

Section X - Drug Testing Policy

DISTRICT DRUG TESTING POLICY & PROCEDURES

Administrators, teachers, and other professional personnel may question a student regarding the student's own conduct or the conduct of other students. In the context of school discipline, students have no claim to the right not to incriminate themselves.

INTERROGATIONS BY SCHOOL OFFICIALS

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BY POLICE OR OTHER AUTHORITIES

For provisions pertaining to student questioning by law enforcement officials or other lawful authorities, see GRA(LOCAL).

LOCKERS AND VEHICLES

Students have full responsibility for the security of their lockers and for vehicles parked on school property. It is the student's responsibility to ensure that lockers and vehicles are locked and that the keys and combinations are not given to others. Students shall not place, keep, or maintain any article or material that is forbidden by District policy in lockers or in vehicles parked on school property.

USE OF TRAINED DOGS

School officials may search lockers or vehicles parked on school property if there is reasonable cause to believe that they contain articles or materials prohibited by District policy. Students shall be responsible for any prohibited items found in their lockers or in vehicles parked on school property.

If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the student's parents. If the parents also refuse to permit a search of the vehicle, the District may turn the matter over to local law enforcement officials.

The District shall use specially trained nonaggressive dogs to sniff out and alert officials to the current presence of concealed prohibited items, illicit substances defined in FNCF(LEGAL), and alcohol. This program is implemented in response to drug- and alcohol-related problems in District schools, with the objective of maintaining a safe school environment conducive to education.

Such visits to schools shall be unannounced. The dogs shall be used to sniff vacant classrooms, vacant common areas, the areas around student lockers, and the areas around vehicles parked on school property. The dogs shall not be used with students. If a dog alerts to a locker, a vehicle, or an item in a classroom, it may be searched by school officials. Searches of vehicles shall be conducted as described above.

NOTICE

At the beginning of the school year, the District shall inform students of the District's policy on searches, as outlined above, and shall specifically notify students that:

1. Lockers may be sniffed by trained dogs at any time.
2. Vehicles parked on school property may be sniffed by trained dogs at any time.
3. Classrooms and other common areas may be sniffed by trained dogs at any time when students are not present.
4. If contraband of any kind is found, the possessing student shall be subject to appropriate disciplinary action in accordance with the Student Code of Conduct.

PARENT NOTIFICATION

The student's parent or guardian shall be notified if any prohibited articles or materials are found in a student's locker, in a student's vehicle parked on school property, or on the student's person, as a result of a search conducted in accordance with this policy.

EXTRACURRICULAR ACTIVITY DRUG TESTING RATIONALE

The Board encourages students to participate in school-sponsored extracurricular activities but believes the opportunity to participate is a privilege offered to eligible students on an equal opportunity basis. The use of alcohol or other drugs by students participating in extracurricular activities presents a hazard to the health, safety, and welfare of the student participant. The Board believes testing student participants in school-sponsored extracurricular activities serves the important purpose of detecting and preventing illegal drug and alcohol use among students.

DEFINITION

"School-sponsored extracurricular activity" shall mean, without limitation, all interscholastic athletics, cheerleading, drill team, academic clubs, special interest clubs, musical performances, dramatic productions, student government, and any other activity or group that participates in contests, competitions, or community service projects on behalf of or as a representative of the District.

REQUIRED TESTING

To be eligible to participate in any school-sponsored extracurricular activity, a secondary student (grades 9–12 and any 8th grade marching band member) shall agree to participate in a drug-testing program that includes a mandatory test of all participants at the beginning of the school year and random testing during the school year.

USE OF RESULTS

The results of any drug test administered under this policy shall be used only to determine eligibility for participation in school-sponsored extracurricular activities.

CONFIDENTIALITY

Results shall be kept confidential and disclosed only to the student, his or her parents/guardians, and school officials designated by the Superintendent. Results shall not be placed in student records. Students shall not be penalized in any other way. No actions shall be taken by the school against the student other than suspension from participating in extracurricular activities, as outlined below.

PROHIBITED CONDUCT

Student participants in school-sponsored extracurricular activities shall not at any time during the school year use, possess, sell, distribute, or be under the influence of any illegal drug, anabolic steroid, or alcohol.

PARENT/STUDENT MEETING

A meeting with potential student participants and their parents or guardians shall be scheduled in the spring for students desiring to participate in the following school year and at the beginning of each semester for students desiring to participate in activities during that semester who did not participate in an earlier session. The drug testing plan shall be discussed, and copies of the policy, procedures, and the consent form shall be provided for each participant at that time.

