

## 12. Play for Keeps - Tobacco, Alcohol and Controlled Substances (TAD) Policy

In order to ensure adoption of consistent tobacco, alcohol and controlled substances policies by member schools and districts, ASAA requires that member schools and districts adopt the following policy for their enrolled and alternative education program students who are participating in interscholastic activities. This is intended to set forth minimum restrictions and penalties, subject to greater or additional restrictions or penalties which may be adopted by member schools or school districts.

**1. Prohibited Conduct:** The possession, distribution or use of any tobacco products, including “E” or electronic cigarettes, alcohol and controlled substances (as defined in Section 10 of this policy) by a student-athlete or activity participant, whether it occurs on or off school property, is prohibited and shall result in the penalties set forth herein.

**2. Time Period During Which Policy Applies:** The policy in this section applies to any student who is participating or has participated in interscholastic activities starting from the student’s first participation in interscholastic activities, at any ASAA member school, and continuing until the student graduates from high school. This policy applies during “calendar days” as defined in this section. The policy first went into effect on July 28, 2008.

**3. Educational Component:** The educational component is a critical part of the policy and is comprised of four parts; Pre-Participation Orientation, First Offense, Second Offense, and Third Offense. ASAA will provide the first three parts of this component to member schools on DVD and through the ASAA website. An overview of each part is included under Section 10. Definitions.

**4. Cumulative and Progressive Penalties:** Violations of this policy will be cumulative and progressive, as described in the following paragraph, throughout a student’s high school years. If a student transfers from one ASAA member school to another ASAA member school, the student’s cumulative violations will accompany such transfer and shall be the basis for any additional penalties should further violations occur.

**5. Minimum Penalties for Violation of this Policy:** Minimum penalties for violations of this policy are:

**First Offense** - The student will be suspended from interscholastic activities and practice for 10 (ten) calendar days (as defined in Section 10). Fifty (50) percent of the suspension will be forgiven and the student may return to practice if the student and parent/guardian complete the First Offense educational component.

For tobacco use, if a student under the First Offense Penalty violates the Tobacco Rule within the 10 (ten) calendar day period of suspension, the student’s period of suspension will start over again; the First Offense educational component will become mandatory, and no forgiveness will be granted. This process will continue until the student has demonstrated 10 (ten) calendar days without a subsequent tobacco violation. A student who has not completed a suspension or re-suspension under the first Offense Penalty for violation of the Tobacco Rule does not become subject to imposition of penalties under a Second, Third or Fourth Offense for violation of the Tobacco Rule, until the student has completed all suspensions and re-suspensions under the First Offense Penalty for tobacco use. A student serving a First Offense Penalty under the Tobacco Rule is, however, subject to immediate imposition of a Second Offense Penalty to the extent this is based upon violation of the non-tobacco prohibitions under this Policy.

**Second Offense** - The student will be suspended from interscholastic activities and practice for forty-five (45) calendar days. Both the student and parent/guardian must complete the Second Offense educational component prior to the student’s return to competition and there will be no forgiveness of

calendar days of suspension. While under the period of suspension, the student may return to practice after completion of the Second Offense educational component. A student may need additional days of practice before returning to competition (See Article 7, Section 5).

**Third Offense** - The student will be suspended from interscholastic activities and practice for six (6) months. Both the student and parent/guardian must complete the Third Offense educational component prior to the student's return to competition and there will be no forgiveness of calendar days of suspension. While under the period of suspension, the student may return to practice after completion of the Third Offense educational component. A student may need additional days of practice before returning to competition. (See Article 7, Section 5).

**Fourth and Subsequent Offenses** - The student's privilege to participate in interscholastic activities and practice is revoked for one (1) year. Both the student and parent/guardian must complete the Fourth Offense educational component prior to the student's return to competition and there will be no forgiveness of calendar days of suspension. A student may need additional days of practice before returning to competition. (See Article 7, Section 5).

