

December 11, 2006

SUBJECT: Minutes of December 7, 2006 LAPS Drug Testing meeting

TO: Distribution

1.0 Introduction

1.1 This meeting was held at 11:30 am on Thursday, December 7, 2006. Meeting was held in Conference Room A at the Los Alamos Public Schools (LAPS) Central Office.

1.2 Purpose: This meeting was a follow-up to the Thursday, July 27, 2006, Thursday, September 28, 2006 and Thursday, November 9, 2006 meetings to discuss options to reduce drug and alcohol use by LAPS students. Note that the committee is a subcommittee of the Juvenile Justice Advisory Board (JJAB) and not a formal school board committee. The original agenda listed: 1) a report from Robert Abney, LAHS Athletic Director regarding a meeting he held with students following the suspension of some students who were cited for MIP, 2) a review of school board policy 6145.2 regarding extra-curricular activities, and 3) a review of administrative regulation 6145.2R, the regulation to implement the board policy. We added a topic 1b) a discussion of drug and alcohol testing kits.

1.3 Meeting attendees included Alison Beckman, LAPS Board of Education, Robert Abney, Wayne Byers, LAPD, Alan Kirk, Municipal Judge/Coach, Barb Marcille, Teen Court, Morrie Pongratz, LAPS Board of Education, Fred Rascon, LAPD, Sharon Stover, JJAB, and Georgina Williams, LAPS Prevention Specialist.

2.0 Results of Robert Abney's meeting with students

2.1 Robert met with 14 students representing a large cross-section of students. He used SQS tools in discussion leadership, hazing and the extra-curricular code. The meeting lasted about 2 and 1/2 hours. Robert sought answers to the questions: Is the current extra-curricular code fair? What would be part of a better code? Other suggestions for change/comments? The student responses are attached as Appendix I.

2.2 Questions for Robert included:

How many meetings did you have with students? One

Soon after the MIP incident? Meeting was after the MIP incident about November 13.

Did any specifics regarding random drug and alcohol testing come up? No, but in past discussions they generally take two forms: 1) “I don’t do drugs so I don’t care”, or 2) It’s not constitutional”

3.0 Judge Kirk’s research into drug testing kits

3.1 Judge Kirk passed around two drug testing kits. He expressed amazement at how far things have come and how quickly you can get a binary (uses drugs/does not use drugs) answer. The test serves as a flag. It does not tell exactly which of 6-10 drugs the person uses. The urine test costs \$3.85 each and the saliva test costs about \$10 each. These kits were not alcohol tests. There is an alcohol test that is a patch that you wear for a week. It has false positive issues. There is a breathalyzer test for alcohol.

3.2 Questions for Judge Kirk included:

What about steroid tests? Inhalants? Abused legal drugs? *Our kids are pretty smart with respect to the more notorious “damaging” drugs. The PRIDE surveys don’t show significant steroid use.*

Did we find out how long meth stays in your system? *No.*

4.0 Review of school board policy 6145.2 regarding extra-curricular activities

4.1 The group reviewed the board policy statement. The pertinent part of the policy reads *“The Superintendent shall establish a regulation for student activities and athletics.”* The consensus was that we did not want to recommend that the board change policy 6145.2.

5.0 Review of administrative regulation 6145.2R

5.1 We considered modifications to three parts of regulation 6145.2R – the 45 day suspension, the fact that the regulation does not mention assistance and counseling for the offending student, and random drug and alcohol testing.

5.2 The consensus was that the 45-day suspension for the first offense should be reduced per our earlier discussions. These earlier discussions included recommendations that the student continue to practice or participate in on-campus meetings, etc. provided that the student was drug and alcohol free.

5.3 The consensus was that the regulation include wording from or refer to regulation 5129R which describes various substance abuse interventions (SAI).

5.4 The consensus was also that the modifications include random drug and alcohol testing. The group was emphatic that the testing goes hand in hand with the reduced penalty. The group did not support reducing the penalty without adding the testing. Testing makes moot the issues of “suspicion”. It would also be better than the “snapshot” one gets when a party is raided and some, but not all, offenders are caught. The group also wanted sanctions for “being in the presence of underage drinking”, not just MIP *per se*. We don’t want our student leaders to condone drug and alcohol use.

