



# UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

**TOPIC:** Second and Final Reading of Policy Update 113 affecting Local Policies (See Attached List)

**SUBMITTED BY:** Gloria S. Rendon **OF:** Associate Superintendent for Administration

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** \_\_\_\_\_

**DATE ASSIGNED FOR BOARD CONSIDERATION:** July 17, 2019

**RECOMMENDATION:**

- BBE (LOCAL): BOARD MEMBERSD AUTHORITY – Replace**
- BDD (LOCAL): BOARD INTERNAL ORGANIZATION ATTORNEY – Replace**
- BJCD (LOCAL): SUPERINTENDENT EVALUATION – Replace**
- CI (LOCAL): SCHOOL PROPERTIES DISPOSAL – Replace**
- CO (LOCAL): FOOD AND NUTRITION MANAGEMENT – Replace**
- COA (LOCAL): FOOD AND NUTRITION MANAGEMENT PROCUREMENT – Add**
- COB (LOCAL): FOOD AND NUTRITION MANAGEMENT FREE AND REDUCED-PRICE MEALS – Add**
- CRB (LOCAL): INSURANCE AND ANNUITIES MANAGEMENT LIABILITY INSURANCE – Delete**
- EHBAF (LOCAL): SPECIAL EDUCATION VIDEO/AUDIO MONITORING – Replace**
- FNF (LOCAL): STUDENT RIGHTS AND RESPONSIBILITIES INVESTIGATIONS AND SEARCHES – Replace**

**RATIONALE:**

**BUDGETARY INFORMATION:**

**POLICY REFERENCE & COMPLIANCE:**

Instruction Sheet  
TASB Localized Policy Manual Update 113

**United ISD**

<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
AIA	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
AID	(LEGAL)	Replace policy	Revised policy
BBBA	(LEGAL)	Replace policy	Revised policy
BBBD	(LEGAL)	Replace policy	Revised policy
BBE	(LEGAL)	Replace policy	Revised policy
BBE	(LOCAL)	Replace policy	Revised policy
BDD	(LOCAL)	Replace policy	Revised policy
BDF	(LEGAL)	Replace policy	Revised policy
BF	(LEGAL)	Replace policy	Revised policy
BJCD	(LEGAL)	Replace policy	Revised policy
BJCD	(LOCAL)	Replace policy	Revised policy
CBB	(LEGAL)	Replace policy	Revised policy
CDA	(LEGAL)	Replace policy	Revised policy
CDB	(LEGAL)	Replace policy	Revised policy
CDH	(LEGAL)	Replace policy	Revised policy
CFEA	(LEGAL)	Replace policy	Revised policy
CG	(LEGAL)	DELETE policy	See explanatory note
CI	(LOCAL)	Replace policy	Revised policy
CNC	(LEGAL)	Replace policy	Revised policy
CO	(LOCAL)	Replace policy	Revised policy
COA	(LEGAL)	Replace policy	Revised policy
COA	(LOCAL)	ADD policy	See explanatory note
COB	(LEGAL)	Replace policy	Revised policy
COB	(LOCAL)	ADD policy	See explanatory note
CPC	(LEGAL)	Replace policy	Revised policy
CR	(LEGAL)	Replace policy	Revised policy
CRB	(LOCAL)	DELETE policy	See explanatory note
CRF	(LEGAL)	Replace policy	Revised policy
DEC	(LEGAL)	Replace policy	Revised policy
DFE	(LEGAL)	Replace policy	Revised policy
E	(LEGAL)	Replace table of contents	Revised table of contents
EHBAF	(LEGAL)	Replace policy	Revised policy

Instruction Sheet  
TASB Localized Policy Manual Update 113

**United ISD**

<b>Code</b>	<b>Type</b>	<b>Action To Be Taken</b>	<b>Note</b>
EHBAF	(LOCAL)	Replace policy	Revised policy
EHBAF	(EXHIBIT)	Review exhibit	Revise as necessary
EHBF	(LEGAL)	Replace policy	Revised policy
EHBI	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
ELA	(LEGAL)	Replace policy	Revised policy
F	(LEGAL)	Replace table of contents	Revised table of contents
FFG	(LEGAL)	Replace policy	Revised policy
FNF	(LEGAL)	Replace policy	Revised policy
FNF	(LOCAL)	Replace policy	Revised policy
FOA	(LEGAL)	Replace policy	Revised policy
FODA	(LEGAL)	Replace policy	Revised policy
FOF	(LEGAL)	Replace policy	Revised policy

BOARD MEMBERS  
AUTHORITY

BBE  
(LOCAL)

**Board Authority**

The Board has final authority to determine and interpret the policies that govern the schools and, subject to the mandates and limits imposed by state and federal authorities, has complete and full control of the District. Board action shall be taken only in meetings that comply with the Open Meetings Act. [See BE(LEGAL)]

**Transacting  
Business**

When a proposal is presented to the Board, the Board shall hold a discussion and reach a decision. Although there may be dissenting votes, which are a matter of public record, each Board decision shall be an action by the whole Board binding upon each member.

