

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*

6
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.

13
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, ¹including 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 in
25 extra/co-curricular activities. ²Prohibited tobacco use includes nicotine devices such as electronic cigarettes.

26
27 This policy extends only to ~~pre-participation and~~ random drug and alcohol testing and does not limit or
28 otherwise restrict the ability of the District to conduct such testing on the basis of reasonable suspicion.

29
30 **DEFINITIONS**

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

37
38 **Student Activity Participant:** Any student participating in an ~~activity sponsored by BPS and/or~~
39 ~~sanctioned by MHSA or in a BPS Activity where a letter is earned. The list of BHS clubs which this policy~~
40 ~~extends will be as set forth in the BHS Student Handbook.~~

41
42 **Activity Season:** "Season" as referred to in this policy shall mean the Fall, Winter and Spring seasons
43 established for MHSA-sanctioned activities and shall begin on the first day of practice for such season and
44 end the day prior to the beginning date of practice for the next successive season. With respect to students
45 participating in non-MHSA-sanctioned activities, the applicable period for any consequences attendant to
46 ~~a positive test result~~ **reasonable suspicion and/or a proven violation** shall be equivalent to the then-current
47 "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 a
3 written consent for drug testing prior to participating in the ~~sport/club or~~ athletic program. Any time a
4 student athlete, **or BPS activity where a letter is earned**, ~~or sport/club participant~~ refuses to be tested, he
5 or she will be subject to suspension from the team or from the sport/club for the remainder of the season.
6 As Specified in Consequences for 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 with
10 a test, or who attempts to falsify test results through tampering, contamination, adulteration or substitution
11 shall be subject to suspension from the sport/activity or athletic program for the remainder of the season.
12 A refusal to submit to testing shall include, but is not be limited to, the following conduct: (a) a verbal
13 declaration of refusal; (b) a refusal to provide a specimen or breath sample; (c) willful physical absence
14 resulting in the inability to conduct the test (**the individual testee may NOT leave the room, waiting area,**
15 **or premises while waiting to test**); and (d) engaging in behavior which is obstructive to the testing process.

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

21
22 ~~*Pre-participation Testing: All students participating in co/extracurricular activities will be tested on the*~~
23 ~~*first date of practice.*~~

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

31
32 **CONSEQUENCES FOR TESTING POSITIVE FOR DRUGS**

33 ~~If a student tests positive for drugs, as defined in this policy, the following action will be taken~~ If a student
34 tests positive for drugs/alcohol, or has proven to violate the drug/alcohol policy the following action will
35 be taken;

36
37 **Procedures**

- 38 1. An initial positive test will automatically require a second confirmation test of the same sample to
39 confirm the initial positive result. If the second test of the same sample is positive, the student will not
40 be allowed to retest to dispute the results of the first and second tests.
41
42 2. Upon receipt of information demonstrating a positive test, the student and his/her parent or
43 guardian will be called in to meet with the Principal/Vice-Principal and Activities Director to be
44 advised of the positive test result and to allow the student an opportunity to respond to the test
45 result. Although the District will attempt to contact parents or guardians to request their attendance
46 at the meeting, the meeting between the student and administrators shall be conducted in their
47 absence.
48
49 3. Based on the results of the meeting conducted under Section (2) above, the Principal/Vice-Principal
50 and Student Activities Director will determine whether the student activity participant will be subject
51 to further consequences. A student ~~activity participant~~ athlete (**or BPS activity where a letter is**
52 **earned**) will be subject to consequences if, based on the discussions held at the meeting, the
53 administrators have determined that there is no valid reason to question the positive test result **or a**
54 **proven violation.**