CONSENT FORM

Student participants must sign a consent form agreeing to participate in the drug-testing program. The consent form must also be signed by a minor student's parent or guardian before the beginning of the school year, semester, or specific activity, e.g., casting and production of a dramatic presentation. Consent forms shall be valid until revoked by the student or parent.

If the student participant or his or her parent or guardian declines to sign the consent form, the student shall not be permitted to participate in school-sponsored extracurricular activities.

TESTING PROCEDURES

A licensed drug testing laboratory selected by the Superintendent and approved by the Board shall conduct all testing for the presence of drugs in student urine samples. The Superintendent is the program manager who shall administer the program with the selected testing entity.

Drugs specifically tested for are those on the testing entity's 8-panel screen and include substances that are illegal to buy, possess, use, sell, or distribute under state or federal law and alcohol, including prescription drugs. These substances include Amphetamines, Barbiturates, Benzodiazepines, Cocaine, Marijuana, Opiates, Phencyclidine, and Propoxyphene, including metabolites of any of these substances.

Samples shall be taken under conditions that are no more intrusive to students than the conditions experienced in a public restroom. The Superintendent, in cooperation with the selected testing entity, shall develop administrative regulations for collection and testing, as needed.

INITIAL TESTS

All students desiring to participate in school-sponsored extracurricular activities may be tested at the beginning of the school year. Testing shall occur at a time, place, and date scheduled by the principal in cooperation with the testing agency, and without prior announcement.

RANDOM TESTS FREQUENCY

Each school year, the program manager shall determine the percentage and frequency of students to be tested based on the number of participants. The testing entity shall select the dates for conducting random drug tests. The selection of dates shall not follow any recognizable pattern.

RANDOM SELECTION OF STUDENTS

The District shall provide the testing laboratory with a list of all identified participants.

Students shall be chosen for testing by computer-generated random selection conducted by the testing laboratory.

Students shall not be notified in advance of any drug test.

COLLECTION OF SAMPLE

Upon the testing entity's arrival at school, the names of those students being tested will be given to the designated school official, who shall arrange for the students to report to the collection area.

Students shall be tested in an isolated facility under the supervision of an official of the same sex who shall assist the testing entity representative. Students shall provide a urine sample in a restroom or other private facility in a closed stall. Neither the supervising official nor the testing entity representative shall directly observe a student providing his or her urine sample. Facilities shall be secured to ensure security and confidentiality.

The urine sample shall be collected in a sealed split specimen (parts A and B) collection container provided by the testing entity. The student shall provide the collected sample to the testing entity representative. The split specimen bottle shall be sealed and witnessed by the student. A copy of the specimen collection and chain-of-custody procedures used by the testing entity shall be made available to any parent or student upon request.

REFUSAL TO PROVIDE SAMPLE

Refusal to provide a sample or noncompliance with the testing procedures by any student shall be considered a positive test result and shall be subject to the appropriate consequences.

TESTING STANDARDS

Testing shall be conducted through accepted scientific means using approved practices and procedures established by the testing laboratory. The testing parameters shall be set at industry standards as defined by the National Institute for Drug Abuse. The testing laboratory shall be certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and shall have greater than five years of experience in toxicology testing and chain-of-custody procedures.

The drug test shall be performed at the testing laboratory by urinalysis. After the specimen is delivered to the laboratory it shall be analyzed using immunoassay methodology. All presumptive positive results shall be confirmed by a second test of the same specimen using a gas chromatography/mass spectroscopy methodology.

MEDICAL REVIEW OFFICER

The testing entity shall provide a medical review officer (MRO) for interpreting and verifying test results. The MRO services shall be provided by a licensed physician who is certified by the Medical Review Officer Certification Council or the American Association of Medical Review Officers.

When a student's test result indicates the presence of a prohibited substance, the MRO shall contact the parent or guardian within one school day of receiving a confirmed positive test result.

The MRO shall confer with a parent or guardian and determine if there is a medical explanation for the positive test result.

If the MRO is unable to contact the parent or guardian within one school day, the MRO shall ask the designated school official for help in locating the student's parent or guardian. This request in no way implies a positive test result and only indicates that the MRO has questions for the student's parent or guardian.

If a medical explanation offered by the student's parent or guardian is verified by the MRO, the test result shall be reported as negative. If the MRO cannot verify the medical explanation, a confirmed positive test result shall be reported to the designated school official within one school day of conferring with the student's parent or guardian or in the event contact cannot be made, within three days of the attempt to contact.

RETEST

Students who test positive may request a second test. A request for a retest must be made to the designated school official in writing within 48 hours from the time the parent or guardian was first notified of a positive test result, and payment for the retest must be included with the request. Once a request for a retest is made, the District's testing laboratory shall send bottle "B" of the split specimen directly to the second laboratory for retesting at the parent's or guardian's expense. The parent may select the second laboratory from a list of nationally certified independent laboratories identified by the District.

