

# SCOBLEY PUBLIC SCHOOLS

## STUDENT ACTIVITY DRUG TESTING POLICY

The Scobley Board of Trustees in an effort to protect the health and safety of its extra-curricular activities students from illegal drug use and abuse as well as tobacco/nicotine, thereby setting an example for all other students of the Scobley Public School District, proposes to adopt the following policy for drug and/or nicotine testing of activity students. Tobacco/nicotine includes but is not limited to cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine and any other tobacco/nicotine innovation.

### *STATEMENT OF PURPOSE AND INTENT*

Although the Board of Trustees, administration, and staff desire that every student in the Scobley Public School district refrain from using or possessing illegal drugs and/or tobacco/nicotine, district officials realize that their power to restrict the possession or use of illegal drugs and/or tobacco/nicotine is limited. Therefore, this policy governs only illegal drug use as well as tobacco/nicotine use by students participating in certain extra-curricular activities. The sanctions imposed for violations of this policy will be limitations solely upon limiting the opportunity of any student determined to be in violation of this policy to a student's privilege to participate in extra-curricular activities. No suspensions from school or academic sanctions will be imposed for violations of this policy. This policy supplements and complements all other policies, rules, and regulations of the Scobley Public School District regarding possession or use of illegal drugs and/or tobacco/nicotine.

Participation in school-sponsored interscholastic extra-curricular activities at the Scobley Public School District is a privilege. Students who participate in these activities are respected by the student body and are representing the school district and the community. Accordingly, students in extra-curricular activities carry a responsibility to themselves, their fellow students, their parents, and their school to set the highest possible examples of conduct, sportsmanship, and training, which includes avoiding the use or possession of illegal drugs and/or tobacco/nicotine use.

The purpose of this policy is five-fold:

1. To educate students of the serious physical, mental, and emotional harm caused by illegal drug use as well as the use of tobacco/nicotine products.
2. To alert students with possible substance abuse problems to the potential harms that drug and/or tobacco/nicotine use poses for their physical, mental, and emotional well-being and offer them the privilege of competition as an incentive to stop using such substances.
3. Ensure that students adhere to a training program that bars the intake of illegal drugs and/or tobacco/nicotine products.
4. To prevent injury, illness, and harm for students that may arise as a result from illegal drug use and/or from the use of tobacco/nicotine products.
5. To offer students practices, competition, and school activities free of the effects of illegal drug use as well as the use of tobacco/nicotine products.

The use of tobacco/nicotine and/or illegal drugs of any kind is incompatible with the physical, mental, and emotional demands placed upon participants in extra-curricular activities and upon the positive image these students project to other students and to the community on behalf of the Scobley Public School District. For the safety, health, and well-being of students in extra-curricular activities the Scobley Public School District has adopted this policy for use of all participants in interscholastic extra-curricular activities grades 7 – 12.

The administration may adopt regulations to implement this policy.

## Definitions

“Activity Student” means a member of any junior high, or high school Scobey Public School District sponsored extra-curricular organization that participates in interscholastic competition. This includes any student that represents Scobey Schools in any extra-curricular activity in interscholastic competition.

“Drug use test” means a scientifically substantiated method to test for the presence of illegal drugs or the metabolites thereof in a person’s urine.

“Random Selection Basis” means a mechanism for selecting activity students for drug testing that:

Results in an equal probability that any activity student from a group of activity students subject to the selection mechanism will be selected, and

Does not give the School District discretion to waive the selection of any activity student selected under the mechanism.

“Illegal drugs” means any substance that an individual may not sell, possess, use, distribute or purchase under either Federal or Montana law. “Illegal drugs” includes, but is not limited to, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. “Illegal drugs” shall also include alcohol.

“Non Negative” when referring to a drug test administered under this policy means a toxicological test result which considered to demonstrate the presence of illegal drugs or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug use test.

“Reasonable suspicion” means a suspicion of illegal drug use based on specific observations made by coaches/administrators/sponsors of the appearance, speech, or behavior of an activity student; the reasonable inferences that are drawn from those observations; and/or information of illegal drug use by an activity student supplied to school officials by other students, staff members, or patrons.

“Sample” means a sample of saliva and/or urine collected for the purpose of analysis for the presence of illegal substances.

