

## Athlete Drug Testing

### DEFINITIONS:

- Drug: Any substance considered illegal by Oregon Statute or which is controlled by the Food and Drug Administration. Alcohol is included.
- Athlete: Any student participating in interscholastic athletic programs, including cheerleaders, sponsored by the Milton-Freewater School District.
- Season: Fall, Winter and Spring seasons begin on the first day of practice and end the day prior to the next season as determined by the Oregon School Activities Association.
- Positive Test: The presence of any level of illegal drugs other than prescription medications. (see Procedures 4.0)

### PROCEDURES:

- 1.0 Consent:  
Each student involved in interscholastic athletics or cheerleading will be required to provide a signed consent form prior to joining the program. Both student and parent/guardian signatures are required.
- 2.0 Non punitive Nature of Policy:  
Students will not be penalized academically for testing positive for illegal drugs under this policy. Nor will athlete drug tests be documented in any student's academic records. The information gathered under this policy will only be disclosed to criminal or juvenile authorities in order to comply with lawful court orders or subpoenas. In the event of such legal compulsion, the District will notify parents/guardians at least 72 hours prior to releasing information.
- 3.0 Testing rules:
- 3.1 All student athletes, including cheerleaders, may be tested at the beginning of any athletic season at the discretion of the superintendent. Students joining a program after the season starts will be tested if the rest of the team was tested earlier.
- 3.2 Additionally, random testing will be conducted at least every two weeks throughout each season at the superintendent's discretion.
- 3.2.1 A minimum of 5% and a maximum of 25% of each season's athletes will be tested at each test period as determined by the superintendent.

#### 4.0 Procedures for Testing:

- 4.1 Selection for testing will be by random procedures from a pool of all current participants. The superintendent will take due precautions to ensure the integrity and confidentiality of the selection process. No individual involved in the selection process will be able to identify students or to determine the selection of a particular student for testing.
- 4.2 The high school athletic director will be notified on the day students are selected for testing and will arrange for samples to be taken the same day. Absent students may provide the sample the day they return to school. Any student unable to provide the sample will be allowed to return later the same day for that purpose. Those selected for testing will be given the option of doing so in private.
- 4.3 Students who refuse to provide a sample will be considered to have tested positive and will be subject to the procedures listed under section 7.0.

#### 5.0 Prescription Medications:

Students on prescription medications may provide a copy of the prescription or a physician's written verification to school personnel at the time a sample is collected. Any information provided in this manner will be sealed in an envelope and forwarded to the testing lab with the sample and instructions to consider the medication in processing the sample. Prescriptions or doctor's verifications will not be reviewed by school officials and may be presented in sealed envelopes. Students who do not provide verification and test positive will be subject to the measures specified under section 7.0 of these procedures.

#### 6.0 Scope of Tests and Confidentiality of Results:

- 6.1 The laboratory will be instructed to test for one or more drugs at the time of each testing and prior to the student selection process. Samples will not be screened for the presence of any substances other than drugs or alcohol.
- 6.2 Test results will only be provided to the superintendent or superintendent's designee. Individual test information will be treated confidentially.

#### 7.0 Positive Results:

Whenever an athlete's results indicate the presence of drugs (positive test), the following steps will be taken.

##### 7.1 First Positive Result:

For the first positive test, the student will be given the option of a short suspension (defined below) and good faith participation in a drug assistance program, at the student's/parent's expense, and submission to biweekly drug testing for eight weeks (regardless of whether or not the season ends prior to the eight weeks) **or** suspension from the athletic program for the remainder of the current season and the next athletic season of participation.

If the student elects the option of participation in a drug assistance program, the student will continue to practice with the team/group but not participate in any games/events during the suspension. The minimum length of the suspension shall be three weeks (21 days) which shall

carry over to the next season if the schedule ends before the three weeks have elapsed. If the first session of the drug assistance program has not occurred at the end of the three weeks, the student will be suspended from practice and participation in events until he/she has attended at least one session. Continued participation will be contingent on the student missing no sessions of the drug assistance program.

7.2 Second Positive Result:

For the second positive test in any two consecutive calendar years, the student will be suspended from the athletic program for the remainder of the current season and the next two athletic seasons in which the student participates.

7.3 Third Positive Result:

For the third positive result in any two consecutive calendar years, the student will be suspended from athletics for the remainder of the athlete's high school career.

8.0 Relationship to Student Discipline Policy, Substance Abuse Policy and Student Activities and Athletics Policy:

Student athletes should be advised that each of the above policies may also affect their eligibility. Normal disciplinary measures are still applicable for violations which do not arise from these testing procedures.

END OF POLICY

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**Legal Reference(s):**

[ORS 329.095](#)  
[ORS 332.107](#)  
[ORS 336.222](#)  
[ORS 336.227](#)

[ORS 339.240](#)  
[ORS 339.250](#)  
[ORS Chapter 475](#)

[OAR 581-021-0050 to -0075](#)  
[OAR 581-022-0413](#)

Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646 (1995).

Bd. of Educ. of Indep. Sch. Dist. No. 92 of Pottawatomie County v. Earls, 536 U.S. 822 (2002).

Weber v. Oakridge Sch. Dist. 76, 184 Or. App. 415 (2002).