

1 **Browning Public Schools**

2 **Policy # 3525**

3 **Policy Name:** *Mandatory Random Drug / Alcohol Testing Policy for Extra/Co-Curricular Activity*
4 *Participants*

5 **Regulation:** *See Browning High Activities Handbook*

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7 **POLICY STATEMENT:** In order to provide for the health and safety of the individual extracurricular
8 participant or student athlete and other students, as well as provide a legitimate reason for students to say
9 “No” to drug use and provide an opportunity for those taking drugs to receive help in locating programs
10 which can provide assistance, the Browning High School (BHS) will conduct mandatory random drug
11 testing of student extracurricular activity participants and athletes. The program is designed to create a
12 safe, drug free, environment for students.

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14 **POLICY APPLICATION:** All students who participate in an extra/co-curricular activity (sport or club)
15 that is: (1) sanctioned by the Montana High School Association [MHSA], and/or (2) sponsored by
16 Browning High School [BHS] will be subject to random testing in accordance with this policy. Any
17 student activity participant who tests positive for drugs and/or alcohol under the testing program provided
18 for herein shall be subject to the consequences set forth below.

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20 All student activity participants remain subject to all other school rules and regulations pertaining to drug,
21 alcohol and tobacco use, ¹ including but not limited to, rules and regulations pertaining to the possession,
22 use, sale, etc. of such substances during school or during school- related activities. Any violations of such
23 other rules and regulations may serve as the basis for disciplinary consequences IN ADDITION TO any
24 consequences imposed under this policy, which are limited to consequences with respect to participation
25 in extra/co-curricular activities. ²Prohibited tobacco use includes nicotine devices such as electronic
26 cigarettes.

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28 This policy extends only to random drug and alcohol testing and does not limit or otherwise restrict the
29 ability of the District to conduct such testing on the basis of reasonable suspicion.

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31 **DEFINITIONS**

32 **Drug:** Substances covered under this policy include any alcoholic beverage, narcotic drug, hallucinogenic
33 drug, inhalant, anabolic steroid, barbiturate, amphetamine, marijuana, nicotine (as found in electronic
34 cigarettes) and any other stimulant such as phenylpropanolomine, depressant, intoxicant of any kind,
35 substance purported to be one of the above, any dangerous drug as defined in Section 50-32-101, MCA or
36 any imitation dangerous drug as defined in Section 45-9-111 MCA or any other substance considered
37 illegal or controlled by the Food and Drug Administration. Marijuana is included in this definition and
38 prohibited under this policy because students under the age of 21 may not possess or consume marijuana
39 in accordance with Montana law.

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41 **Student Activity Participant:** Any student participating in an activity sponsored by BPS and/or
42 sanctioned by MHSA.

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44 **Activity Season:** "Season" as referred to in this policy shall mean the Fall, Winter and Spring seasons
45 established for MHSA-sanctioned activities and shall begin on the first day of practice for such season
46 and end the day prior to the beginning date of practice for the next successive season. With respect to
47 students participating in non-MHSA-sanctioned activities, the applicable period for any consequences
48 attendant to a positive test result shall be equivalent to the then-current "season" under MHSA standards.

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50 **Positive Test:** A drug test will be considered “positive” for drugs in accordance with the U.S. Department
51 of Transportation guidelines.

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1 **PROCEDURES FOR CONDUCTING DRUG TESTS:**

2 **Consent:** Prior to participating in an athletic program, the parent or guardian and the student athlete will
3 be required to sign a written consent for drug testing. Any time a student athlete, refuses to be tested, he
4 or she will be subject to suspension from the team or from the sport/club for the remainder of the season.
5 *As Specified in Consequences for Testing Positive for Drugs.*
6

7 **Compliance Requirements and Consequences:** Any student athlete or activity participant who fails to
8 comply with a request for testing, refuses to submit to testing, provides false information in connection
9 with a test, or who attempts to falsify test results through tampering, contamination, adulteration or
10 substitution shall be subject to suspension from the sport/activity or athletic program for the remainder of
11 the season. A refusal to submit to testing shall include, but is not be limited to, the following conduct: (a)
12 a verbal declaration of refusal; (b) a refusal to provide a specimen or breath sample; (c) willful physical
13 absence resulting in the inability to conduct the test (**the individual testee may NOT leave the room,**
14 **waiting area, or premises while waiting to test**); and (d) engaging in behavior which is obstructive to
15 the testing process.
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17 **Medication:** Student athletes and sport/club participants who have been or who are taking prescription
18 medication must provide verification (either by a copy of the prescription or by doctor's authorization)
19 prior to being tested. Students who refuse to provide verification and test positive will be subject to the
20 sanctions specified in this policy.
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22 **Random Testing:** Random testing will be conducted during the various activity seasons throughout the
23 school year. Students will be selected for random testing by a computer-generated process. Selection for
24 testing will be made from one (1) "pool" consisting of the student activity participants for each given
25 "season", as applicable. In order to preserve the integrity of the random test, parents will not be notified
26 prior to a random test. All testing will be conducted by appropriately trained school personnel or by an
27 independent testing agent selected by BPS.
28