The results of the retest shall be used in lieu of the results generated by the District's testing laboratory (i.e., the results of the retest control what consequences, if any, will apply under the student drug-testing policy). However, retest results from an unapproved second laboratory shall not be considered.

The consequences described below will be imposed pending the results of the retest.

CONSEQUENCES

When the District is notified of a confirmed positive test result, the following steps shall be taken:

1. The school official to whom results are reported shall notify the principal and athletic director, if the student is in interscholastic athletics.
2. The principal shall notify the student's parent or guardian. The principal shall inform parents of the opportunity to request a retest.
3. The principal shall notify the sponsor or coach of the affected activity.
4. The principal shall schedule a meeting with the student, the parent or guardian, and the personnel responsible for administering the extracurricular activities the student participates in to discuss the consequences of the positive test and opportunities for the student to receive assistance related to substance abuse. At the meeting, the principal shall give the student and parent a copy of the test results

SANCTIONS

The student shall be removed from participation, including practice or competition, until the following criteria are fulfilled:

1. A minimum of 14 calendar days have elapsed;
2. The parent or guardian provides documentation of substance abuse counseling during the suspension period from an approved provider at the expense of the parent or

guardian and/or through completion of an on-line certification program approved by the District. Approved providers include certified chemical dependency counselors and any agency certified by the Texas Department of Health or the Texas Department of Alcohol and Drug Addiction Services; and

3. The student is retested by the testing agency with a negative result. The student has the option of retesting on the 14th or 28th calendar day following removal.

The sponsor or coach may allow the student to continue to attend practices, but the student shall not actively participate. Failure to meet these requirements within the specified time lines shall result in a continuation of the suspension until the student completes the requirements outlined above.

Any student who tests positive, receives counseling, and is reinstated shall be retested for as long as he or she participates in school-sponsored extracurricular activities for the remainder of the school year. If a student tests positive a second time, the period of suspension and counseling shall be one full calendar year.

A student serving a suspension that is not completed at the end of the school year shall complete the suspension during the following school year until the entire length of the suspension has been served.

A positive drug test shall not affect the student's grade in any curricular class associated with the extracurricular activities. However, if participation in the extracurricular activities is required for the class or affects the student's grade, the student may be required to satisfy participation requirements in alternative ways. The result of the drug test shall not be documented in the student's academic records.

APPEAL

An appeal of the sanction may be instituted by the parent by giving written notice to the Superintendent within five days. The student shall be ineligible for participation pending the appeal. Using the procedures in FNG(LOCAL) for a Level Three presentation, the Board shall determine whether the sanction was justified.

STUDENT DRIVERS

Students who drive to and from school and who park on school property shall be subject to the same initial and random drug testing requirements as students who participate in school-sponsored extracurricular activities.

In addition to any other sanctions that may be imposed based on a student driver's participation in school-sponsored extracurricular activities, a student who has a positive test result shall not be permitted to park on school property for 30 school days. After this 30-day period or upon subsequent testing with a negative test result, the student shall be permitted to park on school property. A second positive test resulting in a one year suspension from extracurricular activities will result in a revocation of parking privileges for up to 60 school days

EFFECT OF DISCIPLINE POLICY

Nothing in this policy limits or prohibits the application of Board policy providing for disciplinary action for students using, being under the influence of, possessing, or distributing illegal drugs or alcohol on school property or at school events.

REASONABLE SUSPICION DRUG AND ALCOHOL TESTING

Any student may be required by the principal or designee to submit to a drug or alcohol use test at any time upon reasonable suspicion, by any professional staff member, that the student is under the influence of alcohol or of a drug while at school or a school related activity or immediately before attending school or a school activity. Reasonable suspicion must be based on specific personal observation concerning the appearance, speech, or behavior of the student indicating the effects of drug or alcohol use. Information provided by a reliable source, if based on personal knowledge, may also constitute reasonable suspicion.

Tests for alcohol use may be conducted by means of a urinalysis, breathalyzer, and/or saliva test. Tests for drug use may be conducted by means of a urinalysis and/or hair sample test. The District will use the testing entity it uses for random drug testing. Testing shall be conducted through accepted scientific means using approved practices and procedures established by the testing laboratory. The testing parameters shall be set at industry standards as defined by the National Institute for Drug Abuse.

Any student found to be under the influence of alcohol or any illegal drug or found to be abusing a legal prescription or over-the counter drug while at school or a school-related activity shall be subject to the sanction provisions of this policy, as well as to disciplinary action as described in the Student Code of C