricular Activities Contract”) which shall be read, signed and dated by the student, parent or custodial guardian and



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a coach/sponsor/director/instructor before such student shall be eligible to practice or participate in any competitive physical extracurricular activity. No student shall be allowed to practice or participate in any competitive physical extracurricular activity unless the student has returned the properly signed Contract.

3. The head coach/sponsor/director/instructor of each team or activity shall provide all prospective student participants drug/alcohol education information prior to the first practice in such sport/activity. Parents and students are required to sign an acknowledgement form stating they understand the Broken Arrow School District Policy on Student Alcohol and Drug Testing.

4. The principal and head coach/sponsor/director/instructor 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 participant has been reported. If a violation of the Policy is determined to have occurred by a student participant, the superintendent or designee will contact the student, the coach/sponsor/director/instructor, 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.

5. The Competitive Physical Extracurricular Activities Contract for alcohol and illegal or performance-enhancing drug and/or alcohol use testing shall be for the student participant to provide a urine sample: a) for a mandatory initial drug test at the beginning of the school year or at the beginning of a sport or activity; b) as chosen by the random selection basis; and c) at any time a student participant is requested by the superintendent or designee, athletic director, sponsor, coach, director, or instructor, based on reasonable suspicion, to be tested for alcohol and illegal or performance-enhancing drugs.

6. Random drug and/or alcohol use testing for student participants will be conducted weekly from a list chosen on a random selection basis from all applicable student participants. The School District will determine a weekly number of student names (not to exceed 20% of total students participating in competitive physical extracurricular activities) 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.

7. In addition to the drug and alcohol use tests required above, any student 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.

8. The School District will set a fee charge to be collected from each student when the Competitive Physical Extracurricular Activities Contract is signed and returned to the coach or sponsor.



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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 licensed by the Oklahoma Department of Health and chosen by the School District using scientifically validated toxicological methods that comply with the rules promulgated by the State Department of Health. 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, coach, director, instructor 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, provides any assistance by providing a sample to another student, 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, when directed, a student is unwilling, unable or fails to provide a specimen amount sufficient for testing, the laboratory monitor will initiate the laboratory's "Shy Bladder" protocol. The monitor will explain to the student that they will have up to ninety (90) minutes to produce an adequate sample, and encourage the student to drink fluids, per the protocol, while remaining at the collection site. If the student refuses to remain at the collection site until he/she has provided an adequate specimen or until the ninety minutes has elapsed, it is a "Refusal to Test." If the student is unable to provide an adequate specimen within the allowed time period, and the time period has elapsed, the monitor will then implement a rapid saliva test and the student will be discharged. The following day the student will again be given the opportunity to provide a urine sample. If the student does not provide an adequate specimen, the monitor will



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discontinue the collection process and record that no specimen was provided. At this point the student must obtain, at their own expense and as soon as possible, a medical evaluation from a qualified, licensed physician concerning the student's inability to provide an adequate specimen. A written report concerning the examining physician's findings must be provided to the laboratory's Medical Review Officer for review and final determination. If the student fails to obtain the required medical exam in a timely manner, or if it is determined through the required medical exam that there is no satisfactory medical explanation for the inability to provide an adequate specimen, it is deemed a "Refusal to Test."

4. 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. A specimen shall not be reported positive unless the second test 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.

5. 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. The superintendent or designee will contact the student participant, the head coach/sponsor/director/instructor, 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 desire 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.

6. 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.

7. 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 competitive physical extracurricular activities. The superintendent or designee(s) shall then



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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 non-appealable.

8. Before a student who has tested positive in an alcohol or drug use test may rejoin his/her competitive physical 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.

9. 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

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

1. **For the First Offense:** Suspensions will be based on the number of regular season games/contests/events scheduled for the applicable sport or activity. Regular season games/contests include games/contests played in tournaments but does not include scrimmages and/or post-season play.

Student participants who violate this policy and play in a sport/activity with one (1) to twelve (12) regular season games/contests/events will serve a minimum one (1) game suspension before being considered for re-instatement. In addition to the suspension, the student must also complete mandatory substance abuse education/counseling sessions, submit to one or more additional mandatory drug tests, and complete six (6) hours of community service as determined by the District. The student may return to active participation in the activity while completing these remaining requirements.

Student participants who violate this policy and play in a sport/activity with thirteen (13) to twenty-four (24) regular season games/contests/events will serve a minimum two (2) game suspension before being considered for re-instatement. In addition to the suspension, the student must also complete mandatory substance abuse education/counseling sessions, submit to one or



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more additional mandatory drug tests, and complete six (6) hours of community service as determined by the District. The student may return to active participation in the activity while completing these remaining requirements.

Student participants who violate this policy and play in a sport/activity with twenty-five (25) or more regular season games/contests will serve a minimum three (3) game suspension before being considered for re-instatement. In addition to the suspension, the student must also complete mandatory substance abuse education/counseling sessions, submit to one or more additional mandatory drug tests, and complete six (6) hours of community service as determined by the District. The student may return to active participation in the activity while completing these remaining requirements.

Student participants who participate in more than one (1) sport/activity will be suspended from the sport/activity in which he/she is participating at the time of the positive drug test result. Suspensions occurring from a positive test result that occurs between athletic seasons will be based on and served during the sport/activity immediately following the time of the positive drug test result.

A student who is suspended from participation in competitive physical extracurricular activities for a first offense will continue to participate in all practices and team meetings, but shall not suit up or participate in games or events.