**Individual Authority  
for Committing the  
Board**

Board members as individuals shall not exercise authority over the District, its property, or its employees. Except for appropriate duties and functions of the Board President, an individual member may act on behalf of the Board only with the express authorization of the Board. Without such authorization, no individual member may commit the Board on any issue. [See BDAA]

**Individual Access to  
Information**

An individual Board member, acting in his or her official capacity, shall have the right to seek information pertaining to District fiscal affairs, business transactions, governance, and personnel matters, including information that properly may be withheld from members of the public in accordance with the Public Information Chapter of the Government Code. [See GBA]

Limitations

If a Board member is not acting in his or her official capacity, the Board member has no greater right to District records than a member of the public.

An individual Board member shall not have access to confidential student records unless the member is acting in his or her official capacity and has a legitimate educational interest in the records in accordance with policy FL.

A Board member who is denied access to a record under this provision may ask the Board to determine whether the record should be provided or may file a request under the Public Information Act. [See GBAA]

Requests for  
Records

An individual Board member shall seek access to records or request copies of records from the Superintendent or other designated custodian of records, who shall respond within the time frames required by law. When a custodian of records other than the Superintendent provides access to records or copies of records to an individual Board member, the provider shall inform the Superintendent of the records provided.

In accordance with law, the District shall track and report any requests under this provision, including the cost of responding to one

or more requests by any individual Board member for 200 or more pages of material in a 90-day period.

**Requests for Reports**

No individual Board member shall direct or require District employees to prepare reports derived from an analysis of information in existing District records or to create a new record compiled from information in existing District records. Directives to the Superintendent or other custodian of records regarding the preparation of reports shall be by Board action.

**Confidentiality**

At the time a Board member is provided access to ~~confidential~~ records or ~~to~~ reports that are confidential or otherwise not subject to public disclosure [see GBA], ~~compiled from such records~~, the Superintendent or other District employee shall advise the Board member of the responsibility to comply with confidentiality requirements and the District's information security controls.

**Referring Complaints**

If employees, parents, students, or other members of the public bring concerns or complaints to an individual Board member, he or she shall refer them to the Superintendent or another appropriate administrator, who shall proceed according to the applicable complaint policy. [See (LOCAL) policies at DGBA, FNG, and GF]

When the concern or complaint directly pertains to the Board's own actions or policy, for which there is no administrative remedy, the Board member may request that the issue be placed on the agenda.

**Visits to District Facilities**

A Board member shall adhere to any posted requirements for visitors to first report to the main office of a District facility, including a school campus. Visits during the school or business day shall not be permitted if their duration or frequency interferes with the delivery of instruction or District operations. [See also GKC]

The Board shall retain an attorney or attorneys, as necessary, to serve as the District's legal counsel and ~~representative~~~~representatives~~ in matters requiring legal services. Services to be performed and reasonable ~~fees and expenses~~~~compensation~~ to be paid by the ~~District~~~~Board~~ shall be set forth in ~~writing~~~~a written contract~~ between the Board and the attorney or attorneys.

~~Individual~~~~In accordance with the written contract, individual~~ Board members shall channel legal inquiries through the Superintendent, Board President, or Board's designee, as appropriate, when seeking advice or information from the District's legal counsel.

~~A staff request~~~~Staff shall submit requests~~ for legal advice from the District's legal counsel ~~must be submitted~~ through the Superintendent ~~or designee~~.

~~Advice from legal counsel shall be reported to the Board upon~~~~Upon~~ request of the Board or when deemed necessary by the Superintendent, Board President, or Board's designee. ~~the Superintendent shall report advice from legal counsel.~~



SUPERINTENDENT  
EVALUATION

BJCD  
(LOCAL)

**Evaluation  
Instrument**

~~The instrument used to evaluate the Superintendent shall be based on the Superintendent's job description [see BJA(LOCAL)] and performance goals and shall be adopted by the Board.~~

**Written Evaluation**

The Board shall prepare a written evaluation of the Superintendent at annual or more frequent intervals.