“Tobacco/nicotine” includes but is not limited to cigarettes, cigars, snuff, smoking tobacco/nicotine, smokeless tobacco, nicotine and any other tobacco/nicotine innovation.

## Procedures

Each Activity Student shall be provided with a copy of the “Student Drug/Tobacco/nicotine Testing Consent Form”, which shall be read, signed and dated by the student, parent or custodial guardian before such student shall be eligible to practice or participate in any extra-curricular activities. Once a student is in the pool, they will remain in the pool for the remainder of the academic year. The consent requires the activity student to provide a urine sample:

(a) annually before participation in extra-curricular activities;

(b) when the activity student is selected by the random selection basis to provide a sample; and

(c) at any time when there is reasonable suspicion to test for illegal drugs. No student shall be allowed to practice or participate in any extra-curricular activities involving interscholastic competition unless the student has returned the properly signed “Student Drug/ Tobacco/nicotine Testing Consent Form.”

Prior to the commencement of drug/ tobacco/nicotine testing each year, an orientation session will be held for Activity Students to educate them of the sample collection process, privacy arrangements, drug/tobacco/nicotine testing policy and procedures and other areas which may help to reassure the activity student and help avoid embarrassment or uncomfortable feelings about the drug testing process.

A student who moves into the district after the school year begins will have to undergo a test for those banned substances before they will be eligible for participation.

Drug use/tobacco/nicotine testing for Activity Students will also be chosen on a random selection basis from a list of all Activity Students who are involved in off-season or in-season activities. The Scobey Public School District will determine a number of students to be drawn at random to provide a urine sample for testing for illegal drugs and tobacco/nicotine products.

In addition to the tests required above, any Activity Student may be required at any time to submit to a test for illegal, or the metabolites thereof when an administrator, coach, or sponsor has reasonable suspicion of illegal drug and/or tobacco/nicotine use by the particular student.

Any test will be administered by or at the direction of a professional laboratory chosen by the Scobey Public School District. The professional laboratory shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure the chain of custody of the specimens, and proper laboratory control and scientific testing.

All aspects of the athletic testing program, including the taking of urine specimens, will be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize intrusiveness of the procedure.

In particular, urine specimens must be collected in a restroom or other private facility behind a closed stall. The Superintendent shall designate an administrator or supervisor, coach, sponsor, or school employee, County Health Nurse, or other adult designee of the same sex as the student to accompany the student to a restroom or private facility behind a closed stall. The monitor shall not observe the student while the specimen is being produced. The monitor shall verify the normal warmth and appearance of the specimen. If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure and inform the principal or activities director who will then determine if a new sample should be obtained. The monitor shall give each student a form on which the student may list any medications legally prescribed for the student he or she has taken in the preceding thirty (30) days. The parent or legal guardian shall be able to confirm the medication list submitted by their child during the twenty-four (24) hours following any test for those prohibited substances. The medication list shall be submitted to the lab in a sealed and confidential envelope and shall not be viewed by district employees.

An initial positive test result will be subject to confirmation by a second and different test of the same specimen. The second test will use the gas chromatography/mass spectrometry technique, or other approved laboratory test. A specimen shall not be reported positive unless the second test utilizing the gas chromatography/mass spectrometry procedure, or other approved laboratory test, is positive for the presence of an illegal drug or the metabolites thereof. The laboratory shall preserve the unused portion of a specimen that tested positive for a period of six (6) months or the end of the school year, whichever is shorter. Student records will be retained until the end of the school year.

## **Confidentiality**

The results of the test will be made available to the designated personnel. To keep the positive test results confidential, the designated personnel will only notify the superintendent, activities director or designee, the student, the head coach/sponsor, and the parent or custodial guardian of the student of the results. The superintendent or activities director or designee will schedule a conference with the student and parent or guardian and explain the student's opportunity to submit additional information to the superintendent or activities director or to the lab. The Scobey Public School District will rely on the opinion of the laboratory that performed the test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.

Test results will be kept in files separate from the student's other educational records, shall be disclosed only to those school personnel who have a need to know, and will not be turned over to any law enforcement authorities.