6.0 Next steps:

6.1 No future meetings are planned. This report will be given to the school board, the Superintendent and the Juvenile Justice Advisory Board.

7.0 Distribution

Members, LAPS Board of Education

Robert Abney, LAPS Athletic Director

Dr. Jim Anderson, Superintendent LAPS

Wayne Byers, LAPD

Alan Kirk, Municipal Judge/Coach

Barb Marcille, Teen Court

Lynne Saccaro, Principal, LAHS

David Sims, LAC DWI Program Coordinator

Sharon Stover, JJAB

Georgina Williams, LAPS Prevention Specialist

Media

Appendix I

Is the current code fair?

Yes:

- For tobacco it is fair because it gives a second chance to the offender
- I think the 3 strikes your out is good if alcohol is used is good
- They are good rules because breaking the law should result in removal from sport. Punishments are very clear and just.
- Yes – if you choose to take it it's your fault, no exceptions.
- Consequences yes, they are fair because you are warned about what will happen, and if you get caught, expect the consequences.
- Yes: when reading it word for word it is fair . . . but NOT necessarily the best way to approach things.
- Yes, you are the leaders and represent the school so there should be harsh punishment if you break the code.

No:

- The suspicion of being under the influence is not fair because you could completely sober and somehow get in trouble for it.
- NO: - not very consistent – not completely honest with student in certain events
- NO! Students are being suspended for an entire season for one offense or even suspicion of an offense. This enables them more time to get in trouble, it punishes the entire team, and most importantly, does not change anyone's behavior.
- NO, only fair if infraction of rule occurs during school event or is noticed by a school admin.
- I think it is not fair for alcohol. There is no “warning” like there is with tobacco. Both should have a warning because people make mistakes.
- For alcohol and drugs it is not because there really is no second chance and in some situations a 2nd chance is proper because the offender may have not been really involved, only present.
- The system is based on “guilty until proven innocent” athlete should be eligible until appeals process is completed.
- Consequences are too harsh for 1st offense.
- IX A. Tobacco is legal for people under 18. Why is it offence? Is it as a team? I'm not saying I smoke or chew but those who do the consequences are huge, for something legal.
- No. Punishment for first offense should be suspension from one game if the student notifies the activity leader or school administrator themselves. Second offense should be for a yr Third offense – suspended indefinitely Under suspicion needs to be reworded – actual proof of use.

- No, because people may be punished simply by being under suspicion where it then becomes their word against the authority.
- Under tobacco, no loss of eligibility for entire time at LAPS b/c tobacco can be just as dangerous as alcohol and drugs.

What would be part of a better code?

I. CHANGE FIRST OFFENSE

- I like the MUST practice but cannot compete.
- Not so hard 1st offenses on all activities
- Have different options
- Should require program for alcohol/drug therapy in addition to suspension.
- Better definition of possession
- Still be allowed to practice and go through a process like that of Roswell's
- Give more options
- 1st violation should be a one game suspension providing that the student is the one that notifies the activity leader or school administration. If the student tries to hide the offense, keep the regular code.
- In season the first offense is usually a mistake. If the student takes responsibility punishment should be less harsh. On the other hand, if a student promises not to, and then commits a second offense it should result in a year suspension. The third time should result in an indefinite suspension.
- Providing options.
- Participation until proven guilty.
- A second chance
- First offense should be a lesser punishment or warning
- More of a wake-up call
- If first offense immediately removes athlete from sport, it may encourage the athlete to continue abusing because they have nothing to lose
- First offense 14 school day suspension from play (keep practicing)
- Counseling program an option to qualify for play earlier (maybe for off season offense)
- 1st offense: 2 week suspension from competition, you can still practice, mandatory counseling program (we should add this), signed agreement
- I think there should be a warning. As our policy stands, people realize that it is serious but don't think that they will get caught. A first offense should serve as a wake-up call. After that consequences should be serious.

