

## **DRUG-TESTING POLICY (Secondary Grade Levels 9-12)**

The District shall implement a mandatory drug-testing program for all students participating in extracurricular activities in grades 9–12, students who drive to school and park on school property, and students who wish to be teachers or office aides. 8<sup>th</sup> grade students who compete in varsity activities may also be subject to Drug testing policy. For the purposes of this policy, Extracurricular activities are any activities sponsored by the UIL and/or listed in the administrative procedures for the District mandatory drug-testing program for students participating in extracurricular activities. A student competing for future offices, positions, or team/squad memberships shall be considered to be a student participating in extracurricular activities.

### **Voluntary Drug Testing**

A student who does not participate in the covered extracurricular activities may voluntarily participate in the District’s drug-testing program with his or her parent’s or guardian’s consent.

### **Goals**

The goals of the drug-testing program are described below:

1. Encourage students to avoid illegal and life-threatening substance abuse by holding students who voluntarily participate in extracurricular activities accountable through a drug-testing program and its consequences.
2. Prevent the detrimental effects of illegal drug use on the health and safety of District students.
3. Ensure that the school community and educational environment are completely free of illegal drugs.

### **Process**

At the beginning of the school year all eligible students will be expected to submit to a drug test. Students selected for each additional testing occurrence shall be determined by use of a computerized method that ensures randomization. The testing shall be conducted by a laboratory certified for administering drug testing by the Substance Abuse and Mental Health Administration (SAMHSA). The Superintendent or designee shall determine the frequency of testing and the number of students to be tested. The Superintendent or designee shall provide a list of available testing dates for selection by the contracted service provider.

The testing sample shall be documented through a chain-of-custody program to ensure the identity and integrity of the sample throughout the collection, transportation, and testing process. A medical review officer shall investigate the use of over-the-counter and prescription drugs in the validation of a positive test.

Drugs that may be tested for include, but are not limited to:

1. Alcohol;
2. Amphetamines — methamphetamines;
3. Opiates — morphine and codeine;
4. Cocaine;

5. Phencyclidine — PCP;
6. Delta 9 — tetrahydro-cannabinol (marijuana); and
7. MDMA (Ecstasy).

Any student who refuses to submit the District's consent form for drug testing shall not be permitted to participate in any District extracurricular activity or park on school property. If a student refuses to submit to a drug test after signing the consent form, the refusal shall constitute a positive test. The failure to produce a sample or a written medical explanation from a physician when selected for testing shall constitute a positive test. Tampering or adulteration of samples shall be considered a positive test.

Students shall be permitted four hours to provide a sample. Failure to provide a sample within this period shall constitute a positive result.

### **Privacy and Confidentiality**

All aspects of the drug-testing program, including the collection of specimens, shall be conducted so as to safeguard the personal and privacy rights of the student to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize the intrusiveness of the procedure. Testing results shall be kept confidential and disclosed only to the student, his or her parent(s)/guardian(s), and school officials designated by the Superintendent. Confidentiality shall be maintained at all levels. Results shall not be placed in a student's permanent records.

### **Results of Tests**

When there is a positive test result, the following steps shall be taken:

1. The student and his or her parent(s)/guardian(s) shall have the opportunity to provide any information on currently or recently used prescription or nonprescription drugs or other relevant medical information.
2. The medical review officer (MRO) shall determine whether there may be a legitimate medical explanation for the positive test. In the event the MRO concludes that the positive test is the result of a legitimate medical cause, the result of the test shall be reported as negative.
3. The MRO shall notify the Superintendent's designee of any confirmed positive results.
4. The Superintendent's designee shall notify the student and the student's parent(s)/guardian(s) of the confirmed positive results of the test.

### **Sanctions for Positive Tests**

No action shall be taken by the school against a student with a positive test result other than suspension from competing in extracurricular activities. No school-related privileges shall be withdrawn from students who are not participating in extracurricular activities but choose to participate in the District's drug-testing program with parental consent.

