

Extra-curricular Activity Drug/Alcohol Testing Policy

The Forsyth School District Board of Trustees, in an effort to promote academic progress and protect the health, safety, well-being and welfare of its extra-curricular activities students from the effects of illegal drug use and abuse, thereby setting an example for all other students, adopts the following policy for drug testing of students involved in activities:

PURPOSE: The Forsyth School District believes participation in extra-curricular and activities is a privilege and contributes to the all-around development of young men and women. The Forsyth School District activity programs are dedicated to providing competitive and enjoyable experiences for the students, student-participants, coaches, advisors, faculty, parents, fans and community. In doing so, we hold high expectations for all in the areas of Character, Citizenship, Scholarship and Leadership as we strive to be competitive, develop skills, make healthy decisions and act as ambassadors of the Forsyth schools and Forsyth community. Chemical use/illegal drug use of any kind is incompatible with the physical, mental, academic and emotional demands of school and school activities and upon the positive image, we want these students to project to their peers, the community and other schools involved in interscholastic activities.

The Forsyth School District believes students involved in activities are role models and they carry a responsibility to themselves, their fellow students, younger students and mentees, their families, the school and the community to set the highest possible example of conduct, sportsmanship, training and good health. By committing to a team or activity, students choose to conduct themselves as models of good, safe and moral behavior and choose to set an example for all other students of the Forsyth School District, which includes avoiding the use, misuse, possession, sale, and the distribution of drugs, alcohol, tobacco, and/or other controlled substances and paraphernalia. Therefore, students involved in activities agree to submit to drug testing in accordance with this policy.

Over the last few years, it has become apparent—through surveys, the Montana Prevention Needs Assessment and community outreach programs—that drugs, alcohol and tobacco use is increasing and has become a serious problem. Other efforts to prevent and stop student use of illegal substances have been ineffective. Students involved in activities who use illegal substances, by their leadership role, are contributing to the increase in use and creating an environment of tolerance among their peers for this illegal behavior. The Forsyth School District believes accountability is a powerful tool to help students avoid using illegal drugs and the early detection and intervention can save lives.

In summary, the purpose and intent of this policy is:

1. To educate all students of the serious physical, mental and emotional harm caused by illegal drug use.
2. To address and attempt to deter, curtail and stop the use of drugs, alcohol and

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- tobacco.
3. To alert students with possible substance abuse problems to the harm that such behavior poses to their physical, mental and emotional well-being and offer them the privilege of participation in activities as an incentive to stop using such substances.
 4. To prevent the risk of injury, illness and harm to students that may result from illegal drug use.
 5. To ensure that students adhere to a training program that bars the intake of illegal drugs.
 6. To offer students a safe and challenging environment for practices, competition and school activities free of the effects of illegal drug use.
 7. To encourage any student who is found to be using or abusing drugs to obtain treatment, counseling and rehabilitation.

Forsyth School District administration may adopt procedures and regulations to further implement this policy consistent with its purpose and intent and the following guidelines.

DEFINITIONS:

“Activity Student or Participant”: A student who is a member of, belongs to, or is enrolled in any of the listed high school sponsored extra-curricular activities, whether or not he or she participates in interscholastic competition.

“Activity”: All listed school-sponsored sports, clubs and extra-curricular activities and organizations, including travel to and from activities and including related school activities taking place during summer vacation or other school holidays:

- Volleyball
- Football
- Basketball
- Golf
- Track and Field
- Wrestling
- Tennis
- Cheerleading
- Speech & Debate
- Drama (plays)
- Pep Band—Post Season
- FCCLA
- National Honor Society
- Student Council
- BPA
- FFA
- Academic Olympics

“Chemical Use”: Using, being under the influence, having in his/her possession, buying, selling, giving away, distributing, or attempting to buy or distribute alcohol, tobacco, illegal drugs, faux drugs, any other controlled substances or drug paraphernalia. Distribution includes any attempt, (successful or not) to sell, deal, disburse, dispense, divide, allocate, assign, provide or give away alcohol, tobacco, illegal drugs, faux drugs, any other controlled substance, or drug paraphernalia. It is not a violation for a student to be in possession or using a medication that has been specifically prescribed for the student’s own use by his/her health care provider and using it

in the prescribed manner and in compliance with school rules regarding medication. However, it is a violation to misuse the prescribed medication, sell, or distribute it in any manner to another person. Chemical use also includes sniffing glue, “huffing”, or other misuse of substances.