1
2 4. The Principal/Vice Principal and Student Activities Director will notify the Superintendent of the
3 results of the meeting and of their determination as called for under Section (3) above. **If the**
4 **administrators have determined that the student will be subject to consequences, the Superintendent**
5 **shall make a recommendation to the Board of Trustees that the student activity participant be suspended**
6 **from all further participation in activities for the remainder of the current season.** The student activity
7 participant will continue to be allowed to attend and participate in practice activities pending the Board's
8 consideration of the Superintendent's recommendation, but will be suspended from any traveling and/or
9 competition with respect to the activity. Parents may waive the right to a Due Process hearing before
10 the Board of Trustees by signing a waiver form. The student activity participant will continue to be
11 allowed to attend and participate in practice activities pending the administrative decision and in cases
12 where there is an appeal of this decision pending the Board's consideration of the Superintendent's
13 recommendation, but will be suspended from any traveling and/or competition with respect to the
14 activity. Parents may waive the right to a Due Process hearing before the Board of Trustees by signing
15 a waiver form.
16

17 5. The Board of Trustees shall consider and act upon any recommendation made by the Superintendent
18 under Section (4) above. If the Board of Trustees determines that there is no valid reason to question
19 the positive test result, the student activity participant will be subject to the following consequences:
20

21 ~~First Offense: Student is placed on activities long-term suspension of 45 contact day for all student~~
22 ~~activities. If a student self reports their violation to their coach, supervisor, and principal or~~
23 ~~activities director by 9:00 am of the next regular school day, the number of contact days of the~~
24 ~~suspension will be reduced to 30 contact days. A contact day is defined as a day when a practice or~~
25 ~~event is held or a day when school is in session.~~
26

27 ~~Second Offense: Immediate removal from all activities for one calendar year. Application for~~
28 ~~reinstatement will be received by the Activities Director and forwarded to the Superintendent for~~
29 ~~possible action by the Board of Trustees.~~
30

31 ~~The suspension days will continue from one school year to the next if the school year during which~~
32 ~~the violation takes place ends before the student completed his/her suspension.~~
33

34 **a. First Offense: 1) Student is placed on activities long-term suspension of 30 calendar days for**
35 **all student activities (they will practice but not play). 2) Student will enroll, participate and**
36 **completion in the Healing to Wellness program with the Blackfeet Tribal Court.**
37

38 **b. Second Offense: Student is placed on activities long-term suspension of 45 calendar days for**
39 **all student activities. 2) Student will continue with enrollment, participate and completion in**
40 **the Healing to Wellness program with the Blackfeet Tribal Court.**
41

42 **c. Third Offense: Immediate removal from all activities for remainder of the year. Application**
43 **for reinstatement will be received by the Activities Director and forwarded to the**
44 **Superintendent for possible action by the Board of Trustees.**
45

46 ~~**d. The suspension days will continue from one school year to the next if the school year during**~~
47 ~~**which the violation takes place ends before the student completed his/her suspension.**~~
48

49 e. During periods of suspension, a student will be allowed to attend and participate in practice
50 sessions. During the suspension period the student will not be allowed to wear his/her school
51 uniform, be present in the locker rooms, or travel with the team for home or away competitions.
52 The student remains ineligible until Insight (or other district approved intervention program)
53 training is completed.
54

1 ~~f. If a staff member or chaperone observes a student at a school related activity acting in violation of~~
2 ~~this policy the student would not be allowed to self report their alleged violation.~~

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

7
8 **Applications of Sanctions**

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

10
11 ~~Use of possession of alcohol, drugs or tobacco, of any kind is a violation of Montana State Law. For on or~~
12 ~~off campus violations in regard to use of alcohol, drugs and tobacco (including smokeless) or a positive~~
13 ~~drug test would be treated as a self report for in season athletes/performers/club members and other school~~
14 ~~sponsored activities as listed in the BHS Activities Handbook; Browning School District #9 will apply the~~
15 ~~following sanctions:~~

16
17 The successful completion of the next available Healing to Wellness Program is a condition of any future
18 participation in extra/co-curricular activities. A student activity participant will not be allowed to participate
19 in any future extra/co-curricular activities until that student has successfully completed the required healing
20 to Wellness Program.

21
22 **Cross Reference:** District Resolution 2/24/99
23 3200R Student Conduct and Discipline

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

27 **Policy History:**

28 Adopted on: 9/28/99

29 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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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.