

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).
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.
5. “Co-curricular participant” is any student participating in an OSAA co-curricular program sponsored by Rainier School District.

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 participating students 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 students 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.
- b. Ensure that students 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 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 any co-curricular program 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 without such consent.

Selection

All students participating in co-curricular OSAA sponsored events may be tested at the beginning of each season or program in which they participate (athletics, band, choir, etc). In addition, selection for random testing will be by lottery from a "pool" of all students participating in sponsored programs of 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/health center 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. If a student is unable to produce a sample at that time, the student will remain until they are able to provide the sample. All students selected for testing will be given the option of providing samples in private. Students who refuse to provide a sample will be considered to have tested positive and will be subject to the procedures listed below.

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 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 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 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 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 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 building 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 Results

- a. Notify student and parent.
- b. Meeting scheduled by the principal, with parents, athletic director and student.
- c. Student will be:

- (1) Suspended from participating in co-curricular 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. (The suspension period will not start until the first scheduled event for that activity.) If the student participates in more than one

sport, the suspension will be enforced in the first OSAA sanctioned activity that the student participates in during the school year. Suspensions can/will 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.

- (2) Will consent and participate in a drug assistance evaluation assessment and attend recommended counseling at the expense of the parents/guardians;
- (3) Students will serve a minimum of 10 hours of community service;
- (4) May be required to take weekly drug tests for the next six weeks; or
- (5) The student will not be allowed to participate in any sporting activities for a calendar year.

2. Second Positive Result

- a. Notify student and parents.
- b. Meeting scheduled by principal with parents, athletic director and student.
- c. Student will be:

- (1) Immediately suspended from participating in co-curricular activities 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 a student participates in more than one sport the suspension will be enforced in the first OSAA sanctioned event 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 sport seasons overlap, then the suspension will be a minimum of six weeks. Students may continue to practice with the team. They may not sit on the bench or travel with the team;
- (2) Will consent and participate in a drug assistance evaluation assessment and attend recommended counseling at the expense of the parent/guardian;
- (3) The student will serve a minimum of 15 hours community service;
- (4) May be required to take weekly drug tests for the next six weeks
- (5) The student will not be allowed to participate in any sporting activities for the remainder of their high school career.

3. Third Positive Result:

- a. Notify student and parents.
- b. Meeting scheduled by the principal, with parents, athletic director and student.
- c. The student will be suspended from participating in athletics for one calendar year

4. Fourth Positive Result

- a. Notify student and parents.
- b. Meeting scheduled by the principal, with parents, athletic director and student.
- c. Immediate suspension from participating in all sporting events for the remainder of their high school career.

- (1) Any student transferring to Rainier JR/SR High School while currently serving disciplinary action for illegal drug or alcohol violations will not be allowed to immediately participate until their situation has been reviewed by the principal and athletic director and a ruling has been made.

Non-punitive Nature of Policy

No student 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 any activity pending the appeal.

1. First Step:

Step one is to the district superintendent. The appeal must be based on the following items:

- a. Was due process followed;
- b. Was 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 and parents back to the high school panel which will re-convene and renew the process. If the superintendent determines both were properly addressed he will deny the appeal. The student and parents may then appeal to the second step.

2. 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 athlete. The district appeals process ends at the conclusion of this step.

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.