



College Station Independent School District

Success...each life...each day...each hour

MEMORANDUM

To: Dr. Clark Ealy, Superintendent

From: Molley Perry, Chief Administrative Officer *Molley Perry*

Date: August 15, 2019

Subject: Policy Update 113

Agenda Item: H-1

BACKGROUND

At the July 2019 College Station ISD School Board Workshop, Texas Association of School Boards (TASB) Policy Update 113 was presented for discussion. This update provides legal and policy updates as recommended by TASB.

Update 113 focuses on updating legal policies that were affected by changes in administrative rules and commissioner of education rulings. Several local policies have been updated to better align with these changes and for organizational and restructuring purposes.

Legal policy updates are governed by current law or court rulings; therefore, College Station ISD must include them in school board policy by statute. Local policy updates are designated to provide clarification on legal policies and provide appropriate discretion as decisions are made regarding the school district.

RECOMMENDATION

It is recommended that the College Station ISD Board of Trustees approve TASB Policy Update 113 as presented.



(LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)

Policies recommended for deletion are not included. If you want to include the text of these policies in the information given to the Board, you may download them from *Policy On Line*.

Annotations are shown as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

Note: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes makes formatting changes appear tracked, even though the text remains the same.

For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

Contact:	School Districts and Education Service Centers	Community Colleges
	policy.service@tasb.org	colleges@tasb.org
	800.580.7529 512.467.0222	800.580.1488 512.467.3689

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.
Constituent Service	Recognizing the need to provide service to constituents, the need of Board members to be answerable to constituents, and the need to improve District systems, the Board and the Superintendent shall together put into place a system for constituent service.
Referring Complaints	<p>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]</p> <p>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.</p>
Compliance with State Law	The Board shall follow all state laws regarding Board involvement in the functions of management.
Definitions	Constituents shall be defined as parents, students, residents, community and business leaders, as well as other stakeholders of the community.
Constituents	
Governance	Governance is the sole responsibility of the Board and includes ensuring the delivery of educational and support services through communication with the Superintendent. Governance is strategically based guidance and policy focused on effecting system improvement.
Management	Management is the responsibility of the Superintendent and includes directing staff, allocating resources, administering programs, and providing support services to improve school system effectiveness and to successfully achieve District goals. The Su-

perintendent shall design and implement predetermined processes to facilitate management's ability to resolve problems effectively and identify opportunities for system improvement.

**System for
Constituent Service**

The system for constituent service shall include the following major features:

- A protocol for handling constituent requests for information and assistance;
- A primary contact person to whom Board members are to refer constituent service requests that they receive;
- A method for documenting, tracking, categorizing, and analyzing requests;
- A feedback process so that Board members know the resolution of requests;
- Oversight of the system by the Superintendent or designee, who handles priority requests and keeps the Superintendent informed of matters that require his or her attention;
- Periodic reports on constituent requests, related resolutions, and patterns in requests; and
- Periodic reports on improvements to systems made, in whole or part, as a result of constituent service requests.

**Protocol for
Constituent Service**

The District Constituent Service Flowcharts track the recommended process flow for constituent service requests. [See BBE(EXHIBIT)]

The protocol begins with a constituent request to a Board member for information or assistance. If the request is for information, the Board member shall provide the information, if known, or explain to the constituent where or from whom this information can be obtained following the flowchart in the exhibit.

If the constituent request indicates a system issue; i.e., a request for information that is unavailable or inadequately communicated and indicates a communication issue, then the Board member shall refer the issue to the Superintendent or designee for administrative action.

If the constituent requests assistance in addressing an issue or a problem, the Board member shall first evaluate the validity of the claim and follow the protocol in BBE(EXHIBIT)-B. If the request or complaint appears to be valid and is urgent, complicated, or has potential for major consequence, the Board member shall refer the

request to the Superintendent or designee for administrative action.