### **First offense**

The first confirmed positive test shall result in the following consequences:

1. The student and parent(s)/guardian(s) shall participate in a mandatory conference with the campus principal.

The student shall be suspended from competition and/or public performances in all extracurricular activities for 15 calendar days from the date that he or she is first informed of the confirmed positive test results. The suspension shall not prevent students from competing for future offices, positions, or team/squad memberships.

2. The student shall be required to submit to testing during subsequent random test dates until a negative test result is obtained.

### **Second offense**

The second confirmed positive test shall result in the following consequences:

1. The student shall be suspended from competition in all extracurricular activities for 45 calendar days from the date that he or she is first informed of the second confirmed positive test results. The student shall not be allowed to compete for future offices, positions, or team/squad memberships during the suspension.
2. The student shall be required to submit to testing during subsequent random test dates until a negative test result is obtained. The student must have a negative test result prior to returning to participation in extracurricular activities.

### **Third offense**

The third confirmed positive test shall result in the following consequences:

1. The student shall be suspended from competition in all extracurricular activities for 120 calendar days from the date that he or she is informed of the positive test results. The student shall not be allowed to compete for future offices, positions, or team/squad memberships during the suspension.
2. The student shall be required to submit to testing during subsequent random test dates until a negative test result is obtained. The student must have a negative test result prior to returning to participation in extracurricular activities.
3. The student's schedule shall be changed to remove him or her from the appropriate course (such as athletics, band, and art).

### **Fourth offense**

The fourth confirmed positive test shall result in the student being suspended from participating in all extracurricular activities for the remainder of the student's enrollment in the District.

### **Prior Violations**

Consequences of confirmed positive test results shall be cumulative through the student's enrollment in grades 9–12.

### **Appeal**

Due to the following there is no appeal process concerning the urine sample collected during the initial or random drug tests:

The urine sample collected during the test is sent to a lab that we contract with. This particular lab runs two tests to confirm the presences of any drugs aforementioned. Once the lab confirms the sample for the second time, they contact the school's designated contact and ask for permission to move forward, sending the same sample to an outside lab for further testing, at no cost to the parent. This lab will confirm or deny the validation of the first lab's results. If the second lab confirms the positive result, the result will stand as is. Three positives on one sample, by two different labs, is more than enough confirmation that the student has been under the influence of one or more of the aforementioned drugs.

Parents do have the right to appeal the consequences as mentioned below.

The parent or guardian may appeal the consequences of a positive test as outlined in policies FNG(LEGAL) and FNG(LOCAL). Any sanctions imposed shall remain in effect during the appeal.

Nothing in this policy limits or prohibits the application of other District policies, including the District Student Code of Conduct, regarding student possession, use, or distribution of illegal drugs or alcohol on school property or at school activities or events.

## **ELECTRONIC DEVICES AND TECHNOLOGY RESOURCES (All Grade Levels)**

### **Possession and Use of Personal Telecommunications Devices, Including Mobile Telephones**

For safety purposes, the district permits students to possess personal mobile telephones; however, these devices must remain turned off during the instructional day, including during all testing, unless they are being used for approved instructional purposes. A student must have approval to possess other telecommunications devices such as netbooks, laptops, tablets, or other portable computers.

The use of mobile telephones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.

If a student uses a telecommunications device without authorization during the school day, the device will be confiscated. The parent will be contacted and the student (1<sup>st</sup> offense) may pick up the confiscated telecommunications device from the principal's office after school. Upon the (2<sup>nd</sup> offense) the parent will be contacted, and the parent may pick up the device after school for a fee of \$15.

Confiscated telecommunications devices that are not retrieved by the student or the student's parents will be disposed of after the notice required by law. [See policy FNCE.]

In limited circumstances and in accordance with law, a student's personal telecommunications device may be searched by authorized personnel. [See **Searches** on page 71 and policy FNF.]

Any disciplinary action will be in accordance with the Student Code of Conduct. The district is not responsible for damaged, lost, or stolen telecommunications devices.

### **Possession and Use of Other Personal Electronic Devices**

Except as described below, students are not permitted to possess or use personal electronic devices such as MP3 players, video or audio recorders, DVD players, cameras, games, e-readers,