



ALEDO ISD BOARD MEETING TEMPLATE

MEETING DATE: September 19, 2016

AGENDA ITEM: FNF(LOCAL) – Student Rights and Responsibilities Interrogations and Searches – Action Item

PRESENTER: Kathy Allen

ALIGNS TO BOARD PRIORITIES(S):

- Safety – The District shall maintain a safe and orderly environment.

BACKGROUND INFORMATION:

- This is a local policy update that focuses on the portion of this policy that regulates the athletic drug testing program.
- The policy for the athletic drug testing program was initially developed in 2000.
- Administration is updating this policy to keep policy and practice in alignment.
- Administration reviewed drug testing policies from twelve districts prior to making final changes.
- Changes include:
 - Adding the phrase “District Designee” as the person(s) responsible for carrying out the drug testing policy. The primary person responsible for scheduling and conducting student/parent meetings to discuss positive drug tests will be the Athletic Director. However, the district needs the flexibility to have the principal conduct such meetings in the absence of the Athletic Director. Other District Designees include the athletic trainers, campus administration and other campus employees who assist in administration of the drug testing process.
 - Administration added a clause under POSITIVE TEST so parents that disagree with a positive drug test result have an option for their student to provide a hair sample test for consideration. The hair sample test must be:
 - Conducted within 48 hours of notification of the positive test by the District Designee; and
 - Tested at a district approved drug testing laboratory; and
 - Conducted at the parent’s expense.
 - At FIRST OFFENSE, language was changed from *students being ineligible for athletic competition from 21 calendar days* to the student *being suspended for 30% of the athletic contests as defined by the schedule of competitive events*. This change provides a defined time the student will miss competition if they have a positive drug test. In addition, if a student elects to not participate in a drug counseling program after

testing positive, the student will be suspended from athletics for a calendar year. After completing the year of suspension, the student will also be required to produce a hair sample test at the parent's expense to be eligible to return to the athletic program.

- At APPEAL, language was added to inform students and parents the student remains ineligible from participation during the appeal process.
- At VOLUNTARY PROGRAM, language was added to differentiate between the mandatory athletic testing program and the voluntary program available to any student or parent.
- The new policy changes have been vetted by legal counsel for the Aledo ISD.

ADMINISTRATIVE CONSIDERATIONS: Consider approval of FNF(LOCAL)

FISCAL NOTE: None

ADMINISTRATIVE RECOMMENDATIONS: Administration recommends the approval of FNF(LOCAL) as written and presented.

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INTERROGATIONS

BY SCHOOL
OFFICIALS

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.

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.

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 parent. If the parent also refuses to permit a search of the vehicle, the District may turn the matter over to local law enforcement officials.

USE OF
TRAINED DOGS

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.

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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 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.

METAL DETECTOR
SEARCHES

Students shall be notified at the beginning of each school year that they are subject to metal detector searches on a random basis.

EQUITABLE USE

To ensure that metal detector searches are conducted uniformly and equitably, school administrators shall:

1. Minimize inconvenience to students and interference with the educational process;
2. Maximize detection and deterrent value by regularly searching significant numbers of students;
3. Ensure that patterns are not established that would allow students to avoid searches by predicting the time and location of a search; and
4. Avoid the appearance that a particular student or group of students is either being favored or targeted by adopting schemes, well in advance of the search, that leave the operator of the metal detector an absolute minimum of discretion.

ATHLETIC DRUG-
TESTING PROGRAM

All students in grades 9–12 who participate in athletics shall be subject to a student drug-testing program.

The purpose of the drug-testing program is to:

1. Serve as a deterrent to the use of alcohol and illegal drugs among the students.
2. Offer students a vehicle by which to resist peer pressure regarding the use of alcohol and illegal drugs.
3. Provide a source of support and assistance to students trying to avoid the use of alcohol and illegal drugs.
4. Teach students self-responsibility for one's decisions and actions.
5. Ensure the health and safety of students who might represent the school in an athletic activity.