If the request or issue is not urgent, the Board member shall clearly explain to the constituent the District's chain of command, clarify the difference between governance and management, and define the Board's role in constituent service. The Board member shall then direct the constituent back into the system to talk to the teacher or principal, transportation office, and the like. The Board member may need to provide the constituent with contact information. The constituent shall be invited to call the Board member again if a timely response is not received from District staff.

If the constituent does not receive a satisfactory response despite good faith efforts to resolve the issue with District staff, the issue shall be referred to the Superintendent or designee, who shall take appropriate administrative action.

The medium for communication remains the decision of the Board based on the type of service request. Only formal requests for information or assistance shall travel through the process detailed in the flowchart that is provided in BBE(EXHIBIT). Additionally, Board members shall not be involved in the resolution process of a constituent service request once it enters the process outlined in the flowchart.

Informal communication shall be utilized at the individual Board member's discretion. Examples of informal communication include personal contact as a result of incidental conversation that occurs during the normal course of a daily schedule, or the relay of a concern that was overheard, or any other matter that does not merit a formal request.

Formal communication shall be relayed through the constituent service policy that has been established and approved by the Board. Examples of formal communication include a letter, an e-mail, or a telephone call.

Reporting and System Improvement

This policy on constituent service is intended to direct requests for service through the proper channels to achieve resolution. In the event a Board member attempts to solve a constituent problem, obtain a favor, or influence a management decision, the Board President shall be notified. If deemed necessary by the Board President, that Board member's action shall be brought before the entire Board.

As directed by the Board, the Superintendent shall periodically present a summary to the Board that includes data related to constituent service requests, trends, conclusions, and recommenda-

tions for improvement. The report shall contain the most current information and shall also include comparative data when available.

Media Inquiries

A Board member who receives a call from the media shall direct the caller to the Board President or Superintendent and shall notify both of the call. If possible, media inquiries to the Board President shall be directed to the Superintendent or the District's director of communications.

Phone Calls and Letters

The Board encourages input from outside sources; however, anonymous calls or letters shall not receive the Board's attention, discussion, or response, and shall not result in directives to the administration.

Response to Letters

A Board member who receives a signed letter or e-mail shall forward it to the Superintendent. A written response using standard format shall be sent to the originator of the letter from the Superintendent via e-mail or postal service, whichever is most appropriate. An individual Board member may respond as he or she deems appropriate.

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.~~

**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 and shall dispose of unnecessary materials, equipment, ~~personal property such as vehicles~~, and supplies 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~~~~regu-~~~~lations.~~

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.

Meal Charges
State Law

As established by the Board, a student with an exhausted or insufficient balance on his or her meal card or meal account shall be allowed to continue to purchase meals for up to three days ~~a total of \$8.25~~. The Superintendent shall develop administrative regulations for this grace period to address:

1. The District's processes for parent notification during the grace period, including a schedule for repayment; and
2. Whether the student will be limited to certain foods or beverages during this grace period, and, if so, the District's efforts to minimize overt identification of the student.

No fees or interest shall be charged by the District for meals purchased during the grace period.

Federal Law

For each campus that participates in the federal school breakfast or lunch programs under which students may incur a meal charge, the District's administrative regulations shall also address procedures for a student who has insufficient funds to purchase a meal following exhaustion of the grace period described above. The procedures shall address:

1. The parameters under which ~~reimbursable or alternate~~ meals shall be served to the student;
2. The District's efforts to minimize overt identification of the student; and
3. How the District will attempt to collect unpaid debt in order to maintain the financial integrity of the food service account.

FOOD AND NUTRITION MANAGEMENT
PROCUREMENT

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)

Eligibility Appeals

The District shall provide a hearing process in compliance with U.S. Department of Agriculture (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.