Successful completion of the school district-provided substance abuse education/counseling program by the student participant and their parent or custodial guardian and completion of the community service hours is required. The student or parent must provide documentation of successful completion of this commitment to the superintendent or designee. The allowable timeline for completing these requirements will be at the sole discretion of the superintendent or designee based on the dates of the student suspension and substance abuse education/counseling sessions. At minimum, the student participant must serve the mandatory game/activity suspension, be enrolled to attend the counseling sessions, and actively engaged in completing the community service. Suspensions may be re-imposed for student participants who fail to attend required sessions or complete the required community service.

Following the first offense, the student may be required to submit to one or more additional mandatory drug use tests as determined by the superintendent or designee. The parents or custodial guardians of the student who is suspended will pay for the cost of the additional drug use test(s). 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(s) 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. A student participant who retests positive in such drug use test, if deemed to be from more recent use, shall have violated the policy and shall be subject to the subsequent restrictions for



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the next offense.

2. **For the Second or Subsequent Offense:** Complete suspension from participation in all competitive physical extracurricular activities including all meetings, practices, performances and competitions for eighteen (18) continuous and successive school weeks 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. In addition to the suspension, in order to regain eligibility status, the student must complete mandatory substance abuse education/counseling sessions, submit to one or more additional mandatory drug tests, and complete fifteen (15) hours of community service as determined by the District.

Following a second or subsequent offense, documented successful completion of the required education/counseling sessions, community service, and negative drug use test results are required prior to reinstatement to any competitive physical extracurricular activity. In lieu of completing the required District-provided education/counseling sessions, the student may, at their own expense, voluntarily undergo a comprehensive evaluation by a certified Substance Abuse Professional. By providing documentation of the evaluation and the successful completion of the treatment, education, and/or counseling program recommended by the SAP, the student may reduce the suspension period by one half, from eighteen (18) weeks to nine (9) weeks.

3. **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 competitive physical extracurricular activities after the following conditions have been fulfilled: a conference has been held with the student participant, 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 minimum of four (4) hours of substance abuse education/counseling provided by the school or an outside agency, and six (6) hours of approved community service. Documentation of successful completion of this commitment must be provided to the superintendent or designee by the student or parent. 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 Competitive Physical Extracurricular Activities Contract a student participant who refuses to submit to an alcohol or drug use test authorized under this Policy, such student participant shall not be eligible to participate in any competitive physical extracurricular



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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.

Medical Marijuana

1. Notwithstanding the provisions above, a student extracurricular activities participant in possession of a valid medical marijuana license shall not be considered in violation of this policy based on a positive drug test for marijuana or its metabolites. A student extracurricular activities participant who is a medical marijuana license holder may be considered in violation of this policy if he or she uses, possesses, sales, distributes, purchases or is under the influence of medical marijuana or medical marijuana product.
2. As used in this section, a determination of whether an applicant or employee is “under the influence of medical marijuana or medical marijuana product” shall be based on the totality of circumstances. Circumstances that may contribute to a determination that the student is under the influence may include, but are not limited to:
 - A. Observation of any of the conduct or phenomenon described below:
 - (i) the smell of marijuana on around the individual;
 - (ii) Disorganized thinking;
 - (iii) Paranoia and/or confusion;
 - (iv) Bloodshot eyes;
 - (v) Increased heart rate;
 - (vi) Increased appetite; or
 - (vii) Loss of Coordination and
 - B. Any circumstance that would permit the school district to engage in “reasonable suspicion” drug or alcohol testing of the student under this policy.



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**Broken Arrow School District
Competitive Physical Extracurricular Activities Student Participant
Alcohol and Illegal or Performance-Enhancing Drugs Contract**

Statement of Purpose and Intent:

Participation in school sponsored competitive physical extracurricular activities at the Broken Arrow School District is a privilege and not a right. Such privilege is governed by the attached Broken Arrow School District 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 such activities on behalf of the Broken Arrow School District. Students who participate in these activities are respected by the student body and are expected to hold themselves as good examples of conduct, sportsmanship and training. Accordingly, student 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 Broken Arrow School District, the Broken Arrow School District has adopted the attached Policy and this Student Competitive Physical 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/coach/director/instructor before such student shall be eligible to practice or participate in any competitive physical extracurricular activity. No student shall be allowed to practice or participate in any competitive physical extracurricular activity unless the student has returned the properly signed Contract.

| Student's Last Name | First Name | Middle Initial | Student ID Number |
|---------------------|------------|----------------|-------------------|
|---------------------|------------|----------------|-------------------|

I understand after having read the Policy and this Contract that, out of care for my safety and health, the Broken Arrow School District enforces the rules applying to the consumption or possession of alcohol and illegal or performance-enhancing drugs. As a student participant in competitive physical extracurricular activities, 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 |
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We have read and understand the Policy and this Contract. We desire that the student named above participate in the competitive physical extracurricular activities of the Broken Arrow School District and we hereby agree to abide by all provisions of the Broken Arrow 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 on this line in addition to the line above.]

BELOW PLEASE OBTAIN THE SIGNATURE OF ANY SPONSOR/COACH/DIRECTOR/INSTRUCTOR OF THE COMPETITIVE PHYSICAL EXTRACURRICULAR ACTIVITY IN WHICH YOU ARE INVOLVED:

Signature of Sponsor/Coach/Director/Instructor

Sport/Activity

Date

- Source:
- Broken Arrow Board of Education Policy adoption, April 13, 1998.*
 - Broken Arrow Board of Education policy revised, April 6, 2009.*
 - Broken Arrow Board of Education policy revised, July 13, 2009.*
 - Broken Arrow Board of Education policy revised, June 9, 2014.*
 - Broken Arrow Board of Education policy revised, June 8, 2015*
 - Broken Arrow Board of Education policy revised, July 10, 2017.*
 - Broken Arrow Board of Education policy revised, November 12, 2018.*
 - Broken Arrow Board of Education policy revised, November 4, 2019.*
 - Broken Arrow Board of Education policy revised, October 11, 2021.*