

## **Student Drug Testing\*\***

### **Definitions**

1. “Illegal drug” is any drug which an individual may not sell, possess, use, distribute or purchase under state law, or as defined in schedules I through V of the Controlled Substances Act (21 U.S.C. Section 812) including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). As used in this policy, “illegal drug” also means possession, use, sale or supply of prescription and nonprescription medication – in violation of Board policy JHCB - Medication to Students and accompanying administrative regulation and JHCDA - Administering Injectable Medicines to Students. “Illegal drug” shall also include alcohol.
2. “Performance-enhancing drug” 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 nutritional supplements such as vitamins, minerals and proteins which can be lawfully purchased in over-the-counter transactions.
3. “Prescription medication” means any drug, chemical compound, suspension or preparation in suitable form for use as a curative or remedial substance taken either internally or externally by a student under the written direction of a physician. Prescription medication does not include dietary food supplements.
4. “Nonprescription medication” means only commercially prepared, non-alcohol-based medication to be taken at school that is necessary for the student to remain in school. This shall be limited to eyes, nose and cough drops, cough suppressants, analgesics, decongestants, antihistamines, topical antibiotics, anti-inflammatories and antacids that do not require written or oral instructions from a physician. Nonprescription medication does not include dietary food supplements.

### **Program Coordinator**

1. The superintendent will be designated as the district’s program coordinator. The superintendent or his/her designee will:
  - a. Ensure that all student athletes receive written materials explaining the district’s program requirements including:
    - (1) The district policy and administrative regulations;
    - (2) A contact person knowledgeable about the materials, policy and administrative regulations;
    - (3) Specific information concerning prohibited conduct;
    - (4) Circumstances under which student athletes will be tested;
    - (5) Procedures used in the testing process;
    - (6) Explanation of what constitutes a refusal to submit to a drug and/or alcohol test;

- (7) Consequences of violations (e.g., suspension or removal from practices or team, referral to substance abuse professional for evaluation, treatment and follow-up testing as required);
  - (8) Information on the effects of drug use and alcohol misuse on personal life, health and safety.
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- b. Ensure that student athletes sign the drug and alcohol testing consent form;
  - c. Ensure that the district properly maintains information and complies with all requirements for confidentiality of records;
  - d. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug and alcohol testing;
  - e. Ensure selection of a site with a certified breath alcohol technician and evidential breath testing devices for alcohol testing;
  - f. Ensure selection of a certified laboratory to conduct drug and alcohol specimen analysis;
  - g. Ensure the district's student athlete drug and alcohol testing program is maintained in at least outline form, on file and available for inspection at the district office;
  - h. Ensure the establishment of clearly defined communication procedures to include the method (e.g., mail, facsimile) and frequency (e.g., monthly, daily, weekly) as well as the authorized individuals to impart and receive information.

### **Consent**

Each student wishing to participate in athletics and the student's parent(s) shall consent in writing to drug testing. Written consent shall be in the form attached to this administrative regulation. No student shall be allowed to participate in athletics without such consent.

### **Selection**

All student athletes may be tested at the beginning of the athletic season in which they participate. In addition, selection for random testing will be by lottery from a "pool" of all students participating in athletic programs in the district at the time of the drawing.

The superintendent shall take reasonable steps to assure the integrity, confidentiality and random nature of the selection process including, but not limited to, assuring that:

1. The names of all participating students are in the pool;
2. The person drawing names has no way of knowingly choosing or failing to choose particular students for testing;
3. The identity of students drawn for testing is not known to those involved in the selection process;
4. The selection process is observed by at least two adults.

### **Testing**

Testing will be conducted by a laboratory selected by the district. Chain of custody procedures, as recommended by the laboratory, will be followed.

Samples will be collected at a mutually convenient time on the same day the student is selected for testing, or if the student is absent on that day, on the day of the student's return to school. Students unable to produce a sample within a three hour period shall be deemed, "Refusal to Test" and automatically be considered as a positive result. All students who test positive shall remain in the "selection pool" for a period of one calendar year.

The testing laboratory will test for one or more illegal drugs. The superintendent shall decide prior to selection of students which illegal drugs shall be screened. Samples will not be screened for the presence of any substances other than an illegal drug or alcohol or for the existence of any physical condition other than drug or alcohol intoxication.

Samples will be split at the time of testing. The duplicate samples will be sealed and maintained by the laboratory in the event a second test is requested.

The testing laboratory will report results only to the superintendent or his/her designee.

### **Drug and Alcohol Testing Procedures**

The district, in cooperation with contracted collection and testing facilities, shall maintain drug and alcohol testing procedures as follows:

1. Drugs
  - a. The student athlete reports to the district designated collection site and provides positive identification;
  - b. A urine sample for drug testing is provided. A "split sample" (second urine specimen bottle) is collected;
  - c. Following completion of a chain of custody form, the second specimen is stored at the laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
  - d. A verified valid medical reason for a positive testing result will be reported as a negative testing result to the district;
  - e. The student athlete may request within 72 hours of a positive test notice that the second specimen sample be tested;
  - f. Unlike the original specimen analyzed for specific levels of controlled substances, the second or split sample is analyzed only for the presence of the detected drug(s).
  