“Drug Use Test”: A scientifically substantiated method to test for the presence of illegal drugs or the metabolites thereof in the person’s urine.

“Illegal Drugs”: Any substance that an individual may not sell, possess, use, distribute or purchase as defined by either federal or Montana law. In addition, “illegal drugs” include all prescription drugs obtained without authorization, all prescribed and over-the-counter drugs or other substances being used or misused for an abusive purpose, faux drugs, alcohol, tobacco and drug paraphernalia.

“Calendar Days and School Days”: Calendar days are all consecutive days between the first and last day of the scheduled school year, beginning on the first day that activities begin in August until the last day of the academic year or activity schedule, whichever is later. Calendar days do not include summer vacation; therefore, discipline may extend from one school year into the next school year. School days are instructional days and any portion of an instructional day. Thus, for example, if students are released at noon on a particular day, that portion of the day is considered one school day for the purpose of calculating days of suspension.

“Reasonable Suspicion”: The suspicion of illegal drug use based on scientific observation made by school sponsors, coaches, teachers or administrators of the appearance, speech or behavior of an activity student; the reasonable inferences that are drawn from those observations; “hitting” on an activity student’s locker, backpack or other personal items by a drug-sniffing dog; and/or reliable information of an activity student’s illegal drug use reported to a school sponsor, coach, teacher or administrator. Anonymous contacts made by individuals not willing to confront the activity student will not be acted upon. The School District will provide training to school personnel from time to time in detection of illegal drug use and establishing reasonable suspicion.

“Sample”: A sample of urine collected for the purpose of conducting a drug test for the presence of illegal substances.

PROCEDURES:

Consent

It is MANDATORY each student who participates in any high school activity (this includes 7th & 8th graders) will read, sign and return the “Student Drug Testing Consent Form” to the designated administrator prior to participation in any activity. A parent or guardian of a student under the age of 18 must also sign the consent form. The consent form requires the activity student to provide a sample: (a) when the activity student is selected by the random selection process to provide a sample; or (b) at any time when there is reasonable suspicion to test for

illegal drugs. Each activity student shall be given a copy of the drug testing policy and any administrative rules or procedures pertaining to drug testing with the consent form.

Orientation

Prior to the commencement of drug testing each year and at other times throughout the school year as designated by school administration, an orientation session will be held with activity students to educate them regarding the sample collection process, privacy arrangements, drug testing procedures and any other issues regarding testing.

Timing of Testing

This policy is adopted as of July 7, 2020, and all activity students are required to be placed in the random selection process upon completion and return of the consent form. The following timing of testing regulations will apply:

1. Random: Periodically throughout the calendar days, activity students will be required to participate in random drug testing. The selection of participants to be tested will be done randomly by a contracted third party testing company. Names will be drawn from the complete pool of activity students who have returned the signed consent form. Each student will be assigned a number that will be placed in the random drawing, and only student numbers will be utilized by the testing company. The process will be documented in writing by the principal, administrative designee or third party testing company. Testing may occur at any time during the school day or during a scheduled activity time Monday through Saturday. No student or school personnel will be given advance notice or early warning of the testing. This variable scheduling will keep students conscious of the possibility of being tested at any time during the season. Random testing will occur at a rate of twenty percent (20%) of students from the testing pool during each random test. Random tests will occur three (3) times each school year.
2. Reasonable Suspicion: Any activity student may be required to participate in a drug test when there is reasonable suspicion of illegal drug use.

Testing Protocol

The company/professional laboratory selected for conducting the drug testing must follow the standards set by the Department of Public Health and Human Services. It must be certified under the auspices of the Clinical Laboratory Improvement Act (CLIA), the Joint Commission or some other comparable certifying agency that indicates that it meets recognized standards in the industry. It shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to assure chain of custody of the specimens, and have proper laboratory control (Federal Department of Transportation regulations 49 CFR part 40).

