

1 **Browning Public Schools**

2
3 **Policy # 3525**

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

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

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

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

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

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30 This policy extends only to pre-participation and random drug and alcohol testing and does not limit
31 or otherwise restrict the ability of the District to conduct such testing on the basis of reasonable
32 suspicion.

33
34 **DEFINITIONS**

35 **Drug:** Substances covered under this policy include any alcoholic beverage, narcotic drug,
36 hallucinogenic drug, inhalant, anabolic steroid, barbiturate, amphetamine, marijuana, nicotine (as
37 found in electronic cigarettes) and any other stimulant such as phenylpropanolomine, depressant,
38 intoxicant of any kind, substance purported to be one of the above, any dangerous drug as defined in
39 Section 50-32-101, MCA or any imitation dangerous drug as defined in Section 45-9-111 MCA or
40 any other substance considered illegal or controlled by the Food and Drug Administration.

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

45
46 **Activity Season:** "Season" as referred to in this policy shall mean the Fall, Winter and Spring
47 seasons established for MHSA-sanctioned activities and shall begin on the first day of practice for
48 such season and end the day prior to the beginning date of practice for the next successive season.
49 With respect to students participating in non-MHSA-sanctioned activities, the applicable period for

1 any consequences attendant to a positive test result shall be equivalent to the then-current "season"
2 under MHSA standards.

3
4 **Positive Test:** A drug test will be considered "positive" for drugs in accordance with the U.S.
5 Department of Transportation guidelines.

6
7 **PROCEDURES FOR CONDUCTING DRUG TESTS:**

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

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

23
24 **Medication:** Student athletes and sport/club participants who have been or who are taking
25 prescription medication must provide verification (either by a copy of the prescription or by doctor's
26 authorization) prior to being tested. Students who refuse to provide verification and test positive will
27 be subject to the sanctions specified in this policy.

28
29 *Pre-participation Testing: All students participating in co/extracurricular activities will be tested*
30 *on the first date of practice.*

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

38
39 **CONSEQUENCES FOR TESTING POSITIVE FOR DRUGS**

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

41
42 **Procedures**

- 43 1. An initial positive test will automatically require a second confirmation test of the same sample to
44 confirm the initial positive result. If the second test of the same sample is positive, the student
45 will not be allowed to retest to dispute the results of the first and second tests.
46
47 2. Upon receipt of information demonstrating a positive test, the student and his/her parent or
48 guardian will be called in to meet with the Principal/Vice-Principal and Activities Director to be
49 advised of the positive test result and to allow the student an opportunity to respond to the test

1 result. Although the District will attempt to contact parents or guardians to request their
2 attendance at the meeting, the meeting between the student and administrators shall be conducted
3 in their absence.
4

- 5 3. Based on the results of the meeting conducted under Section (2) above, the Principal/Vice-
6 Principal and Student Activities Director will determine whether the student activity participant
7 will be subject to further consequences. A student activity participant will be subject to
8 consequences if, based on the discussions held at the meeting, the administrators have determined
9 that there is no valid reason to question the positive test result.
10
- 11 4. The Principal/Vice Principal and Student Activities Director will notify the Superintendent of the
12 results of the meeting and of their determination as called for under Section (3) above. If the
13 administrators have determined that the student will be subject to consequences, the
14 Superintendent shall make a recommendation to the Board of Trustees that the student activity
15 participant be suspended from all further participation in activities for the remainder of the
16 current season. The student activity participant will continue to be allowed to attend and
17 participate in practice activities pending the Board's consideration of the Superintendent's
18 recommendation, but will be suspended from any traveling and/or competition with respect to the
19 activity. Parents may waive the right to a Due Process hearing before the Board of Trustees by
20 signing a waiver form.
21
- 22 5. The Board of Trustees shall consider and act upon any recommendation made by the
23 Superintendent under Section (4) above. If the Board of Trustees determines that there is no
24 valid reason to question the positive test result, the student activity participant will be subject to
25 the following consequences:
26
 - 27 a. First Offense: Student is placed on activities long-term suspension of 45 contact day for all
28 student activities. If a student self-reports their violation to their coach, supervisor, and
29 principal or activities director by 9:00 am of the next regular school day, the number of
30 contact days of the suspension will be reduced to 30 contact days. A contact day is defined as
31 a day when a practice or event is held or a day when school is in session.
32
 - 33 b. Second Offense: Immediate removal from all activities for one calendar year. Application for
34 reinstatement will be received by the Activities Director and forwarded to the Superintendent
35 for possible action by the Board of Trustees.
36
 - 37 c. The suspension days will continue from one school year to the next if the school year during
38 which the violation takes place ends before the student completed his/her suspension.
39
 - 40 d. During periods of suspension, a student will be allowed to attend and participate in practice
41 sessions. During the suspension period the student will not be allowed to wear his/her school
42 uniform, be present in the locker rooms, or travel with the team for home or away
43 competitions. The student remains ineligible until Insight (or other district approved
44 intervention program) training is completed.
45
 - 46 e. If a staff member or chaperone observes a student at a school-related activity acting in
47 violation of this policy the student would not be allowed to self-report their alleged violation.
48

1 f. If a student activity participant is the subject of two violations of either policy #3200 or
2 policy #3525 during any given school year, he or she will be suspended from participation in
3 extra/co-curricular activities for the remainder of that school year.
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5 Applications of Sanctions

6 Discipline set forth by this policy will be inclusive for grades 5 through 8 and 9 through 12.
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8 Use of possession of alcohol, drugs or tobacco, of any kind is a violation of Montana State Law. For
9 on or off campus violations in regard to use of alcohol, drugs and tobacco (including smokeless) or a
10 positive drug test would be treated as a self-report for in-season athletes/performers/club members
11 and other school sponsored activities as listed in the BHS Activities Handbook; Browning School
12 District #9 will apply the following sanctions:
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14 The successful completion of the next available drug and alcohol awareness class is a condition of
15 any future participation in extra/co-curricular activities. A student activity participant will not be
16 allowed to participate in any future extra/co-curricular activities until that student has successfully
17 completed the required drug and alcohol awareness class.
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20 **Cross Reference:** District Resolution 2/24/99
21 3200R Student Conduct and Discipline
22

23 **Legal Reference:** MCA 50-32-101
24 MCA 45-9-111

25 Policy History:

26 Adopted on: 9/28/99
27 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,
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- 2 This form must be submitted to the office and must be on file in the office before a student will be
- 3 allowed to participate in any scheduled contest/activity.