Billings School District 2

STUDENTS

Student Rights, Responsibilities, and Code of Conduct

Student Drug and Chemical Use and Abuse

Health problems of youth are primarily the responsibility of the home. Community and school share in that responsibility because health problems often interfere with behavior, learning, and the fullest possible development of each student.

The Billings School District recognizes that chemical dependency is a treatable health problem. The District, wishing to intervene early in the disease process, may have personal contact with students manifesting signs of inappropriate behavior and make an effort to both educate and encourage them to seek treatment. The District may also refer students to appropriate resources, including the responsible adult, for other health related problems discovered in addressing the use of alcohol, tobacco and other drugs.

However, chemical use, abuse, and dependency by students in the school setting does disrupt the learning process. Violation of laws, school rules, or policies will result in disciplinary action. The District has no obligation to make accommodations for students who are using or abusing alcohol, tobacco, or other drugs.

"Chemical Use" is defined as using, being under the influence, having in the student's 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 an 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.
Tobacco includes any extract of tobacco, nicotine, alternative nicotine, and vapor products such as e-cigarettes, as defined in Mont. Code Ann. Section 16-11-302. It is not a violation for a student to be in possession or using a medication which has been specifically prescribed for the student's own use by the student's doctor and using it in the prescribed manner. However, it is a violation to misuse the prescribed medication or sell or distribute it in any manner to another person.

Student Activities: Expectations to Refrain from Chemical Use

The District views participation in extra-curricular activities as an opportunity extended to students who are willing to make a commitment to adhere to the rules that govern them. The District believes that participation in organized activities can contribute to all-around development of young men and women and that implementation of these rules will serve these purposes:

1. Emphasize concern for the health, safety, and well-being of students who are participating in activities;

2. Provide a chemical-free environment that will encourage healthy development;

3. Diminish chemical use by providing an education assistance program;
4. Promote a sense of self-discipline among students;
5. Confirm and support existing state laws that prohibit the use of mood-altering chemicals;
6. Emphasize standards of conduct for those students who, through their participation, are leaders and role models for their peers and younger students; and
7. Assist students who desire to resist peer pressure that often directs them toward the use of chemicals.

Violations of policies, procedures, rules, and handbooks governing chemical use by participants in extra and co-curricular activities will result in discipline as stated in student and athletic handbooks.

Cross References:

Number	Title
1700	Uniform Complaint Procedure
3200	Student Rights, Responsibilities, and Code of Conduct
3201	Student Freedom of Expression
3202	Student Publications
3203	Student Dress
3203-P1	Student Dress-Gang Activity or Association and Extracurricular Activities
3204	Searches and Seizures
3204-P1	Searches of Students and Their Property
3204-P2	Video Surveillance
3204-P3	Video Surveillance-School Buses, Vehicles, School Buildings and Grounds
3205	District-Provided Access to Electronic Information, Services, and Networks for Students
3205-P1	District-Provided Access to Electronic Information, Services, and Networks for Students
3210	Harassment, Intimidation, and Bullying
3210-F1	Form: Billings Public Schools—Harassment/Intimidation/Bullying Incident Reporting Form
3220	Equal Educational Opportunity (use reporting Form 3210-F1)
3230	Non-Discrimination and Anti-Harassment (use reporting Form 3210-F1)
3235	Student Drug and Chemical Use and Abuse
3235-P1	Chemical Use Procedure
3235-F1	Activities Participation Agreement
3240	Tobacco Free Schools
3250	Gun-Free Schools
3255	Bomb Threats and Threats of Hazardous Substances
4332	Conduct on School Property
6430	Development of Administrative Procedures

Legal References:

§20-5-101, MCA Admittance of child to school
§20-5-102, MCA Compulsory enrollment and excuses
§20-5-103, MCA Compulsory attendance and excuses
§20-5-201, MCA Duties and sanctions
§20-5-202, MCA Suspension and expulsion
§20-4-301, MCA Discipline and punishment of pupils—definition of corporal punishment
§§ 49-3-101, et seq., MCA Montana Human Rights Act
Title IX of the Educational Amendments, 20 U.S.C. §1681, et seq., 34 CFR Part 106 Art. X, Sec. 1, Montana Constitution
Office for Civil Rights, U.S. Department of Education
Montana Human Rights Bureau

Tinker v. Des Moines Ind. Sch. Dist., 89 S.Ct. 733 (1969)

Policy History

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