The Board shall furnish the Superintendent with a copy of the completed evaluation and shall discuss its conclusions with the Superintendent in a closed meeting, unless the Superintendent requests that the discussion be open.

**Objectives**

~~The Board shall strive to accomplish the following objectives in conducting the Superintendent's written evaluation:~~

- ~~1. Clarify to the Superintendent his or her role, as seen by the Board.~~
- ~~2. Clarify to Board members the Superintendent's role, according to the Board's written criteria, as expressed in the Superintendent's job description and the District's goals and objectives.~~
- ~~3. Foster an early understanding among new Board members of the evaluation process and the Superintendent's current performance objectives and priorities.~~
- ~~4. Develop and sustain a harmonious working relationship between the Board and the Superintendent.~~
- ~~5. Ensure administrative leadership for excellence in the District.~~

**Informal Evaluation**

The Board may at any time conduct and communicate oral evaluations to augment its written evaluations.

SCHOOL PROPERTIES DISPOSAL

CI  
(LOCAL)

The Superintendent ~~Superintendent or designee~~ is authorized to declare District materials, equipment, **personal property such as vehicles**, and supplies to be unnecessary.

The Board shall approve disposal of unnecessary **materials, equipment, personal property such as vehicles, and supplies** ~~property~~ with a value greater than ~~\$1,000~~ **\$1,000**. The Superintendent ~~Superintendent or designee~~ is authorized to dispose of all other unnecessary **materials, equipment, and personal property such as vehicles and supplies** ~~property~~ for fair market value. If the unnecessary property has no value, the Superintendent ~~Superintendent or designee~~ may dispose of such property according to administrative discretion.

Instructional materials shall be disposed of in accordance with law.  
[See CMD(LEGAL)]

Property ~~Items~~ obtained with federal funds or as federal surplus shall be managed in accordance with ~~according to~~ federal law ~~regulations~~.



FOOD AND NUTRITION MANAGEMENT

CO  
(LOCAL)

**Food**  
**Donation**~~Donations~~

The Superintendent shall be authorized to develop regulations for the District ~~campuses~~ to donate or otherwise dispose of leftover food in accordance with law.

FOOD AND NUTRITION MANAGEMENT  
PROCUREMENT

new  
COA  
(LOCAL)

**Procurement**

The Superintendent shall oversee the use of federal child nutrition funds to procure appropriate goods and services necessary for providing food service to students and shall develop and enforce financial management systems, internal control procedures, procurement procedures, and other administrative procedures as needed to comply with all state and federal requirements for use of these funds.

[See CO(LEGAL) and COA(LEGAL)]

**Geographic Preference**

The Board delegates to the Superintendent the authority to determine whether the District will apply a geographic preference when procuring unprocessed, locally grown or locally raised agricultural products and to:

1. Specify the types of products for which any geographic preference will be applied; and
2. Define the geographic area to be preferred for each applicable product.

FOOD AND NUTRITION MANAGEMENT  
FREE AND REDUCED-PRICE MEALS

COB  
(LOCAL)

**Community  
Eligibility Provision**

With funds from the federal community eligibility provision (CEP), the District shall provide regular meal service to students at no cost, as authorized by the U.S. Department of Agriculture (USDA). [See COB(LEGAL)]

**Eligibility Appeals**

The District shall provide a hearing process in compliance with USDA requirements for disputes about a student's eligibility for free or reduced-price meal programs. A parent or student may appeal the decision of the hearing official in accordance with FNG(LOCAL).

**Civil Rights  
Complaints**

A person alleging discrimination in school meal programs based on race, color, national origin, sex, age, or disability shall be informed of the procedures and right to file a complaint with the Texas Department of Agriculture (TDA) Food and Nutrition office and the USDA. Complaints received by District personnel shall be forwarded to TDA.

delete

INSURANCE AND ANNUITIES MANAGEMENT  
LIABILITY INSURANCE

CRB  
(LOCAL)

~~Trustees and  
Employees~~

~~The District shall purchase insurance as provided in CRB(LEGAL) to fund the cost of litigation to protect the District, its employees, and Trustees who are exposed to individual liability by virtue of their official duties. [See CRB(LEGAL)]~~

~~Tort Claims~~

~~In addition, the District shall purchase insurance to protect the District and employees from liability under the Tort Claims Act. [See CRB(LEGAL)]~~

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**Note:** Unless otherwise noted, the terms “video recording,” “video surveillance,” and “video monitoring” shall also include any associated audio recordings. In addition, the term “classroom” shall also include other special education settings subject to video and audio recording required by law.

