



ALEDO ISD BOARD MEETING TEMPLATE

MEETING DATE: July 21, 2014

AGENDA ITEM: Action Item Board Policy Update – FNF(LOCAL)

PRESENTER: Kathy Allen

ALIGNS TO BOARD PRIORITIES(S):

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

BACKGROUND INFORMATION:

- During TASB Audit Review, Dan Peterson and Tim Buchanan requested that administration consider adding language to the FNF(LOCAL) drug testing practices.
- The additional language requested by Mr. Peterson and Mr. Buchanan was presented to AISD legal counsel. Legal counsel researched and crafted the following statement for FNF(LOCAL):

“A participant’s failure to produce a sample within two hours shall be considered a positive test. The drug-testing vendor shall determine the beginning and ending of the two hour period. The drug testing vendor shall maintain adequate observation or monitoring of the participant during the two hour period to prevent attempts by the participant to adulterate or dilute a sample, or any other attempt to falsify test results of any sample during the two hour period.”

- An additional policy review consideration for FNF(LOCAL) concerns the inclusion of the language describing the Athletic Participation Fee. It was determined that information concerning the Athletic Participation Fee is already covered in the Athletic Handbook and does not need to be placed in board policy.
- TASB also recommended the District review participation fee requirements to ensure students with financial hardships are not excluded from athletics due to fee requirements.
- The clause in the Athletic Handbook concerning financial hardships is support by current practice of making allowances for students who qualify for free/reduced lunches to have their athletic fee waived.

ADMINISTRATIVE CONSIDERATIONS: Approve FNF(LOCAL)

FISCAL NOTE: None

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

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

INTERROGATIONS	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 SCHOOL OFFICIALS	
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	<p>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.</p> <p>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.</p> <p>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.</p>
USE OF TRAINED DOGS	<p>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.</p> <p>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.</p>
NOTICE	<p>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:</p> <ol style="list-style-type: none"><li data-bbox="560 1751 1295 1787">1. Lockers may be sniffed by trained dogs at any time.<li data-bbox="560 1801 1419 1864">2. Vehicles parked on school property may be sniffed by trained dogs at any time.

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

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.

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 ensure the health and safety of District students and to serve as a deterrent to the use of drugs and alcohol by District students. By participating in the drug-testing program, each student shall have the risk of detection and its consequences to help offset the ordinary peer pressures concerning drug and alcohol abuse.

The program is not intended to be punitive. A positive test shall not be considered a violation of the Student Code of Conduct. However, students who test positive shall be subject to the consequences listed below.

~~ATHLETIC
PARTICIPATION FEE~~

~~The District shall establish an athletic participation fee. A student on free and reduced lunch shall have the athletic participation fee waived.~~

CONSENT

All high school students participating in athletic activities shall be subject to a random selection method for identifying students who shall be tested. Each participant shall be required to provide the District with a written consent signed by both the student and his or her parent or legal guardian. If the student or his or her parent/legal guardian refuses to consent to having the drug test, the student shall be denied participation in all athletic activities in the District.

Students in grades 9–12 who do not participate in athletic activities may participate in the drug-testing program on a volunteer basis with written permission from their parent or legal guardian. In addition, parents may request that their child be included in the next random testing. In this case, a written request shall be delivered in person, and the test shall be paid for by the parent or legal guardian at the time of the request.

DEFINITIONS

The following definitions shall apply.

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

- ILLEGAL DRUGS For the purpose of this policy, the terms “illegal drugs” and “drugs” shall specifically include, but not be limited to, the following:
1. Phencyclidine (PCP);
 2. Cannabinoids (Marijuana, hashish);
 3. Amphetamines (amphetamines, methamphetamine);
 4. Barbituates (allylbarbital, amobarbital, butabarbital, phenobarbital, pentobarbital, talbutal);
 5. Benzodiazepines (librium, clonopin, demoxepam, flurazepam, desmethyldiazepam, valium, flunitrazepam, larozeepam, nitrazepam);
 6. Methadone;
 7. Opiates (cocaine, hydrocodone, levorphanol, oxycodone, morphine-3-glucuronide, heroin);
 8. Nitrates (including niacin and specimen altering drugs);
 9. Alcohol (while not an illegal drug, is included since its use or possession by a minor is illegal); 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.
- CONFIDENTIALITY STANDARDS Information obtained as a result of random drug testing shall be collected and maintained in a separate file and shall be treated as confidential medical records in accordance with federal law, with respect to protected health information that is not an education record. The parent or guardian of a student shall be entitled to access the student’s file maintained by the District’s drug-testing vendor.
- DRUG TEST A drug test is a chemical test administered for the purpose of determining the presence or absence of a drug or metabolites in a person’s urine.

