

# **Browning Public Schools**

## **Policy # 3525**

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

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

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

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

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

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

## **DEFINITIONS**

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

**Student Activity Participant:** Any student participating in an activity sanctioned by MHSA.

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

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

## **PROCEDURES FOR CONDUCTING DRUG TESTS:**

**Consent:** The parent or guardian and the student athlete will be required to sign a written consent for

1 drug testing prior to participating in the athletic program. Any time a student athlete, refuses to be tested,  
2 he or she will be subject to suspension from the team or from the sport/club for the remainder of the  
3 season. As Specified in Consequences for Testing Positive For Drugs.

4  
5 **Compliance Requirements and Consequences:** Any student athlete or activity participant who fails to  
6 comply with a request for testing, refuses to submit to testing, provides false information in connection  
7 with a test, or who attempts to falsify test results through tampering, contamination, adulteration or  
8 substitution shall be subject to suspension from the sport/activity or athletic program for the remainder of  
9 the season. A refusal to submit to testing shall include, but is not be limited to, the following conduct: (a)  
10 a verbal declaration of refusal; (b) a refusal to provide a specimen or breath sample; (c) willful physical  
11 absence resulting in the inability to conduct the test (**the individual testee may NOT leave the room,**  
12 **waiting area, or premises while waiting to test**); and (d) engaging in behavior which is obstructive to  
13 the testing process.

14  
15 **Medication:** Student athletes and sport/club participants who have been or who are taking prescription  
16 medication must provide verification (either by a copy of the prescription or by doctor's authorization)  
17 prior to being tested. Students who refuse to provide verification and test positive will be subject to the  
18 sanctions specified in this policy.

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

## 26 **CONSEQUENCES FOR TESTING POSITIVE FOR DRUGS**

27 If a student tests positive for drugs/alcohol, as defined in the drug/alcohol policy, the following action  
28 will be taken:

### 29 **Procedures**

- 30  
31 1. An initial positive test will automatically require a second confirmation test of the same sample to  
32 confirm the initial positive result. If the second test of the same sample is positive, the student will not  
33 be allowed to retest to dispute the results of the first and second tests.  
34  
35
- 36 2. Upon receipt of information demonstrating a positive test, the student and his/her parent or guardian  
37 will be called in to meet with the Principal/Vice-Principal and Activities Director to be advised of the  
38 positive test result and to allow the student an opportunity to respond to the test result. Although the  
39 District will attempt to contact parents or guardians to request their attendance at the meeting, the  
40 meeting between the student and administrators shall be conducted in their absence.  
41
- 42 3. Based on the results of the meeting conducted under Section (2) above, the Principal/Vice-Principal  
43 and Student Activities Director will determine whether the student activity participant will be subject  
44 to further consequences. A student will be subject to consequences if, based on the discussions held at  
45 the meeting, the administrators have determined that there is no valid reason to question the positive  
46 test result or a proven violation.  
47
- 48 4. The Principal/Vice Principal and Student Activities Director will notify the Superintendent of the  
49 results of the meeting and of their determination as called for under Section (3) above. The student  
50 activity participant will continue to be allowed to attend and participate in practice activities pending  
51 the administrative decision and in cases where there is an appeal of this decision, pending the Board's  
52 consideration of the Superintendent's recommendation, but will be suspended from any traveling  
53 and/or competition with respect to the activity. Parents may waive the right to a Due Process hearing  
54 before the Board of Trustees by signing a waiver form.

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2 5. The Board of Trustees shall consider and act upon any recommendation made by the Superintendent  
3 under Section (4) above. If the Board of Trustees determines that there is no valid reason to question  
4 the positive test result, the student activity participant will be subject to the following consequences:

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6 a. First Offense: Student is placed on activities suspension of 15 contact day for all student  
7 activities. A contact day is defined as a day when a practice or event is held or a day when school  
8 is in session. Student will be required to participate in and complete a district approved  
9 intervention program, like Healing to Wellness.

10  
11 b. Second Offense: Immediate removal from all activities for remainder of the season. Student will  
12 be required to participate in and complete a district approved intervention program like Healing to  
13 Wellness.

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15 c. During periods of suspension, a student will be required to attend and participate in practice  
16 sessions. During the suspension period the student will not be allowed to wear his/her school  
17 uniform, be present in the locker rooms, or travel with the team for home or away competitions.  
18 The student remains ineligible.  
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## 20 **Applications of Sanctions**

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

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23 Use of possession of alcohol, drugs or tobacco, of any kind is a violation of Montana State Law.

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25 The successful completion of the next available Healing to Wellness Program is a condition of any future  
26 participation in extra/co-curricular activities. A student activity participant will not be allowed to  
27 participate in any future extra/co-curricular activities until that student has successfully completed the  
28 required drug and alcohol awareness class.  
29

30 **Cross Reference:** District Resolution 2/24/99  
31 3200R Student Conduct and Discipline  
32

33 **Legal Reference:** MCA 50-32-101  
34 MCA 45-9-111  
35 Initiative 190 – “Montana Marijuana Regulation and Taxation Act.” January 1, 2021  
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## 38 **Policy History:**

39 Adopted on: 9/28/99

40 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,  
41 10/25/17, 8/1/19, 2/24/21

42 Reviewed: 2/9/21  
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2 **CO-CURRICULAR RULES PRE-PARTICIPATION AND RANDOM DRUG TESTING AND**  
3 **DRUG TESTING AUTHORIZATION FORM**  
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5 I understand fully that my performance as a participant and the reputation of my school is dependent, in  
6 part, on my conduct as an individual. I hereby agree to accept and abide by the standards, rules and  
7 regulations set forth by the Browning Public Schools Board of Trustees and the sponsors for the activity  
8 in which I participate.  
9

10 I authorize the Browning Public Schools to conduct any procedure, including a urine analysis from a  
11 specimen, which I provide, to test for drugs and/or alcohol use. I acknowledge that these tests may be  
12 administered without notice. I also authorize the release of information concerning the results of such a  
13 test and the release of any information by my physician related to prescription drug use to the Browning  
14 Public Schools. I understand that school officials will keep this information confidential as required by  
15 law.  
16

17 This shall be deemed consent pursuant to the Family Education Right to Privacy Act for the release of the  
18 above information to the parties named above.  
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20 This authorization further acknowledges the receipt of the Browning Student Handbook and the student  
21 extracurricular drug testing policy of the District.  
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26 Print Student Name Student Signature District ID #  
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29 Consent by:  
30 Print Parent/Guardian's Name Parent or Guardian's Signature  
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35 \_\_\_\_\_  
36 Date  
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40 This form must be submitted to the office and must be on file in the office before a student will be  
41 allowed to participate in any scheduled contest/activity.  
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