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To promote student safety, the District shall comply with requests for video and audio monitoring of certain self-contained special education classrooms as required by law. Regular or continual monitoring of video recordings shall be prohibited. Video recordings shall not be used for teacher evaluation or monitoring or for any purpose other than the promotion of student safety.

The Superintendent~~The Superintendent~~ is responsible for coordinating the provision of equipment to campuses in compliance with the law.

The Superintendent shall ensure that administrative regulations are developed to implement this policy.

**Requests**

For Following Year

A parent of a student receiving special education services and whose placement for the following school year will be in a self-contained classroom eligible for video surveillance may request **in writing** that a video camera be placed in the classroom by the end of the current school year or by the tenth business day after the student’s admission, review, and dismissal (ARD) committee determines the student’s placement, whichever is later. If such a request is made, the campus shall begin operation of the camera by the deadlines in law.

For Current Year

Written requests from a parent, assistant principal, principal, staff member, or the Board shall be submitted and processed in accordance with the procedures in law.

Response

As required by law, the District shall provide a response to the ~~requester~~**requester** not later than the seventh business day after receipt of the request.

**Notice**

Before a camera is activated, the principal or designee shall provide advance written notice to staff on the campus and to parents of the students assigned to or engaging in school activities in the classroom that video and audio surveillance will be conducted in the classroom.

**Installation and  
Operation**

The classroom subject to the request shall begin operation of video surveillance not later than the time frames required in law, except when the District is granted an extension of time.

When the District has installed video cameras in a classroom as required by law, the District shall operate the cameras during the instructional day at all times when **one or more** students are in the classroom. For purposes of this policy, the instructional day shall be defined as the portion of a school day during which instruction is taking place in the classroom.

For the school year in which a campus receives a request for video and audio surveillance, the campus shall continue to operate and maintain any video cameras placed in the classroom for as long as the classroom continues to satisfy the requirements in Education Code 29.022(a). However, the campus may discontinue operation of the video camera during the year if the ~~requester~~**requester** withdraws the request in writing and no request is submitted to continue the **surveillance**. **Before a camera is deactivated, the principal shall provide advance written notice to staff on the campus and to parents of the students assigned to or engaging in school activities in the classroom that video and audio surveillance will be discontinued in the classroom and of the opportunity to request continued video and audio surveillance.**

Video cameras must be capable of recording video and audio of all areas of the classroom, including a room attached to the classroom used for time out as defined by law. No visual monitoring, other than incidental coverage, shall be conducted of the inside of a bathroom or other area used for ~~toileting or diapering a student or removing or~~ **changing** a student's clothes.

The District shall post notice at the entrance to a classroom in which video cameras are placed stating that video and audio surveillance is conducted in that classroom.

**Retention of Recordings**

Video recordings shall be retained for at least three months after the date of the recording but may be retained for a longer period in accordance with the District's records management program, or as required by law. [See CPC]

**Confidentiality of Recordings**

Video recordings made in accordance with this policy shall be confidential and shall only be ~~released~~**accessed** or viewed by the individuals and in the limited circumstances permitted by law. The following individuals shall have authority to view video recordings to the extent permitted by the Family Educational Rights and Privacy Act (FERPA):

1. A District employee or a parent of a student who is involved in an alleged incident documented by a recording and reported to the District;



2. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged abuse or neglect of a child;
3. A peace officer, school nurse, District administrator trained in de-escalation and restraint techniques, or human resource staff member in response to a report of an alleged incident or an investigation of an employee or a report of alleged abuse committed by a student; and
4. Appropriate [Texas Education Agency](#) TEA or State Board for Educator Certification personnel or their agents as part of an investigation.

For purposes of this policy, the term "human resource staff member" shall include the Superintendent, a principal, an assistant principal or other campus administrator, and any supervisory position within the District's human resources office. If an individual listed in items 2—~~through 4~~, above, believes that a recording shows a violation of District policy or campus procedures, the individual may allow access to the recording by appropriate legal and human resources personnel designated by the District for the purpose of determining whether a policy or procedure has been violated.