The contracting third party testing company is required to have ongoing training on a periodic basis on the proper set-up of the collection environment, chain of custody requirements and any other protocols required by the testing laboratory to ensure the accuracy of the tests.

All drug tests will be supervised by a school administrator or designee who is responsible for escorting students to and from the collection site. Students shall surrender their cell phone to the administrator or designee immediately. The students should not be allowed to go to his/her locker but should carry all personal belongings with him/her. All students being tested shall remain under school supervision until they have produced an adequate sample. The test must be completed within the time limit established by the company/professional laboratory. If a student suffers from a “shy bladder”, they will be offered up to thirty-two (32) ounces of water, provided by the school, to induce the ability to provide a specimen. It is not mandatory for said student to consume the water. If the student fails to complete the test within the time limit, that student will be deemed to have refused to participate in the drug test.*

Before the drug test, student shall fill out, sign and date any form that may be required by the testing laboratory. If a student chooses, the student may notify the administrator that he/she is taking a prescription or over-the-counter medication with the understanding the administration has the right to confirm that information and the reason for taking the medication with a parent-guardian (if student is under age 18) and/or treating health care provider. The student and/or parent shall sign any authorization required by the health care provider to provide that information.

The testing process will be conducted so as to minimize intrusiveness and safeguard the privacy of the student to the maximum degree possible while still ensuring that the sample process is unadulterated.

In order to maintain confidentiality, the container that contains the sample to be tested will not have the student’s name on the container but will have an identification number as established in the testing protocol.

If it is proven that a student has tampered with the sample or cheated during the sample collection process, the student will be ineligible for all activities for the remainder of the school year.

If a drug test occurs during the school day, the activity student shall be allowed to make up any missed work during the time of absence from class. Faculty shall make all reasonable accommodations to assist the student in gathering the material missed and/or completing the work. Immediately after the sample is collected, the student will return to class with an admit slip or pass signed by the supervising administrator or designee who shall also note the time when the student left the collection site.

*If an activity student refuses to participate in a drug test, the student shall be ineligible to participate in any activities, including meetings, practices, performances and competitions for the remainder of the school year or 90 calendar days, whichever is longer.

Tests Results and Appeal Process

An initial positive result showing the presence of an illegal drug or the metabolites thereof will be subject to confirmation by a second test of the same sample. A drug test shall not be reported positive to the school administrator unless the second test is also positive (“confirmed positive test”).

The testing laboratory shall preserve the unused portion of a specimen that tested positive for a period of three (3) months or the end of the appeal process, whichever is earlier. All specimens that tested negative may be discarded by the testing laboratory immediately.

The testing laboratory will notify the supervising school administrator of any confirmed positive test. The school administrator will schedule a conference with the student (and parent-guardian if under age 18) and explain to the student that there is a confirmed positive test and give the student the opportunity to submit additional information to the administrator or the testing laboratory to challenge the confirmed positive test. After receiving the report of a confirmed positive test, if the student admits to using illegal drugs, the student will be subject to immediate discipline as set forth below.

The student or parent-guardian may make arrangements to have any remaining portion of the positive sample tested by a different laboratory whose laboratory and testing methods meet the same standards of reliability as the one selected and used by the school district. If this test is also positive, discipline will be imposed as set forth below.

If this test proves negative, a licensed physician trained in the field of substance abuse and interpretation of these laboratory tests (“medical review officer”) will review all test results, interpret the conflicting test results and all other information provided by the student or anyone on his or her behalf, and provide a certified opinion as to the test result. If that certified opinion is that the students tested positive for illegal drug use, the school district will impose discipline as set forth below.

The student has the right to appeal the decision to impose discipline after a determination has been made that the student has used illegal drugs. The appeal must be in writing and submitted to the Superintendent within five (5) calendar days of the determination. The Superintendent shall review the entire drug testing process for the purposes of determining whether all requirements imposed by policy, administrative procedures and the testing laboratory’s protocols were met, shall review any information provided by the student and his parent-guardian, and shall review the results of any further testing. The Superintendent is not a medical doctor and does not have authority to reverse the opinions reached in the testing process but must focus solely on whether all procedures were correctly followed. A student requesting an appeal will remain ineligible to participate in any activities until the appeal is completed.