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

PRESCRIPTION OR NON-PRESCRIPTION MEDICATION	<p>Prescription or nonprescription medication is:</p> <ul style="list-style-type: none">• A drug prescribed for use by a duly licensed physician, dentist, or other medical practitioner licensed to issue prescriptions; or• A drug that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.
RANDOM TESTING	<p>Drug testing of students participating in athletic activities shall be conducted on a random basis. The selection process shall consist of drawing names from the roster of all students participating in athletic activities in secondary schools.</p>
SPECIMEN	<p>A product of the human body chemically capable of revealing the presence of drugs in the human body shall be referred to as a specimen. For purposes of this policy, the product shall be urine.</p>
FAILURE TO PRODUCE SPECIMEN	<p>A participant's failure to produce a sample within two hours shall be considered a positive test. The drug-testing vendor shall determine the beginning and ending of the two hour period. The drug testing vendor shall maintain adequate observation or monitoring of the participant during the two hour period to prevent attempts by the participant to adulterate or dilute a sample, or any other attempt to falsify test results of any sample during the two hour period.</p>
MEDICAL REVIEW OFFICER	<p>The medical review services of the drug-testing vendor shall be used.</p>
PROCESS	<p>Drug testing shall be conducted by a certified/licensed drug-testing vendor. Each participant shall be required to provide the District with a written consent form signed by both the student and the parent or legal guardian. All high school students who participate in athletic activities or who volunteer for the drug-testing program shall be subject to random urine drug testing throughout the school year. The names of participants shall be drawn randomly by the vendor from the list of participating students. The participants' names may be drawn at any time between the start of the school year until the end of the school year in June. Through the use of urine samples, the drug-testing vendor laboratory shall be able to detect the presence of drugs taken prior to the test. Participating students who have been taking or who are taking medication shall provide verification (either by a copy of the prescription or by the doctor's authorization within 24 hours of the testing). Students who refuse to provide verification shall be subject to the consequences specified below for a "positive test." 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.</p>

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

REFUSAL TO TEST	Any time an athletic participant refuses to be randomly tested, the refusal shall be treated as a "positive test."
DILUTED / NITRITE / ADULTERATED TEST RESULT	A diluted drug test result shall be referred to the medical review officer (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.
CONFIRMATION OF POSITIVE TEST RESULTS	Upon receipt of a positive test result, the drug-testing vendor shall contact the student's parent or guardian. The drug-testing vendor shall then contact a certified MRO to review and report positive test results. If a positive ruling has been confirmed by the MRO, the District's reporting contact shall be notified by the drug-testing vendor of a positive test confirmation.
CONSEQUENCES OF A POSITIVE TEST	All offenses shall be cumulative for the student's athletic career in the District.
FIRST OFFENSE	<p>Upon a first offense of receiving a confirmed positive drug test, the District shall notify the student's parents or legal guardian. The principal shall hold a conference with the parent or legal guardian and the student. The student shall be informed of the consequences for a first offense, which are as follows:</p> <ol style="list-style-type: none">1. The student shall be ineligible for athletic competition for 21 calendar days.2. The student shall participate in the District's drug assistance program.3. The student shall be required to participate in random tests for one calendar year. <p>If the student and parent decide not to participate in the District's drug assistance program, the student shall be suspended from athletic activities for one calendar year. After the one-year suspension, the student shall be retested before returning to participation in athletic activities.</p>
SECOND OFFENSE	<p>Upon a second offense of receiving a confirmed positive drug test, the District shall notify the student's parents or legal guardian.</p> <p>The principal, the parent or legal guardian, and the student shall conduct a conference.</p> <p>The student shall be suspended from participation in athletic activities for one calendar year and shall retest before returning to athletic activities.</p>

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

	<p>The student shall participate in the District's drug assistance program.</p>
THIRD OFFENSE	<p>Upon a third offense of receiving a confirmed positive drug test, the District shall notify the student's parents or legal guardian.</p> <p>The principal, the parent or legal guardian, and the student shall conduct a conference.</p> <p>The student shall be suspended from participation in athletic activities for the remainder of his or her enrollment in the District's middle school or high school.</p> <p>The student shall participate in the District's drug assistance program.</p>
END-OF-SEMESTER / END-OF-SEASON SUSPENSIONS	<p>If a student's suspension from participation in athletic competition is not completed by the end of the semester, the student shall complete the assigned period of suspension during his or her next available competition season.</p>
APPEAL	<p>A confirmed positive test result shall result in the chain of consequences described at CONSEQUENCES OF A POSITIVE TEST, above. Following the conference between the parent or legal guardian, the principal, and the student regarding appropriate consequences, an appeal of the decision may be filed in accordance with FNG(LOCAL).</p>