Any person who suspects that child abuse or neglect has occurred shall report this suspicion as required by law and District policy. [See FFG]

#### Reporting an Incident

A person alleging that an incident, as defined by law, has occurred in a classroom in which video surveillance is conducted shall file a report on the form provided by the District with the principal or designee as soon as possible after the person suspects the alleged incident. If possible, an incident report form shall be filed within 48 hours of the facts giving rise to the allegation. The principal or designee shall promptly view, or direct an authorized individual to view, the video surveillance footage to identify the relevant portion of the recording. ~~No later than ten District business days~~ [No later than ten District business days](#) after the report is filed, the principal or designee shall respond by notifying the person whether the alleged incident was recorded in the District's video surveillance footage and shall initiate other steps as required by law, District policy, or local procedures.

#### Complaints

Complaints related to video and audio recordings under this policy shall be filed in accordance with DGBA, FNG, or GF, as applicable. A complainant who is dissatisfied with the outcome of the District's complaint process may appeal in writing to the commissioner of education in accordance with Education Code 7.057 and [19 Administrative Code 103.1303](#). A parent, staff member, or District ad-

administrator may request an expedited review in accordance with  
19 Administrative Code 103.1303, ~~including requesting an expedited review.~~

STUDENT RIGHTS AND RESPONSIBILITIES  
INVESTIGATIONS ~~INTERROGATIONS~~ AND SEARCHES

FNF  
(LOCAL)

Questioning  
Students

District  
officials ~~interrogation~~  
s

~~By Police Officers~~  
Authorities

~~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 may not refuse to answer questions based on ~~a have no claim to the right not to incriminate themselves.~~

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

District Property  
Desks, Lockers and  
Vehicles

~~Students have full responsibility for the security of their lockers, District-provided technology, and similar items are the and for vehicles parked on school property of. It is the District and student's responsibility to ensure that lockers and vehicles are locked and that the keys and combinations are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice. Students have no expectation of privacy in District property. not given to others. Students shall be fully responsible for the security and contents of District property assigned to them. No student shall not place or, keep in a desk, locker, District-provided technology, or similar item, or maintain any article or material prohibited that is forbidden by law, District policy, or the Student Code of Conduct. Students shall be responsible for any prohibited item found in District property provided to the student.~~

Searches in General

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and District policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner.

District officials may initiate a search in accordance with law, including, for example, based on reasonable suspicion, voluntary consent, or pursuant to District policy providing for suspicionless security procedures, including the use of metal detectors.

In accordance with the ~~in lockers~~ Student Code of Conduct, students are responsible for prohibited items found in their possession, including items in their personal belongings or in vehicles parked on District ~~school~~ property.

Reasonable-  
Suspicion Searches

Searches should be reasonable at their inception and in scope. ~~School officials may search lockers or vehicles parked on school property if there is reasonable suspicion cause to believe that searching a student's person, belongings, or 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.~~



STUDENT RIGHTS AND RESPONSIBILITIES  
INVESTIGATIONS INTERROGATIONS AND SEARCHES

FNF  
(LOCAL)

	<p><del>If a vehicle will reveal evidence of a violation of subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the Student Code of Conduct, a District official may conduct student's parents. If the parents also refuse to permit a search in accordance with law and District regulations of the vehicle, the District may turn the matter over to local law enforcement officials.</del></p>
Suspicionless Searches	<p>For purposes of this policy, a suspicionless search is a search carried out based on lawful security procedures, such as metal detector searches or random drug testing.</p>
<i>Metal Detector Searches</i> In order to Use of Metal Detectors	<p><del>The District shall not tolerate actions that endanger the well-being of students or faculty or disrupt the educational process. Accordingly, stationary or hand-held metal detectors may be used at any time by the administration as a safeguard to students and to maintain a safe and disciplined learning environment, the District reserves the right to :</del></p> <p><del>A student shall be subject students to to search by a metal detector on a random basis or if there is an individualized reasonable suspicion that the student possesses a prohibited weapon. All prohibited weapons or other devices that are located shall be confiscated and turned over to applicable law enforcement agencies, who shall determine whether or not to initiate criminal prosecution.</del></p> <p><del>Scanning devices shall be operated by authorized District personnel or school resource officers. Any District employee may, within the scope of the employee's duties, use and apply physical restraint to a student if the employee reasonably believes restraint is necessary in order to obtain possession of a weapon or other dangerous prohibited object.</del></p>
Annual Notification	<p><del>Students shall be notified at the beginning of each school year that they may be subject to search by a metal detector searches when entering on a random or regular basis or on the basis of an individualized reasonable suspicion that the student possesses a District campus and at off-campus, school-sponsored activities prohibited weapon.</del></p>
Disciplinary Action	<p><del>If a weapon is found, the student shall be subject to appropriate disciplinary action in accordance with the Student Code of Conduct (SCOC). [See FO]</del></p>
Use of Trained Dogs	<p><del>The District reserves the right to shall use specially trained non-aggressive dogs to conduct screening for sniff out and alert officials to the current presence of concealed prohibited items. ,illicit substances defined in FNGF(LEGAL), and alcohol. This program is implemented in response to drug and alcohol-related problems in</del></p>