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DISTRIBUTION OF POLICY AND CONSENT	<p>The District's drug-testing policy shall be available on the District website. In addition, each participant and their parent shall be provided with a copy of the District's drug-testing policy and drug-testing consent form as part of the athletic participation packet. The consent form shall be signed and dated by the student and their parent before the student shall be eligible to practice or participate in any athletic program including off-season training.</p>
USE OF RESULTS	<p>Drug test results shall be used only to determine if a student needs access to drug counseling resources and eligibility for participation in athletic competition. Positive drug test results shall not be used to impose disciplinary sanctions or academic penalties.</p> <p>Nothing in this policy shall limit or affect the application of state law, local policy, or the Student Code of Conduct. A student who commits a disciplinary offense shall be subject to consequences in accordance with the Student Code of Conduct.</p>
CONFIDENTIALITY	<p>Drug test results shall be confidential and shall be disclosed only to the student, the student's parent, and designated District officials who need the information in order to administer the drug-testing program. Drug test results shall not be maintained with a student's academic records. Results shall not be otherwise disclosed except as required by law.</p> <p>The parent of a student shall be entitled to access the student's file maintained by the District designee.</p>
TESTING LABORATORY	<p>The District shall contract with a vendor who utilizes a drug-testing laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) to conduct testing of students' urine samples.</p> <p>The testing laboratory shall not release statistics regarding the rate of positive drug tests to any person or organization without consent of the District.</p>

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SUBSTANCES
FOR WHICH
TESTS ARE
CONDUCTED

For the purpose of this policy, the terms “illegal drugs” and “drugs” shall specifically include, but not be limited to, the following:

1. Alcohol (while not an illegal drug, is included since its use or possession by a minor is illegal);
2. Amphetamines;
3. Barbituates;
4. Benzodiazepines;
5. Cannabinoids;
6. Methadone;
7. Nitres (including niacin and specimen-altering drugs);
8. Opiates;
9. Phencyclidine; and
10. Any substance, other than alcohol, having psychological and/or physiological effects on a human being and that is not a prescription or nonprescription medication, including controlled dangerous substances and controlled substance analogs or volatile substances that produce the psychological and/or physiological effects of a controlled dangerous substance through deliberate inhalation. This specifically includes controlled substances, which are illegal to possess or use pursuant to the Texas Controlled Substance Act.

COLLECTION
PROCEDURES

Personnel from the drug-testing laboratory shall collect urine under conditions that are no more intrusive than the conditions experienced in a public restroom. When selected for testing, a student shall be escorted to the school’s testing location by a District employee and shall remain under supervision until he/she provides a urine sample. Personnel from the drug testing vendor and/or a District employee of the same gender as the student shall be present when any samples are collected.

A student who fails to produce a sample within two hours shall be considered as having a positive test. The drug testing vendor shall determine the beginning and ending of the two hour time period.

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TESTING
PROCEDURES

The drug-testing vendor shall provide the personnel to conduct the collecting, transporting, and testing, as well as randomly selecting the students to be tested.

The drug-testing vendor shall use a random selection method to identify students chosen for random testing. Random tests shall be conducted on as many as ten (10) dates throughout the school year. Students shall not receive prior notice of the testing date or time. In addition, a strict chain of custody shall be enforced to eliminate invalid tests or outside influences.

No less than ten (10) percent and no more than thirty (30) percent of the students participating in the program shall be randomly selected for each random test date.

POSITIVE TEST

In the event a test is positive, the following procedures shall be followed:

1. If the initial screening test of a sample is positive, it shall be subject to second test which will confirm specific levels of the illegal substance found in the specimen.

The positive test result will be turned over to a medical review officer (MRO). The MRO will notify the parent concerning the positive test. In the event the parent is inaccessible upon the initial phone call, the MRO will continue to contact the parent daily, over a three (3) business days. If a parent is still inaccessible after repeated attempts over the period 3 business days to make contact, the drug testing vendor will seek assistance from the District designee to contact the parent.

Upon contact, the parent will have 48 hours from the date of notification of a positive drug test to provide a copy of any prescription to the MRO that may influence a positive drug test. The MRO will review the student's prescription and make a final determination concerning the status of the tested specimen.

If the parent refuses to provide a copy of the prescription to the MRO, the student's test will be confirmed to be positive. The drug testing vendor will contact the District's designee concerning the positive test.

2. Within two (2) school days from receiving a confirmation of a positive test from the testing vendor, the District designee will contact the parent to set up a joint meeting between the District designee, the parent, and the student to discuss the consequences of the positive test.
3. If a student or parent disagrees with the positive test results, they may request at their own expense to submit a hair sample

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to a District approved testing laboratory for further consideration. The hair sample test must be requested and conducted within 48 hours of the phone call by the District designee to request a joint meeting to discuss the consequences of the positive test.

