

Cocurricular Drug Testing

Students participating in cocurricular activities represent the community, the school, and their peers. When cocurricular participants use illegal substances, such impinges upon general motivation, cohesiveness and performance. As a result, the well being of the individual and the general school community is diminished by a participant's use of illegal substances.

The district is conducting a mandatory drug-testing program for cocurricular participants. The purpose of the drug testing program is three fold to:

1. Provide for the health and safety of all cocurricular participants;
2. Determine the effects of peer pressure by providing a legitimate reason for participants to refuse to use illegal drugs; and
3. Encourage participants who are found to be using drugs to participate in drug treatment programs. This drug testing program shall be instituted and conducted according to the procedures set forth in this administrative regulation.

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. § 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 JHCD - Nonprescription Medications and accompanying administrative regulation and JHCDA - Prescription Medications. "Illegal drug" shall also include alcohol.
2. "Prescription medication" means any noninjectable 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.
3. "Nonprescription medication" means only commercially prepared, nonalcohol-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.

4. “Cocurricular participant” is any student participating in cocurricular programs sponsored by the district at Nyssa High School.
5. “Season” is fall, winter, and spring athletic and cheerleader seasons beginning on the first day of practice and ending the day prior to the next season as determined by Oregon School Activities Association. For other cocurricular activities a season will be an academic quarter.
6. “Positive test” is the presence of any level of illegal drugs other than prescription medications. (See Procedures for Testing)

Procedures

Rules related to Board policy JFCIA – Student Drug Testing – Cocurricular Participants will be made available in writing as part of the registration process. The rules will be reviewed with students by the coach/advisor at the beginning of each sport season/activity in which the student participates. An Authorization to Test for Drugs Agreement will be signed by each student and his/her parent/guardian before the student will be allowed to participate in any cocurricular activity. The policy will be in effect the entire period of time the student is enrolled at Nyssa High School and will govern the conduct of the cocurricular participant. Incomplete consequences for violations or violations that occur between activity seasons will continue into the next season or next school year.

1. Consent

Each student involved in any cocurricular program will be required to provide a signed consent form prior to joining the program. Both student and parent/guardian signatures are required.

2. Nonpunitive Nature of Policy

Students will not be penalized academically for testing positive for illegal drugs under this administrative regulation. Nor will cocurricular drug tests be documented in any student’s academic records. The information gathered under this administrative regulation 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. Testing Rules

- a. All participants in cocurricular Oregon School Activities Association (OSAA) sponsored events will be tested at the beginning of each season at the discretion of the superintendent or his designee(s). Students joining a program after the season starts will be tested also.
- b. Additionally, random testing will be conducted throughout the school year at the superintendent’s or his/her designee(s) discretion.
- c. A minimum of five percent and a maximum of 25 percent of cocurricular participants will be tested at each test period as determined by the superintendent or his/her designee(s). Once the Authorization to Test for Drugs Agreement is signed, the student is eligible for testing whether or not he/she is at that time participating in a cocurricular activity.

4. Procedures for Testing

- a. Selection for testing will be by random procedures from a pool of all students who have signed the Authorization to Test for Drugs Agreement. The superintendent or his/her designee(s) will take due precautions to ensure the integrity and confidentiality of the selection process.
- b. The high school principal will be notified on the day students are selected for testing and will arrange for samples to be taken the same day. If a student is absent on the testing day an alternate will be tested. The absent student will become a part of the group the next time a random test is done. Any student unable to provide the test sample will be expected to remain at the collection area until a specimen is obtained. Those selected for testing will be given the option of doing so in private.
- c. Students who refuse a sample will be considered to have tested positive and will be subject to the procedure as listed under section 7. below.
- d. Samples will be split at the time of testing. The duplicate samples will be sealed and maintained in the event a second test is requested.

5. Prescription Medications

Students on prescription medication may provide a copy of the prescription or a physician's written verification to school personnel within 24 hours of the time a sample is collected. Any information provided in this manner will be sealed in an envelope and forwarded to the 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 of test positive will be subject to the measures specified under section 7. below.

6. Scope of Tests and Confidentiality of Results

- a. All specimens that screen positive will be sent to a certified laboratory for conformation testing. Chain of custody procedures as recommended by the laboratory will be followed.
- b. Initial screen tests will test for common illegal drugs of abuse. 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 substance other than an illegal drug or for the existence of any physical condition other than drug intoxication.
- c. Test results will be communicated only to the superintendent or the superintendent's designee(s). Individual test information will be treated confidentially.

7. Positive Results

Whenever a participant's results indicate the presence of drugs (positive test), the following steps will be taken:

- a. If the confirmation specimen tests negative, the student and parent or guardian will be notified and no further action will be taken; or
- b. If the confirmation specimen tests positive, notification will be made and a meeting will be scheduled with the student, parent(s) or guardian and the building principal or his/her

- designee(s). The student, parent(s) or guardian may request within 72 hours of a positive test notification that the second specimen sample be tested.
- c. 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 building principal or designee.