~~District schools, with the objective of maintaining a safe school environment conducive to education.~~

Such ~~procedures~~ ~~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; however, students may be asked to leave personal belongings in an area that will be screened. If a dog alerts to an item ~~a locker, a vehicle, or an area~~ ~~item in a classroom~~, it may be searched by ~~District officials~~ ~~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 SCOC.~~

**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.~~

**Random Drug-  
Testing Program**

**Rationale**

~~The District has determined that the use of illegal drugs and alcohol among students in grades 7-12 is a problem of increasing proportions. Disciplinary incidents and information gathered from students and other reliable sources within the schools and community indicate that such use is prevalent within this segment of the student population. The District has attempted other, less intrusive methods than drug and alcohol testing, to prevent and deter drug and alcohol use, but these methods have been shown to be mostly ineffective. Consequently, based on the disciplinary incidents involving drugs or alcohol, the information gathered on the prevalent use of illegal drugs and alcohol by students, the failure of other methods to prevent and deter drug and alcohol use, the threat to student health and safety, and the District's continued desire to prevent and deter drug use among its students, the District has determined that a random testing program should be implemented.~~



STUDENT RIGHTS AND RESPONSIBILITIES  
INVESTIGATIONS ~~INTERROGATIONS~~ AND SEARCHES

FNF  
(LOCAL)

~~Objectives~~

~~Continuation of the program after the implementation shall be determined by the Board after consideration of the effectiveness of the program, including but not limited to achievement of objectives; reliability of testing; input from students, faculty, and parents; and the costs involved.~~

~~The drug testing program shall not be designed as a punitive measure with the intent of identifying and criminally or academically punishing those who may use illegal drugs and alcohol. Rather, the following objectives shall serve as the basis for implementing the program:~~

- ~~1. To prevent and deter the use of illegal drugs and/or alcohol among the student body.~~
- ~~2. To offer students a credible means for resisting peer pressure as it relates to the use of illegal drugs and/or alcohol.~~
- ~~3. To protect the health and safety of students.~~
- ~~4. To provide a ready resource for support and assistance to any student who may be using illegal drugs and/or alcohol.~~

~~Scope~~

~~Competitive  
Extracurricular  
Activities~~

~~The random drug testing program shall apply to all District students in grades 7-12 who choose to participate in a competitive extracurricular activity. For purposes of this policy, "competitive extracurricular activity" shall mean an activity that:~~

- ~~1. Is sanctioned by the Texas University Interscholastic League; or~~
- ~~2. Otherwise has its own rules and requirements for participating students that do not apply to the student body as a whole, has a faculty sponsor or coach monitoring the students for compliance with various rules dictated by the clubs and activities, and, in relation to competition with other schools or districts, involves occasional off-campus travel and communal undress.~~

~~Voluntary  
Participation~~

~~Any student in grades 7-12 to whom the random drug testing program does not apply, as specified above, shall be allowed to participate voluntarily in the program.~~

~~Student Code of Conduct~~ The District requires the random drug testing of any student in grades 7-12 who chooses to participate in school-sponsored extracurricular activities.

~~The random drug testing program is not intended to abridge or interfere with the application of the SCOC. However, the consequences set forth in the SCOC for the possessing, using, selling,~~



STUDENT RIGHTS AND RESPONSIBILITIES  
INVESTIGATIONS INTERROGATIONS AND SEARCHES

FNF  
(LOCAL)

~~delivering, giving, or being under the influence of illegal drugs or alcohol shall not be invoked on the basis of a positive test result under this program.~~

**Student and Parent  
Consent**

~~Before a student may be allowed to participate in any competitive extracurricular activity, the student and the parent or legal guardian must consent in writing to the testing. This requirement shall also apply to a student who chooses to participate in the program on a voluntary basis.~~