## **Appeal**

An Activity Student who has been determined by the superintendent or activities director to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her designee(s). Such request for a review must be submitted to the Superintendent in writing within five (5) calendar days of notice of the positive test. A student requesting a review will remain eligible to participate in any extra-curricular activities until the review is completed. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision will be provided and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent, which shall be final and non-appealable.

## **Consequences**

These restrictions and requirements shall begin immediately, consecutive in nature, unless a review appeal is filed following receipt of a positive test. Provided, however, a student who on his or her own volition informs (self-refers) the activities director, principal, or coach/sponsor/advisor of usage before being notified to submit to a drug test will be allowed to remain active in all activities covered under this policy. Such student, will however, be considered to have committed his/her first offense under the policy, and will be required to re-test as would a student who has tested positive.

Any Activity Student who tests positive under this policy shall be subject to the following restrictions:

### **FOR THE FIRST VIOLATION**

After the confirmation of the first violation, the participant shall be suspended from all extracurricular activities and performances for a period of 15 instructional days and will be required to complete the school's Insight program.

Refer to Guidelines Regarding Suspension from Extracurricular Activities.

### **FOR THE SECOND VIOLATION**

After the confirmation of the second violation: He/she shall be suspended from all extracurricular activities and performances for the remainder of the school year or forty-five (45) school days carried over into the following school year. (Whichever suspension is longest)

## **Refusal to Submit to Drug/Tobacco/nicotine Use Test**

A participating student, who refuses to submit to a test authorized under this policy, shall not be eligible to participate in any activities covered under this policy including all meetings, practices, performance and competitions for the remainder of the school year. Additionally, such student shall not be considered for any interscholastic activity honors or awards given by the school including the participation in any "all star" games held after the end of the season.

### Policy History

**Adopted on: June 17, 2013**

**Revised on: July 8, 2019**

**Scobey Public Schools  
Student Drug Testing Consent Form**

Participation in school sponsored extra-curricular activities at Scobey Public Schools is a privilege. Activity Students carry a responsibility to themselves, their fellow students, their families, their school, and their community to set the highest possible examples of conduct, which includes avoiding the use or possession of illegal drugs. Chemical use of any kind is incompatible with participation in extra-curricular activities at Scobey Public Schools.

Scobey Public Schools has adopted the attached Activity Student Drug Testing Policy and the Student Drug Testing Consent for use by all Activity Students at the Jr. High and High School level. This policy explains in more detail the purpose of drug testing and its implementation.

**CONSENT BEFORE PARTICIPATION:** Each Activity Student shall be provided with a copy of the Activity Student Drug Testing Policy and this Student Drug Testing Consent, which shall be read, signed and dated by the Activity Student, parent or custodial guardian and returned to the school administration *before* each student shall be eligible to practice or participate in activities. The Activity Student (and parent/guardian if student is under 18) shall sign this Consent before beginning practice or participation in any activities. This consent allows Scobey Public Schools to obtain a urine sample from each Activity Student: a) annually before participating in first contest or event; b) if chosen by the random selection basis; and c) at any time based on reasonable suspicion to be tested for illegal drugs.

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Student's Last Name (please print)                      First Name                      MI

I have been given, read and understood the "Student Activity Drug Testing Policy" and this "Student Drug Testing Consent". I understand the Scobey Public Schools enforces the rules applying to the use or possession of illegal drugs as defined in the policy. As a member of an extra-curricular activity, I realize that the personal decisions that I make daily in regard to the use or possession of illegal drugs may affect my health and well-being, may endanger those around me, and may reflect negatively upon myself, my family, my activity, my school, and my community. If I choose to violate school policy regarding the use or possession of illegal drugs, I understand I will be subject to discipline and restrictions on my participation as outlined in the Policy. I consent to submit to drug testing in accordance with the Student Activity Drug Testing Policy.

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Date

We have read and understood the "Activity Student Drug Testing Policy" and this "Student Drug testing Consent". We desire that the student named above participate in the extra-curricular activities of Scobey Public Schools. We consent to the implementation and enforcement of the policy, and we agree that the student named above will be subject to the policy and will be required to undergo drug testing in order to participate in school activities. We give our consent to drug testing of this student in accordance with the policy and procedures implementing the policy. We understand the discipline and restriction on participation that can be enforced against the student for violations as explained in the policy.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date