8. Discipline

Due process procedures will be followed for all discipline arising from violation of board policy JFCIA - Student Drug Testing – Cocurricular Participants.

a. First Positive Result:

- (1) Notify student and parent(s);
- (2) Meeting scheduled by the principal, with the parent(s), activities director and student;
- (3) The student will be given the option of:

Immediate suspension from participating in cocurricular activities for three weeks. If the student is involved with athletics, band or choir anytime during the school year, the suspension period will be for three weeks. During the suspension period an event must be scheduled that week for it to count as a suspension week, (i.e., the suspension period will not start until the first scheduled event for that activity). If the student participates in more than one cocurricular activity, the suspension will be enforced in the first OSAA sanctioned activity that the student participates in during the school year. Suspensions can carry over from school year to school year. The administration will make the final determination of the nature and duration of the suspension. Students may continue to practice with the team and sit on the bench but may not travel with the team.

- (4) The student:
 - (a) Will consent and participate in a drug assistance evaluation assessment and attend recommended counseling at the expense of the parents/guardians;
 - (b) May be required to take weekly drug tests for the next six weeks; or
 - (c) The student will not be allowed to participate in any cocurricular activities.

b. Second Positive Result

- (1) Notify student and parent(s).
- (2) Meeting scheduled by the principal, with the parent(s), activities director and student.
- (3) Immediate suspension from participating in cocurricular activities for six weeks. If the student is involved with athletics, band or choir anytime during the school year, the suspension period will be for six weeks. During the suspension period an event must be scheduled that week for it to count as a suspension week, (i.e., the suspension period will not start until the first scheduled event for that activity.). If the student participates in more than one cocurricular activity, the suspension will be enforced in the first OSAA sanctioned activity that the student participates in during the school year. Suspensions can carry over from school year to school year. The administration will make the final

determination of the nature and duration of the suspension. (If the sports seasons overlap, then the suspension will be a minimum of six weeks. If it does not include athletics, then the suspension will be for a period of six weeks from participating in co-curricular activities.) Students may continue to practice with the team. They may not sit on the bench nor travel with the team.

(4) The student:

- (a) Will consent and participate in a drug assistance evaluation assessment and attend recommended counseling at the expense of the parent(s) or guardian(s).
- (b) May be required to take weekly drug tests for the next six weeks.

c. Third Positive Result

- (1) Notify student and parent(s).
- (2) Meeting scheduled by the principal, with parent(s), activities director and student.
- (3) The student will be suspended from participating in co-curricular activities for one calendar year.

d. Fourth Positive Result

- (1) Notify student and parent(s).
- (2) Meeting scheduled by the principal, with parent(s), activities director and student.
- (3) Immediate suspension from participating in all cocurricular activities for the remainder of their high school career.

e. Any athlete transferring to Nyssa High School while currently serving disciplinary action for illegal drug and/or alcohol violations will be not allowed to immediately participate until the panel (principal and athletic director) has reviewed the situation and made a ruling.

9. Appeals Process

a. First Step:

- (1) The first step in the appeals process will be to the district superintendent. The appeal must be based on the following items:
 - (a) Was due process followed;
 - (b) Was the discipline assigned appropriate and consistent with board policy as outlined in the high school handbook.

If the superintendent determines either of these issues was not appropriate, he/she will refer the student athlete and parent/guardians back to the high school panel which will reconvene and renew the process. If the superintendent determines both issues were properly addressed, he will deny the appeal. The student-athlete or parent/guardians may appeal to the second step.

b. Second Step:

The second step in the appeals process will be to the district's school board, which has the authority to reverse the superintendent's decision and also to amend, revise, change, interpret, or eliminate the discipline assigned to the student-athlete. The district appeals process ends at the conclusion of this step.

10. Relationship to Student Discipline Policy, Substance Abuse Policy and Student Activities and Athletics Policy

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

Authorization to Test for Drugs

I understand that my performance in cocurricular activities 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 Nyssa High School and the Nyssa School District Board of Directors.

I also authorize Nyssa School District to conduct a test on a urine specimen, which I provide to test for drugs and/or alcohol use. I also authorize the release of information concerning the results of such test to Nyssa School District and to the parents and/or guardians of the student. I understand that once this authorization is signed, I am eligible for drug testing for the remainder of the school year whether or not I am at the time, participating in a cocurricular activity.

This shall be deemed consent pursuant to the Family Education Right for Privacy Act for the release of the above information to the parties named above. In the event my child is selected for testing and is taking prescription medication(s), I give my consent for any medical provider to release information regarding any prescription drugs to the testing laboratory and Nyssa School District for the purpose of complying with board policy JFCIA - Student Drug Testing – Cocurricular Participants.

I have received a copy of this release. I have read and understand the district’s policy and related procedures for drug testing and consent to such testing.

Student Signature

Date

Parent/Guardian Signature

Date