**Testing Regulations  
and Protocol**

~~The District shall contract for drug screening services through an independent laboratory that has met all standards for certification as established by the Substance Abuse and Mental Health Services Administration (SAMHSA), and all testing shall be conducted by qualified laboratory personnel and/or a District designee in accordance with accepted practices and procedures as may be established by the contracted laboratory. Testing shall be accomplished by urinalysis using accepted immunological screening procedures. Chain-of-custody documentation shall be maintained throughout the collection and testing processes.~~

~~Specimen samples shall be collected under conditions that are no more intrusive to students than the conditions experienced in a public restroom. The Superintendent, with the cooperation of the testing laboratory, shall develop regulations for the implementation of the District's random student drug-testing program that address the following: collection and testing of specimens. The regulations shall be approved by the Board.~~

1. Covered activities and purpose of the program;

~~Written consent The laboratory providing drug screening services shall also provide the services of a medical review officer (MRO) who is certified by the Medical Review Officer Certification Council or by the American Association of Medical Review Officers as having proven by examination to have the appropriate medical training to properly interpret and evaluate the results of any drug testing authorized by the District. The MRO shall agree to abide by the procedures established by the District for the evaluation and timely reporting of any positive drug test results.~~

~~In the event of a positive test result, the MRO or an authorized representative shall attempt to contact the parent or legal guardian within one school day of having received the result. Should the MRO be unsuccessful in initial attempts to contact the parent or legal guardian within the time specified, the District shall provide assistance in locating the parent or legal guardian. Such contact shall only be assumed to be for the purpose of responding to routine~~



STUDENT RIGHTS AND RESPONSIBILITIES  
INVESTIGATIONS INTERROGATIONS AND SEARCHES

FNF  
(LOCAL)

~~questions associated with the follow-up of a positive test result and inquiring about any medication ingested by the student.~~

~~Verification of the positive result shall be done by a second test of the original specimen. Upon verification by a second positive test, the MRO or an authorized representative shall report the result to the Superintendent or designee within one school day after confirmation with the parent or legal guardian.~~

Confidentiality

~~The collection and coding of specimen samples shall be executed in a manner that ensures proper identification and confidentiality of results;~~

2. Testing procedures and collection process; and
3. Applicable consequences.

Appeal

~~Test results shall be reported to the Superintendent or designee, the student, and the parent or legal guardian. Other District personnel shall be notified only on a need-to-know basis.~~

~~Test results shall be kept in confidential files separate from the student's other education records. Such files shall be released or disclosed to District personnel only on a need-to-know basis as determined by the Superintendent or designee.~~

~~Test results shall be released to persons outside the District only upon written request of a parent or legal guardian, of a student who is 18 years of age or older, or as required by law or court order. Test results and files related to drug testing and consequences shall be destroyed when the participant is no longer of school age or as otherwise permitted by applicable law.~~

~~The contracted laboratory and MRO shall be prohibited from disclosing or releasing any information relating to the testing or results unless otherwise specifically permitted herein. The contracted laboratory and MRO shall be prohibited from releasing any information, including statistical information, relating to the testing without the express written consent of the District. The contracted laboratory and/or MRO shall, however, provide the Superintendent with a report, at least quarterly, that includes the number of tests performed during the specified period, the rate of both positive and negative results, and a list of the substances identified from any positive specimens.~~

Substances for  
Which Tests Are  
Conducted

~~The District shall make available to students and parents a list of the exact substances for which tests will be conducted.~~

Failure or Refusal

~~A student or parent identified for random testing who leaves school during the day the test is performed because of illness or any other~~