2. Alcohol
  - a. The student athlete reports to the district designated testing site and provides positive identification;
  - b. Under the alcohol testing rule, a positive alcohol test result will be considered positive even if over-the-counter or legally prescribed medication is involved;
  - c. All alcohol breath testing will be conducted by a properly certified breath alcohol technician and using evidential breath testing devices;
  - d. District personnel should generally not be used as a breath alcohol technician for student athletes. Under certain circumstances, a properly trained district employee may conduct such testing in the absence of another breath alcohol technician;
  - e. The student athlete submits to breath testing;

- f. If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a second confirmation breath testing is administered at least 15 minutes, but no longer than 20 minutes, after the initial testing;
- g. The breath alcohol technician will report any invalid tests in which the initial positive test and the confirmation test do not match, confirmed positive and negative results to the district;
- h. Student athlete refusal to sign forms as required shall be considered as refusal to be tested;
- i. The breath alcohol technician will follow all applicable requirements including such testing procedures, breath alcohol testing form and confidentiality requirements as may be required.

### **Positive Test Results**

If the student's test results indicate the presence of illegal drugs, the following will occur:

- 1. The student or parent may request within 72 hours of a positive test notification that the second specimen sample be tested. The student may voluntarily disclose use of prescription medication which may have affected the outcome of the test;
- 2. If the second sample tests negative, the student and parent will be notified and no further action will be taken. If the second sample tests positive, notification will be made and a meeting will be scheduled with the student, the parent(s) and the principal.

### **Consequences of a Positive Result**

Due process procedures will be followed for all discipline arising from violation of the district's policy.

- 1. First Positive Result
  - a. Notify student and parent(s);
    - (1) Meeting scheduled by the administration, with the parent(s) and student;
    - (2) The student will be given the option of:
      - (a) Suspension from 20 percent of their co-curricular contests, a drug/alcohol assessment done at the student-athlete's expense, voluntary participation and successful completion of a drug assistance program designed and implemented for students between the age of 10 and 18 (if available) with submission to follow-up drug testing as may be required, at the athlete's expense: or
      - (b) Suspension from participation in athletics for the remainder of the current season and the next school athletic season for which the student is eligible.
- 2. Second Positive Result (In any two consecutive calendar years.)
  - a. Notify student and parent(s);
  - b. Meeting scheduled by the administration, with the parent(s) and student;
  - c. The student will be given the option of:
    - (1) Suspension from interscholastic participation for the remainder of the season, voluntary participation on an ongoing basis in a substance abuse assistance program (if available) designed and implemented for students between the age of 10 and 18 throughout the

- remainder of the high school athletic career or two year with submission to follow-up drug testing as may be required, at the athlete's expense; OR
- (2) Suspension from participation in athletics for the remainder of the current season and the next athletic season for which the student is eligible.

### 3. Third Positive Result

The student will be suspended from participating in athletics for the remainder of the current season and the next three athletic seasons or for one year whichever is great, for which the student is eligible.

### **Nonpunitive Nature of Policy**

No student athlete shall be penalized academically for testing positive for illegal drugs or alcohol. The results of drug and alcohol tests pursuant to this policy will not be documented in any student's academic records. Information regarding the results of drug and alcohol test will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or legal process. The student and the student's custodial parent or legal guardian will be notified at least 72 hours before response is made by the district.

### **Appeal Process**

A student who has been determined to be in violation of the district's drug testing policy shall have the right to appeal the decision to the superintendent or his/her designee. The appeal must be submitted to the superintendent, in writing, within five calendar days following the meeting with the principal. The student will remain ineligible to participate in athletics pending the appeal.

The superintendent of his/her designee will determine whether the original finding was justified. The superintendent's decision shall be final.

### **Relationship to Student Discipline Policies**

Normal disciplinary measures which may affect eligibility are still applicable for violations which do not arise from these testing procedures.

**Drug and Alcohol Testing General Authorization Form**

I understand that my performance as a participant and the reputation of my school are dependent, in part, on my conduct as an individual. I hereby agree to accept and abide by the standards, rules and regulations set forth by Board and the sponsors for the activity in which I participate.

I understand that the policy and procedures of the district prohibit the use of illegal drugs and authorize the district to conduct a test on a urine specimen which I provide to test for drugs and/or alcohol use and to also test for alcohol by use of a breathalyzer.

I understand that the student or the parent or guardian will be contacted by a medical review officer employed by the testing lab to review non-negative results for prescriptions or other legal uses of drugs prior to the confirmation of a positive result.

I also authorize the release of information concerning the results of such a test to the district and to the parents or guardians of the student.

This shall be deemed consent pursuant to the Family Right to Privacy Act for the release of above information to the parties named above.

A signed copy of this consent form must be on file in the Clatskanie Middle and High School office prior to participation in OSAA sanctioned athletic events including practice.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent or Guardian Signature

\_\_\_\_\_  
Date