These are minimum penalties which may be increased by the member school or member school district, based upon (1) the nature of the violation, (2) the extent to which it occurs on school property or during school activities, and (3) the extent to which it arises in the context of the student's participation in interscholastic activities. Penalties shall be imposed beginning on the first calendar day following a determination that a violation has occurred, except to the extent a school's appeals policy permits a student to continue to participate pending final determination of any appeal filed by the student under such policy. In such case, penalties shall be imposed on the first calendar day following a determination on appeal that a violation has occurred. A student shall be considered ineligible during each calendar day in which a penalty is imposed.

**6. Determination of Violations:** In implementing this policy, it will be the member school's responsibility to determine the nature and extent of a violation, to impose and enforce any penalty, to report each violation to ASAA on a standardized form, and to maintain records of all violations by each student occurring after the student's first participation in interscholastic activities. A member school's determination that a violation has occurred and its imposition of penalty may not be appealed to ASAA. If a member school or member school district reverses a determination of violation, it shall promptly notify ASAA of such reversal. Alleged failure of a member school or district to enforce this policy may not be the basis for either a report of rules violation to the Executive Director or of a member school's protest against another school, under the ASAA Bylaws.

Violations and penalties are to be based upon noncompliance with the policy by the student participant, by the student's parents/legal guardians, or both, provided however, that where a violation is based solely upon action or inaction of the parent or legal guardian and not of the student participant, under circumstances completely beyond the control of the student and where it would be manifestly unfair to disqualify the student on this ground, the member school may, at its discretion, withhold imposition of a penalty against the student.

**7. Violations Reported to ASAA and Confidentiality Requirement:** After determining that an enrolled student, or an alternative education program student who has been granted eligibility at a member school, has committed a violation, the member school shall report the violation to ASAA on the required form. ASAA will provide a School Report of Violation Form to member schools and districts. Member schools and districts must report to ASAA a violation of this policy within 3 calendar days of determination that such violation has occurred. A report of violation must show all violations which occurred at the member school or district and the dates thereof, including the specific basis upon which a determination of violation was made. It is ASAA's intention to maintain the confidentiality of all such reports. As such, information concerning a student's previous violations will be disclosed by ASAA only to an administrator of the member school which the student is attending. A school administrator to whom such information

has been disclosed may exercise discretion to provide such confidential information as is appropriate to the student's coach or other activity administrator, but only to the extent that such information is provided in a good faith effort to prevent violations and to assist the student in maintaining a lifestyle free of tobacco, alcohol and controlled substance use, and to maintain eligibility to participate in interscholastic activities. An administrator who provides any confidential information to a student's coach or other activity supervisor shall assure that such person will use the information only in communications with the student and shall otherwise maintain strict confidentiality of the information. ASAA's records of violation shall be made available to the student and/or the student's parent or legal guardian upon written request.

**8. Student and Parent/Guardian Acknowledgement:** ASAA will provide a Student/ Parent/Legal Guardian TAD Acknowledgement Form to member schools and districts. The form will explain the policies of this section and penalties for violations. The form must be signed by the student and the student's parent or legal guardian, and requires that the student and parent or legal guardian acknowledge that they have read and understand the terms of the policy, including the potential penalties for violations, and that it requires the school to report such violations to ASAA. The form will require that the student and parent or legal guardian agree to be bound by these terms. Prior to each season in which a student participates in interscholastic activities, a copy of the signed form must be returned to the school before the student is permitted to participate. Member schools shall keep a copy of the signed forms on file. This means, that although a student will be required to view the orientation video only once per year, the signed acknowledgement forms must still be turned into the office prior to each season of participation.

**9. Students Emancipated by Age or Marriage:** The requirements in this policy that a parent or legal guardian sign the Student/Parent/Legal Guardian TAD Acknowledgment Form and that require that a student's parent or guardian participate in the Pre-participation Orientation or in mandatory education arising from an offense do not apply to a student who has obtained the age of 18 (eighteen) years, or who becomes married if the student has reached the age of 16 (sixteen).

**10. Definitions:** As used in this section, terms are amended as follows:

Electronic "E" Cigarettes - E-cigarette" means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor."