Once a student has tested positive for illegal drug use, the student will be tested during each random test for the remainder of the school year, regardless if their number has been selected. The student will be included in the twenty percent (20%) randomly chosen.

DISCIPLINE AND OTHER CONSEQUENCES:

Upon the conclusion of all testing and appeals, if the final decision is that the student tested positive for illegal drugs:

First Offense:

1. The student will be required to attend a district-approved drug/alcohol/tobacco education program. The program has to be successfully completed for the student to be reinstated in activities.
2. The student shall be suspended from participation in any activity for 90 calendar days and until the drug education program is successfully completed. Discipline may extend into the next school year. If a student misses a scheduled drug education class, the student will be responsible for the cost if the counselor was not notified in advance by the student/family.
3. In addition, the administration will provide information regarding counseling services, community agencies and other information that the student or family may find helpful in addressing illegal drug use.

Second Offense:

1. The student will be required to attend the district-approved drug/alcohol/tobacco education program.
2. a. The student shall be suspended from participation in any activity for one calendar year and successful completion of the drug education program. Discipline may extend into the next school year. If a student misses a scheduled drug education class, the student will be responsible for the cost if the counselor was not notified in advance by the student/family.
b. The student shall be suspended from participation in any activity for 90 calendar days if the student chooses to undergo a full chemical dependency assessment. The full assessment will be at the expense of the student. The 90 calendar day suspension will begin once the full assessment and prescribed treatment has been completed.

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3. In addition, the administration will provide information regarding counseling services, community agencies and other information that the student or family may find helpful in addressing illegal drug use.

Third Offense:

1. The student is ineligible and barred from any further participation in any activity for the remainder of the student's enrollment in Forsyth Public Schools.

Self-Reporting:

If an activity student self-reports to school administration of their illegal drug use, the following protocol will be followed. A student cannot self-report on the day of the random selection.

1. The student will be required to take the district-approved drug/alcohol/tobacco education program.
2. The student shall be suspended from participation in any activity for a minimum of fourteen (14) calendar days and until the drug education program is successfully completed. The student will also submit a new urine drug test, paid for by the student, which is negative, before returning to participation.
3. A student may self-report only once.

This disciplinary scheme supersedes all training rules.

CONFIDENTIALITY AND PRIVACY:

Drug testing result sheets, charts assigning numbers to student names, signed consent forms and any other information pertaining to any student drug tests, authorized prescriptions, and self-referrals (other than general procedures and protocols) shall be kept confidential in locked files by the school administrator who administers this program. None of this information shall be kept on any school computer. The results of any drug test will be destroyed when the student graduates or leaves school, if not earlier, and shall not be part of the permanent file. Confirmed positive test results will be kept in files separate from the students' other educational records and will not be divulged to any law enforcement authorities except as required by law.

It is the intent of the School District to keep positive test results and all information gathered in the appeal process confidential. The school administrator who receives and acts upon confirmed positive test results shall notify only those school personnel who have an established and recognized need to know, such as the principal, activities director or head coach or sponsor. With the student's consent and in showing genuine desire to seek professional assistance, the information could be shared with a school counselor or psychologist or other health care provider.

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Any school personnel who may have knowledge of the results of a drug test will not divulge that information or the consequences to anyone unless otherwise required by law.

FINANCIAL RESPONSIBILITY:

1. The District will pay for the random drug testing, the reasonable suspicion drug testing and the second sample conducted to confirm an initial positive test.
2. Any additional tests or any testing done at the request of the student or parent-guardian are the financial responsibility of the student or parent-guardian.

3.

The School District will pay for the expense of the certified drug education course provided the student attends the classes as scheduled by the School District. If the student chooses to attend some other course offered by a different organization, or if the student fails to attend at the scheduled times, the student bears the expense of the course.

4. Counseling and/or treatment of any kind provided by non-school agencies are the financial responsibility of the student or his/her parent-guardian.

Adopted: July 2020

Reviewed:

Revised: