

Cocurricular Drug Testing

Students participating in cocurricular activities represent the community, the school, and their peers. When illegal substances are used by cocurricular participants, such use 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 threefold: (1) to provide for the health and safety of all cocurricular participants; (2) to undermine the effects of peer pressure by providing a legitimate reason for participants to refuse -to use illegal drugs; and (3) to 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 policy.

Definitions

“Drug” means any substance considered illegal by Oregon Statute or which is controlled by the Food and Drug Administration. Alcohol is included.

“Cocurricular Participant” means any student participating in cocurricular programs sponsored by Ontario School District at Ontario High School.

“Season” means fall, winter and spring athletic and cheerleader 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. For other cocurricular activities a season will be an academic quarter.

“Positive Test” means the presence of any level of illegal drugs other than prescription medications. (See section 4 below.)

Procedures

Rules related to this policy will be made available in writing as a 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 school year the student is enrolled at Ontario High School and will govern the conduct of the cocurricular participant. Consequences for violations during the spring will continue into the next year.

1. Consent

Each student involved in any cocurricular programs 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 policy. Nor will cocurricular 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. Testing Rules

- a. All cocurricular participants may be tested at the beginning of any season at the discretion of the superintendent. Students joining a program after the season starts will be tested at their expense if the rest of the cocurricular participants were tested earlier.
- b. Additionally, random testing will be conducted throughout the school year at the superintendent's discretion.
 - (1) A minimum of 5 percent and a maximum of 25 percent of cocurricular participants will be tested at each test period as determined by the superintendent.
 - (2) Once the "Authorization to Test for Drugs" (JFCIA-AR) agreement is signed the student is eligible for random 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 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.
- 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 a 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 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 procedures listed under section 7.

5. Prescription Medications

Students on prescription medications 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 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. of these procedures.

6. Scope of Tests and Confidentiality of Results

- a. All specimens that screen positive will be sent to a certified laboratory for confirmation testing. Chain of custody procedures, as recommended by the laboratory, will be followed.
- b. Initial screening 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. 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. Any student that tests positive in the initial test will be required to provide an additional specimen for confirmation testing.
- b. If the confirmation specimen tests negative, the student and parent or guardian will be notified and no further action will be taken. If the confirmation specimen tests positive, notification will be made and a meeting will be scheduled with the student, the parent(s) or guardian and the principal.

8. Discipline

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

a. First Positive Result

- (1) Athletes and cheerleaders will be suspended from participation in all athletic activities for three weeks (21 days) or three contest days, whichever is greater. The suspension shall carry over to the next season in which the student participates if the schedule ends before the suspension is completed. Students will be suspended from participation in all cocurricular activities for three weeks. A week with less than three school days will not be counted in satisfying the suspension.
- (2) Student will submit to a drug and alcohol assessment and/or treatment at the student's expense.
- (3) Student will be suspended from participation in and attendance at all cocurricular activities during the suspension period described above, except for practices.
- (4) Student will be drug tested any time there is a random test for the next nine weeks. With approval of the superintendent the principal may waive additional penalties for positive tests during the testing prescribed in this subsection.

b. Second Positive Result

- (1) Athletes and cheerleaders will be suspended from participation in all athletic activities for six weeks (42 days) or six contest days, whichever is greater. The suspension shall carry over to the next season in which the student participates if the schedule ends before

the suspension is completed. Students will be suspended from participation in all cocurricular activities for six weeks. A week with less than three school days will not be counted in satisfying the suspension.

- (2) Student will submit to a drug and alcohol assessment approved by the principal and complete the recommended treatment at the student's expense.
- (3) Student will be suspended from participation and attendance at all cocurricular activities during the suspension period referred to above, except for practices.
- (4) Student will be drug tested any time there is a random test for the remainder of the school year. With approval of the superintendent the principal may waive additional penalties for positive tests during the first six weeks of testing prescribed in this subsection.

c. Third Positive Result

For the third positive result in any two consecutive calendar years, the student will be suspended from cocurricular activities for the remainder of the student's high school career. Any student suspended under this section can only be reinstated by action of the school board.

9. Relationship to Board policies JG – Student Discipline, JFCI – Substance/Drug Abuse and JHCA – Physical Examinations of Students.

Cocurricular participants 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

Legal Reference(s):

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

[ORS 339.240](#)
[ORS 339.250](#)
[ORS 342.721](#)
[ORS 342.723](#)

[ORS 342.726](#)
[ORS Chapter 475](#)
[OAR 581-021-0050 to -0075](#)
[OAR 581-022-0413](#)
[OAR 581-022-0416](#)

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).