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)]~~

INSTRUCTIONAL ARRANGEMENTS
CLASS SIZE

EEB
(LOCAL)

Note: This local policy has been revised in accordance with the District's [innovation plan](#).¹

Class Size Ratio

In accordance with the District's innovation plan, the District is exempt from the state law requiring a district to maintain a sufficient number of certified teachers to maintain an average ratio of not less than one teacher for each 20 students. In addition, the District is exempt from the state law requiring a district to not enroll more than 22 students in a kindergarten–grade 4 class.

The District shall develop appropriate administrative regulations to implement these exemptions.

¹ Innovation Plan: <https://csisd.org/>

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.

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**~~requestor~~ not later than the seventh business day after receipt of the request.

Notice

Before a camera is activated, 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 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 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 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 Ad-](#)

ministrative Code 103.1303. A parent, staff member, or District 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

~~Interrogations~~

~~By School Officials~~

~~Administrators, teachers, and other professional personnel~~ District officials 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.

~~By Police or Other
Authorities~~

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

District Property

~~Lockers and
Vehicles~~

Desks, lockers, District-provided technology, and similar items are the property of the District and 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. Students shall be fully responsible for the security and contents of District property assigned to them. No student shall place or keep in a desk, locker, District-provided technology, or similar item any article or material prohibited 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.

~~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.~~

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 Student Code of Conduct, students are responsible for prohibited items found in their possession, including

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

FNF
(LOCAL)

	<p><u>items in their personal belongings or in vehicles parked on District property.</u></p>
<p><u>Reasonable-Suspicion Searches</u></p>	<p><u>Searches should be reasonable at their inception and in scope. If there is reasonable suspicion to believe that searching a student's person, belongings, or vehicle will reveal evidence of a violation of the Student Code of Conduct, a District official may conduct a search in accordance with law and District regulations.</u></p>
<p><u>Suspicionless Searches</u></p>	<p><u>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.</u></p>
<p><u>Metal Detector Searches</u></p>	<p><u>In order to maintain a safe and disciplined learning environment, the District reserves the right to subject students to metal detector searches when entering a District campus and at off-campus, school-sponsored activities.</u></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>
<p>Use of Trained Dogs</p>	<p><u>The District reserves the right to use trained dogs to conduct screening for concealed prohibited items. Such procedures shall be unannounced. 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 or an area, it may be searched by District officials.</u></p> <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>
<p>Notice</p>	<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>

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

FNF
(LOCAL)

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

Parent Notification

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

**Mandatory Random
Drug-Testing
Program**

The District requires random drug-testing of any student in grades 9–12 who chooses to participate in school-sponsored extracurricular activities or requests a permit to park a vehicle on school property.

Covered Activities

School-sponsored extracurricular activities for which testing is required include all extracurricular activities.

Scope

A student participating in these activities or requesting a parking permit shall be randomly tested throughout the school year for the presence of illegal drugs and alcohol.

Purpose

The purposes of the drug-testing program are to ensure the health and safety of all students in extracurricular activities and students seeking parking permit privileges; deter student use of illegal and performance-enhancing drugs or alcohol; offer students a credible means to resist peer pressure as it relates to the use of illegal and performance-enhancing drugs and alcohol; and provide a source of information to parents of any student who may be using illegal and performance-enhancing drugs or alcohol.

Distribution of
Policy

The District shall make available to each parent and student a copy of the drug-testing policy and consent form prior to the student's participation in an affected activity or receipt of a parking permit.

Orientation

The District shall provide orientation for interested parents and all student participants.

The orientation shall explain the District's drug-testing program, review the policy and consent form, and provide an educational presentation on the harmful effects of drug and alcohol abuse.

Student participation in the orientation is mandatory; however, parent participation is not required.