29 **CONSEQUENCES FOR TESTING POSITIVE FOR DRUGS**

30 If a student tests positive for drugs/alcohol, as defined in the drug/alcohol policy, the following action
31 will be taken:
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33 **Procedures**

- 34 1. An initial positive test will automatically require a second confirmation test of the same sample to
35 confirm the initial positive result. If the second test of the same sample is positive, the student will not
36 be allowed to retest to dispute the results of the first and second tests.
37
- 38 2. Upon receipt of information demonstrating a positive test, the student and his/her parent or guardian
39 will be called in to meet with the Principal/Vice-Principal and Activities Director to be advised of the
40 positive test result and to allow the student an opportunity to respond to the test result. Although the
41 District will attempt to contact parents or guardians to request their attendance at the meeting, the
42 meeting between the student and administrators shall be conducted in their absence.
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- 44 3. Based on the results of the meeting conducted under Section (2) above, the Principal/Vice-Principal
45 and Student Activities Director will determine whether the student activity participant will be subject
46 to further consequences. A student will be subject to consequences if, based on the discussions held at
47 the meeting, the administrators have determined that there is no valid reason to question the positive
48 test result or a proven violation.
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- 50 4. The Principal/Vice Principal and Student Activities Director will notify the Superintendent of the
51 results of the meeting and of their determination as called for under Section (3) above. The student
52 activity participant will continue to be allowed to attend and participate in practice activities pending
53 the administrative decision and in cases where there is an appeal of this decision, pending the Board's
54 consideration of the Superintendent's recommendation, but will be suspended from any traveling

1 and/or competition with respect to the activity. Parents may waive the right to a Due Process hearing
2 before the Board of Trustees by signing a waiver form.
3

4 5. The Board of Trustees shall consider and act upon any recommendation made by the Superintendent
5 under Section (4) above. If the Board of Trustees determines that there is no valid reason to question
6 the positive test result, the student activity participant will be subject to the following consequences:
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8 a. First Offense: Student is placed on activities suspension of 15 contact days for all student
9 activities. A contact day is defined as a day when a practice or event is held or a day when school
10 is in session. Student will be required to participate in and complete a district approved
11 intervention program, ex. Healing to Wellness.
12

13 b. Second Offense: Immediate removal from all activities for remainder of the season. Student will
14 be required to participate in and complete a district approved intervention program like Healing to
15 Wellness.
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17 During periods of suspension, a student will be required to attend and participate in practice sessions.
18 During the suspension period the student will not be allowed to wear his/her school uniform, be present in
19 the locker rooms, or travel with the team for home or away competitions. The student remains ineligible.
20

21 **Applications of Sanctions**

22 Discipline set forth by this policy will be inclusive for grades 5 through 8 and 9 through 12.
23

24 Use of possession of alcohol, drugs or tobacco, of any kind is a violation of Montana State Law.
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26 The successful completion of the next available intervention program, ex. Healing to Wellness, is a
27 condition of any future participation in extra/co-curricular activities. A student activity participant will not
28 be allowed to participate in any future extra/co-curricular activities until that student has successfully
29 completed the required drug and alcohol awareness class.
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34 **Cross Reference:** District Resolution 2/24/99
35 3200R Student Conduct and Discipline
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37 **Legal Reference:** MCA 50-32-101
38 MCA 45-9-111
39 Initiative 190 – “Montana Marijuana Regulation and Taxation Act.” January 1, 2021
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42 **Policy History:**

43 Adopted on: 9/28/99

44 Amended on: 11/9/99, 2/23/00, 7/26/00, 10/25/00, 8/13/02, 4/26/06, 5/29/13, 3/11/14, 6/24/15, 1/12/16,
45 10/25/17, 8/1/19, 2/24/21
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CO-CURRICULAR RULES AND RANDOM DRUG TESTING AND DRUG TESTING AUTHORIZATION FORM

I understand fully that my performance as a participant and the reputation of my school is 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 the Browning Public Schools Board of Trustees and the sponsors for the activity in which I participate.

I authorize the Browning Public Schools to conduct any procedure, including a urine analysis from a specimen, which I provide, to test for drugs and/or alcohol use. I acknowledge that these tests may be administered without notice. I also authorize the release of information concerning the results of such a test and the release of any information by my physician related to prescription drug use to the Browning Public Schools. I understand that school officials will keep this information confidential as required by law.

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

This authorization further acknowledges the receipt of the Browning Student Handbook and the student extracurricular drug testing policy of the District.

Print Student Name	Student Signature	District ID #
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Consent by:

Print Parent/Guardian's Name	Parent or Guardian's Signature
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Date

This form must be submitted to the office and must be on file in the office before a student will be allowed to participate in any scheduled contest/activity.