II. REFERENCES TO OTHER CODES

- Artesia's 20% policy for off season offenses
- The Roswell code is the best model, but I would like to see a stiffer penalty for the second offense.
- Artesia's clearly states that if you know there will be alcohol don't go or suffer the consequences.
- Artesia's policy (A) about knowing at a party
- Artesia's clear violation of the contract and what confirms what a violation is.
- ***Roswell's option policy BUT also allow a few changes such as for option 2 they wouldn't be allowed to participate in games until completion.***

III. OFF-SEASON OFFENSES

- People who are "off-season" or outside of school – not activities. Why does the school have to deal with it? The law takes care of it. The punishment is enough.
- Caught in off season - 20% of season suspension.
- Off season activities should not be included you're not involved in the sport.
- Off season results in the suspension of a defined number (I don't know how many games this should be) of games at the beginning of that sport's season.
- Off season – organized activities supervised by school officials that directly effect regular season activities.
- Define off-season 2 types (summer, school); during school year, punishment is decided by school policy; during summer, punishment is decided by police, community, parents, and coaches.
- Off season offense should be delayed until beginning of season. Included suspensions above
- Off-season trouble should not affect upcoming season
- No consequences for off season offense

IV. OTHER SUGGESTIONS FOR CHANGES/COMMENTS

- What about Designated Drivers?
- If a person just gets to a house and doesn't know alcohol is present, then seconds later the cops show up, why do you get penalized?
- Shouldn't they reward you if you are not using drugs if drugs are present and saying no to peer pressure rather than punishing you for just being by it.
- In proximity of drugs or alcohol should not be punished if proved to be abstinent from either
- For infraction, evidence must be present that student did consume a substance. If student is only present and receives an MIP then student shouldn't be suspended.

- Tobacco is legal for those under 18. Even if it is bad for you . . . it's your choice. You shouldn't be punished by a bad personal choice. Yeah, try to influence them and encourage them to stop – but not punishment.
 - Tobacco, alcohol, and other drugs should be treated equally.
 - Additionally: - there should be parameters for how the school finds out and what is a legitimate way to find out – police report, hospital, word of mouth?? – True, possession of tobacco is not against the law, but it is still bad for you. Unfortunately, some sports almost condone tobacco use – the coaches need to take a bigger role. The consequences for tobacco use should be the same as above. – Off season offenses should not affect participants, particularly during the summer. – Ability to keep practicing is HUGE. If this happens teams and coaches can deal with these issues as a unit, but the person is still involved.
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- Have equal punishments for ALL students - athletes or not. Extra-curricular or not.
 - All activities should be subject to suspension, not just athletes.
 - Equal for all types of activities.
 - Regardless of what code is, it should be consistent for all extra-curricular.
 - No punishment for suspension.
 - Let the coach be somewhat involved in the deciding of the punishment. Not fully because of favorites but a little.
 - Needs system for appeals and parental complaints
 - Not giving such harsh punishment for just suspicion
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- SPECIFICS and definitions.
 - Saying people are done for the season is the wrong way to discourage drinking/drug use. People are bummed about being kicked off so they just get worse. If people were to get a 1 or 2 game suspension and then the threat of being done for a year it would be much more discouraging. Teenagers think they are invincible/never going to get caught, so getting caught once happens frequently, but if they had something to risk and realized that they can get caught it probably would not happen again.
 - Also, the school should not consider people to be guilty until proven innocent.
 - Teenagers make mistakes – let them try to learn from them before you ruin their entire season!
 - If you want (and the only way) to end substance abuse, start random drug testing on every student in LAHS, not just athletes. This may not seem feasible and many will not like it, but it solves the problem.
 - No soft options
 - No loopholes

- Players have the chance to appeal
- Punishment up to the discretion of coach if options
- Allowed to play until legal process is finished
- Clear contract
- Counseling
- Curfew if caught
- Administration should be completely honest
- Second offense rest of season or 60 days, whichever is longer
- Participate until proven guilty
- 2nd offense: 90 day, rest of the season etc.