DILUTED/ADULTERATE
TEST RESULT OR
TAMPERING OR
REFUSAL TO TEST

A diluted drug test result shall be referred to the MRO for clarification. The result may be that the student shall retest at the request of the MRO. A nitrite drug test result shall be considered a positive drug test result. An adulterated test sample shall be considered a positive drug test. The student will be subject to the appropriate consequences depending on previous positive test results, if any.

If a student is absent on the day of the random test, a sample shall be collected on the next random testing date.

CONSEQUENCES

Consequences of positive test results shall be cumulative through the student's enrollment in the District.

FIRST OFFENSE

1. Upon receiving results of a positive drug test, the District designee shall schedule a joint meeting with the student and the student's parent to review the test results and discuss consequences.
2. Upon first offense of receiving a confirmed positive drug test, the student shall be suspended for thirty (30) percent of the athletic contests as defined by the schedule of competitive events [Administration Regulation FNF(EXHIBIT-C)]. The suspension is effective immediately if the student is participating in a sport that is in competitive season. If the student's sport is in competitive season and the time of suspension is not completed, the student has two options to complete their suspension:
 - a. The suspension time will carry over into the student's next competitive sport season; or
 - b. If the student only participates in one competitive sport season, the suspension will be completed the following school year of the competitive sport season.
3. The student shall participate in a drug assistance program at the parent's expense or the District's drug assistance program.
4. In order to be eligible to return to athletic competition upon completion of the suspension, the student and parent must, within ten (10) school days of the joint meeting, show proof that the student is participating in drug counseling from a qualified drug treatment program or counseling entity

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5. The student shall be required to participate in all random tests dates for one (1) calendar year.

If the student and parent decide not to participate in a drug assistance program, the student shall be suspended from athletic activities for one (1) calendar year. After the one-year suspension, the student shall be retested by providing a hair sample, at the parents expense, to a District approved drug testing laboratory before returning to participation in athletic activities.

SECOND
OFFENSE

1. Upon receiving results of a second positive drug test, the District designee shall schedule a joint meeting with the student and the student's parent to review the test results and discuss consequences.
2. The student shall be suspended from participation in athletic activities for one calendar year and shall retest before returning to athletic activities. The suspension is effective immediately after the joint meeting is conducted.
3. The student shall participate in a drug assistance program at parent's expense or the District's drug assistance program. In order to be eligible for future participation in athletic competition, the student's parent must, within ten school days of the joint meeting, show proof that the student is participating in a drug counseling program from a qualified drug assistance program or counseling entity.
4. The student shall be required to participate in all random tests dates for one calendar year.

THIRD OFFENSE

1. Upon receiving results of a third positive drug test, the District designee shall schedule a meeting with the student and the student's parent to review the test results and discuss consequences.
2. The student shall be suspended from participation in athletic activities for the remainder of his/her UIL eligibility.
3. The student will be encouraged to participate in a drug assistance program at the parent's expense or the District's drug assistance program.

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APPEAL

A student or parent may appeal a decision made under this policy in accordance with FNG(LOCAL). The District shall not accept for any part of its drug-testing program, including for purposes of an appeal of a positive test, any test results submitted by a parent or student from drug tests not performed by a District approved testing laboratory. The student shall be ineligible for participation in athletic activities while the appeal is pending.

VOLUNTARY
DRUG TESTING
PROGRAM

The District shall make available to parents a voluntary drug-testing program for students enrolled in grades 9–12 in the District. Parents may enroll their children in the voluntary drug-testing program at any time; however, a request and consent form signed by the parent shall be required annually for continued participation.

At the time of enrollment in the voluntary drug-testing program, the parent shall be charged a fee, determined by the District, to cover the cost of their student's participation in the program for that school year.

Students enrolled in the voluntary drug-testing program by their parent shall be included as a part of the same pool for random testing. There are no guarantees to the number of times, if any, the enrolled student's ID number will be pulled as a part of the random sampling group.

The testing laboratory shall directly communicate to the parent the test results for students participating only in the voluntary drug-testing program. In addition, the testing laboratory shall notify the parent when his or her student refuses or fails to take a scheduled drug test. Individual students' test results shall not be reported to the District under this voluntary program.