Calendar Days – Each day, including weekends and holidays, during the member school's school year. Additionally, if a student participates in any interscholastic activity, including practice, outside of the school year, then the entire period of such participation, including intervening weekends and holidays, counts as calendar days for such student.

Controlled Substance – Any substance appearing on the list of Controlled Substances identified by the federal Office of the Drug Enforcement Administration or as set forth in 21 U.S.C. Section 812, unless the student's usage of such substance is consistent with a physician's prescription for the student's usage. The DEA list of Controlled Substances appears on its internet website at <http://www.deadiversion.usdoj.gov/schedules/index.html#list> . ASAA will endeavor to provide member schools with an updated List of Controlled Substances; however, for purposes of ASAA's policy, the current list maintained by the DEA is controlling. In addition, any substance listed as illegal or restricted by Alaska statute or regulation, or classified as a "designer drug" by the federal Office of the Drug Enforcement Administration or by Alaska statute or regulation, shall be considered a controlled substance for the purposes of this policy.

Report to ASAA – Violations must be reported to the ASAA office within three days via the Electronic Reporting System.

Suspension – As defined in Article 5, Section 1 (A) (6) of ASAA bylaws.

Educational Component – A series of DVD’s, software and web based training programs and counseling ranging from a pre-participation orientation session to remedial programs for first through third time offenders. These are designed to keep students in school, teach them responsibility, educate them and their parents/guardians on new behaviors and lifestyles, instill accountability, exemplify teamwork, teach positive decision making skills, and keep students eligible for interscholastic activities.

An overview of each part follows:

Pre-Participation Orientation: The Orientation is required of each student participants and parent/guardian annually, at the beginning of the student’s first season of the school year, before the student is eligible to participate. This session is a short informative presentation designed to encourage students to maintain a chemical-free lifestyle, and to ensure that students and parents/guardians understand the policy and the consequences for violation. Upon completion of the Orientation, the student and parent/guardian must sign the Student/Parent/Legal Guardian TAD Acknowledgement Form as stated in B. 2. above for the student to gain eligibility. Schools will affirm that this has happened by marking the designated field on the Master Eligibility List.

(Note added for clarification purposes – The board did not change the following provision).

“Prior to each season in which a student participates in interscholastic activities, a copy of the signed form must be returned to the school before the student is permitted to participate. Member schools shall keep a copy of the signed forms on file.” (This means that although a student will be required to view the orientation video only once per year, the signed acknowledgement form must still be turned into the office prior to each season of participation).

First Offense: This optional session for students who have committed a First Offense is designed to educate students and their parents/legal guardians on how to make positive decisions that will instill accountability and new behaviors in the students. Upon successful completion of this part by both the student and parent/guardian, 50% of a student’s suspension from activities will be forgiven. Students completing the First Offense component may return to practice prior to the completion of the period of suspension.

Repeat violations of the Tobacco Rule during the 10 (ten) calendar days of suspension will result in mandatory participation in the First Offense educational component prior to returning to competition. For repeat violations of the Tobacco Rule only, the Second Offense penalties, if based on violations of the Tobacco Rule, will not be imposed unless there is a repeat violation of the Tobacco Rule after the student has completed all suspensions and re-suspensions under the First Offense.

Second Offense: This required session for students who have committed a Second Offense as well as their parents/guardians, must be completed before a student regains eligibility. It is more in-depth than is presented in First Offense. Students completing the Second Offense component may return to practice prior to the completion of the period of suspension. There is no forgiveness of mandatory suspension and students returning to play after this offense may need additional days of practice prior to competition.

Third,Fourth and Subsequent Offenses: Students who violate this policy for a third or more time have a significant problem. This required session for students who have committed a Third Offense under the rule and wish to regain their eligibility, will target the specific at-risk behaviors and may involve multiple agencies. A student under the Third,Fourth and Subsequent Offenses, educational component must:

- seek assessment and counseling/treatment from a local health care professional,
- successfully complete the recommendations of the care provider and submit a letter from the agency,
- demonstrate a commitment to remain substance free,
- make a presentation to the District School Board requesting reinstatement of interscholastic eligibility,