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	<p><del>legitimate reason shall be included in the next random screening. Refusal by a student to provide a specimen in accordance with collection and testing protocol, or intentional submission of a specimen not in accordance with collection and testing protocol, shall be considered to have a positive test result.</del></p>
<p><del>Student Support Services</del></p>	<p><del>The District shall support and assist any student who may be required to participate in a substance abuse education and/or counseling program with identification of, and referral to, reputable social service agencies, as may be appropriate. The District shall provide students a list of free drug counseling services in the area. Any cost of such services, however, shall be the responsibility of the student and/or parent or legal guardian unless the student is "educationally disadvantaged" as defined by the Texas Education Code Section 5.001. The District shall provide, or otherwise arrange, appropriate substance abuse education and/or counseling to educationally disadvantaged students.</del></p>
<p><del>Appeals</del></p>	<p><del>Should a student and/or parent or legal guardian elect to appeal a positive test result, a second test of the specimen in question may be requested by the student and/or parent or legal guardian within 48 hours to be conducted by a laboratory mutually agreed upon by the District and the student and/or parent or legal guardian. In such event, the student and/or the parent or legal guardian shall assume responsibility for payment of all fees related to the second test unless the student is educationally disadvantaged. The District shall pay the fees related to the second test for educationally disadvantaged students.</del></p> <p><del>A student and/or parent or legal guardian may appeal a decision made under the random drug-testing program this policy by filing a written complaint in accordance with FNG(LOCAL). The student shall be ineligible for participation in extracurricular activities. Complaints shall commence at the Superintendent's level and any suspension imposed on the student shall be in effect while the appeal process is pending completed.</del></p>
<p><del>Consequences</del></p>	<p><del>Consequences for positive test results shall be cumulative throughout the extracurricular career of the student while enrolled in the District.</del></p>
<p><del>First Positive Test Result</del></p>	<p><del>For a first positive test result, the following consequences shall be imposed:</del></p> <ol style="list-style-type: none"><li><del>1. Notification: The student and parent or legal guardian shall be promptly notified of the test result, and a conference shall be scheduled to discuss the test results.</del></li></ol>

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- ~~2. Conferencing: The student and parent or legal guardian shall conference with the principal or designee, the activity sponsors, and a District-licensed chemical dependency counselor to discuss the conditions for continued participation in extra-curricular activities.~~
- ~~3. Counseling: The student shall be required to participate in an appropriate District substance abuse/counseling program developed in the conference session and present proof of participation and/or completion.~~
- ~~4. Additional testing: The student shall be required to submit to testing on the next three random testing dates.~~

*Second Positive  
Test Result*

For a second positive test result, the following consequences shall be imposed:

- ~~1. Notification: The student and parent or legal guardian shall be promptly notified of the test result, and a conference shall be scheduled to discuss the test results.~~
- ~~2. Conferencing: The student and parent or legal guardian shall conference with the principal or designee, the activity sponsors, and a District-licensed chemical dependency counselor to discuss the conditions for continued participation in extra-curricular activities.~~
- ~~3. Counseling: The student shall be required to participate in an appropriate substance abuse/counseling program developed in the conference session and present proof of participation and/or completion.~~
- ~~4. Suspension: The student shall be suspended from all extra-curricular performances and competitions for a period of 30 calendar days from the date of the second positive test result; however, the student may attend all regularly scheduled practices and meetings.~~
- ~~5. Additional testing: The student shall be required to submit to testing on the next six random testing dates from the date of the second positive test result.~~

*Third Positive  
Test Result*

For a third positive test result, the following consequences shall be imposed:

- ~~1. Notification: The student and parent or legal guardian shall be promptly notified of the test result, and a conference shall be scheduled to discuss the test results.~~



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- ~~2. Conferencing: The student and parent or legal guardian shall conference with the principal or designee, the activity sponsors, and a District-licensed chemical dependency counselor to discuss the conditions for participation and reinstatement in extracurricular activities.~~
- ~~3. Counseling: The student shall be required to participate in an appropriate substance abuse/counseling program developed in the conference session and present proof of participation and/or completion.~~
- ~~4. Suspension: The student shall be suspended from all extracurricular activities for a period of one calendar year from the date of the third positive test result.~~
- ~~5. Additional testing: The student shall be required to submit to testing on all random testing dates for the remainder of the student's participation in competitive extracurricular activities while enrolled in the District.~~

*Fourth Positive  
Test Result*

For a fourth positive test result, the following consequences shall be imposed:

- ~~1. Notification: The student and parent or legal guardian shall be promptly notified of the test result, and a conference shall be scheduled to discuss the test results.~~
- ~~2. Conferencing: The student and parent or legal guardian shall conference with the principal or designee, the activity sponsors, and a District-licensed chemical dependency counselor to discuss appropriate substance abuse counseling services for the student.~~
- ~~3. Suspension: The student shall be suspended from participating in all competitive extracurricular activities for the remainder of his or her enrollment in the District.~~
- ~~4. Reinstatement: A student suspended from all competitive extracurricular activities after a fourth positive test result may petition the Superintendent for consideration of reinstatement one calendar year after the date of suspension. Reinstatement shall be contingent on substantiated rehabilitation and other conditions deemed appropriate.~~

*End-of-Semester  
Suspensions*

~~If a student's suspension from participation in extracurricular activities is not completed by the end of the semester, the student shall complete the assigned period of suspension during the following semester or during the first semester of the following school year.~~