

1 **Browning Public Schools**

2 **Policy # 3525**

3 **Policy Name:** *Mandatory Pre-participation Random Drug / Alcohol Testing Policy for Extra/Co-*
4 *Curricular Activity 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 pre-participation and random testing in accordance with
17 this policy. Any student activity participant who tests positive for drugs and/or alcohol under the testing
18 program provided 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 pre-participation and random drug and alcohol testing and does not limit or
29 otherwise restrict the 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, de pressant, 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.

38
39 **Student Activity Participant:** Any student participating in an activity (sport or club) sponsored by BPS
40 and/or sanctioned by MHSA. The list of BHS clubs which this policy extends will be as set forth in the
41 BHS Student Handbook.

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

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

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1 **PROCEDURES FOR CONDUCTING DRUG TESTS:**

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

7
8 **Compliance Requirements and Consequences:** Any student athlete or activity participant who fails to
9 comply with a request for testing, refuses to submit to testing, provides false information in connection
10 with a test, or who attempts to falsify test results through tampering, contamination, adulteration or
11 substitution shall be subject to suspension from the sport/activity or athletic program for the remainder of
12 the season. A refusal to submit to testing shall include, but is not be limited to, the following conduct: (a)
13 a verbal declaration of refusal; (b) a refusal to provide a specimen or breath sample; (c) willful physical
14 absence resulting in the inability to conduct the test (**the individual testee may NOT leave the room,**
15 **waiting area, or premises while waiting to test**); and (d) engaging in behavior which is obstructive to
16 the testing process.

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18 **Medication:** Student athletes and sport/club participants who have been or who are taking prescription
19 medication must provide verification (either by a copy of the prescription or by doctor's authorization)
20 prior to being tested. Students who refuse to provide verification and test positive will be subject to the
21 sanctions specified in this policy.

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23 *Pre-participation Testing: All students participating in co/extracurricular activities will be tested on*
24 *the first date of practice.*

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26 **Random Testing:** Random testing will be conducted during the various activity seasons throughout the
27 school year. Students will be selected for random testing by a computer-generated process. Selection for
28 testing will be made from one (1) "pool" consisting of the student activity participants for each given
29 "season", as applicable. In order to preserve the integrity of the random test, parents will not be notified
30 prior to a random test. All testing will be conducted by appropriately trained school personnel or by an
31 independent testing agent selected by BPS.

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33 **CONSEQUENCES FOR TESTING POSITIVE FOR DRUGS**

34 If a student tests positive for drugs, as defined in this policy, the following action will be taken:

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36 **Procedures**

- 37 1. An initial positive test will automatically require a second confirmation test of the same sample to
38 confirm the initial positive result. If the second test of the same sample is positive, the student will not
39 be allowed to retest to dispute the results of the first and second tests.
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41 2. Upon receipt of information demonstrating a positive test, the student and his/her parent or
42 guardian will be called in to meet with the Principal/Vice-Principal and Activities Director to be
43 advised of the positive test result and to allow the student an opportunity to respond to the test
44 result. Although the District will attempt to contact parents or guardians to request their
45 attendance at the meeting, the meeting between the student and administrators shall be
46 conducted in their absence.
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48 3. Based on the results of the meeting conducted under Section (2) above, the Principal/Vice-Principal
49 and Student Activities Director will determine whether the student activity participant will be subject
50 to further consequences. A student activity participant will be subject to consequences if, based on the
51 discussions held at the meeting, the administrators have determined that there is no valid reason to
52 question the positive test result.
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- 1 4. The Principal/Vice Principal and Student Activities Director will notify the Superintendent of the
2 results of the meeting and of their determination as called for under Section (3) above. **If the**
3 **administrators have determined that the student will be subject to consequences, the Superintendent**
4 **shall make a recommendation to the Board of Trustees that the student activity participant be**
5 **suspended from all further participation in activities for the remainder of the current season.** The
6 student activity participant will continue to be allowed to attend and participate in practice activities
7 pending the Board's consideration of the Superintendent's recommendation, but will be suspended
8 from any traveling and/or competition with respect to the activity. Parents may waive the right to a
9 Due Process hearing before the Board of Trustees by signing a waiver form.
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- 11 5. The Board of Trustees shall consider and act upon any recommendation made by the Superintendent
12 under Section (4) above. If the Board of Trustees determines that there is no valid reason to question
13 the positive test result, the student activity participant will be subject to the following consequences:
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- 15 a. First Offense: Student is placed on activities long-term suspension of 45 contact day for all
16 student activities. If a student self-reports their violation to their coach, supervisor, and principal
17 or activities director by 9:00 am of the next regular school day, the number of contact days of the
18 suspension will be reduced to 30 contact days. A contact day is defined as a day when a practice
19 or event is held or a day when school is in session.
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 - 21 b. Second Offense: Immediate removal from all activities for one calendar year. Application for
22 reinstatement will be received by the Activities Director and forwarded to the Superintendent for
23 possible action by the Board of Trustees.
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 - 25 c. The suspension days will continue from one school year to the next if the school year during
26 which the violation takes place ends before the student completed his/her suspension.
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 - 28 d. During periods of suspension, a student will be allowed to attend and participate in practice
29 sessions. During the suspension period the student will not be allowed to wear his/her school
30 uniform, be present in the locker rooms, or travel with the team for home or away competitions.
31 The student remains ineligible until Insight (or other district approved intervention program)
32 training is completed.
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 - 34 e. If a staff member or chaperone observes a student at a school-related activity acting in violation
35 of this policy the student would not be allowed to self-report their alleged violation.
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 - 37 f. If a student activity participant is the subject of two violations of either policy #3200 or policy
38 #3525 during any given school year, he or she will be suspended from participation in extra/co-
39 curricular activities for the remainder of that school year.
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41 **Applications of Sanctions**

42 Discipline set forth by this policy will be inclusive for grades 5 through 8 and 9 through 12.
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44 Use of possession of alcohol, drugs or tobacco, of any kind is a violation of Montana State Law. For on
45 or off campus violations in regard to use of alcohol, drugs and tobacco (including smokeless) or a positive
46 drug test would be treated as a self-report for in-season athletes/performers/club members and other
47 school sponsored activities as listed in the BHS Activities Handbook; Browning School District #9 will
48 apply the following sanctions:
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50 The successful completion of the next available drug and alcohol awareness class is a condition of any
51 future participation in extra/co-curricular activities. A student activity participant will not be allowed to
52 participate in any future extra/co-curricular activities until that student has successfully completed the
53 required drug and alcohol awareness class.
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1 **Cross Reference:** District Resolution 2/24/99
2 3200R Student Conduct and Discipline
3

4 **Legal Reference:** MCA 50-32-101
5 MCA 45-9-111

6 **Policy History:**
7 Adopted on: 9/28/99
8 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,
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