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

FNF
(LOCAL)

Consent	Before a student is eligible to participate in extracurricular activities or to receive a parking permit, the student shall be required annually to sign a consent form agreeing to be subject to the rules and procedures of the drug-testing program. If the student is under the age of 18, the student's parent or guardian shall also sign a consent form. If appropriate consent is not given, the student shall not be allowed to participate in extracurricular activities or to receive a parking permit.
Use of Results	<p>Drug test results shall be used only to determine eligibility for a parking permit and participation in extracurricular activities. Positive drug test results shall not be used to impose disciplinary sanctions or academic penalties.</p> <p>Nevertheless, 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	Drug-testing 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 record. Results shall not be otherwise disclosed except as required by law.
Testing Laboratory	<p>The Board shall contract with a certified drug-testing laboratory to conduct testing of students' urine samples.</p> <p>Testing laboratories shall not release statistics regarding the rate of positive drug tests to any person or organization without consent of the District.</p>
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.
Collection Procedures	Personnel from the drug-testing laboratory shall collect urine samples 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 site by a District employee and shall remain under employee supervision until the student provides a sample. A student shall produce a sample within a closed restroom stall. A District employee of the same gender as the student shall be present when any samples are collected.
Random Testing	Random tests shall be conducted on as many as nine dates throughout the school year.

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

FNF
(LOCAL)

	<p>No less than 40 students and no more than 90 students participating in the program shall be randomly selected for each random test date. The drug-testing laboratory shall use a random selection method to identify students chosen for random testing. Students shall not receive prior notice of the testing date or time.</p>
Refusal to Test or Tampering	<p>A student who refuses to be tested when selected or who is determined to have tampered with a sample shall be deemed to have a positive test result and shall be subject to the appropriate consequences depending on previous positive test results, if any.</p> <p>If a student is absent on the day of the random test, a sample shall be collected on the next random testing date.</p>
Confirmation of Positive Results	<p>An initial positive test shall be confirmed by a second test of the same specimen before being reported as positive.</p> <p>Upon receiving results of a positive drug test, the District shall communicate with the student, the student's parent, and the coach or sponsor of the extracurricular activity, as applicable, to review the test results and discuss consequences.</p> <p>Upon request, a medical review shall be conducted by the medical review officer (MRO), certified by the American Association of Medical Review Officers (AAMRO). If there is a medical reason for the positive test result, the parent shall be asked to provide the prescription to the MRO within three business days. The MRO shall verify the student's prescription with the doctor and pharmacy. If confirmed, the MRO shall report a negative test result.</p>
<i>Retesting</i>	<p>Following confirmation of a positive test, the student shall be retested on the next three random test dates so long as the student wishes to participate in extracurricular activities or park a vehicle on school property.</p>
Drug Abuse Prevention	<p>The District shall notify the parent and student of drug and alcohol abuse prevention resources available in the area.</p>
Consequences	<p>Consequences of positive test results shall be cumulative through the end of the current school year.</p>
<i>First Offense</i>	<p>Upon a first offense of receiving a confirmed positive drug test, a student shall be suspended from participation in any extracurricular activity, and the student's parking permit shall be suspended, for 15 calendar days following the date the student and parent are notified of the test results.</p> <p>During the period of suspension, the student may participate in practices in accordance with administrative regulations but not in any competitive activities or performances.</p>

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

FNF
(LOCAL)

Second Offense Upon a second offense of receiving a confirmed positive drug test, a student shall be suspended from participation in any extracurricular activity, and the student's parking permit shall be suspended, for 30 calendar days following the date the student and parent are notified of the test results.

During the period of suspension, the student may participate in practices in accordance with administrative regulations but not in any competitive activities or performances.

Third Offense Upon a third offense of receiving a confirmed positive drug test, a student shall be suspended from participation in any extracurricular activity for one calendar year following the date the student and parent are notified of the test results.

During the period of suspension, the student shall not be permitted to participate in practices.

District administrators shall determine whether the student will need to have his or her schedule changed and how parking privileges will be addressed as a result of the suspension based on the student's educational needs and in accordance with administrative regulations.

Appeals A student or parent may appeal a decision made under this policy in accordance with FNG(LOCAL). The student shall be ineligible for participation in extracurricular activities or reinstatement of parking privileges while the appeal is pending.

**Voluntary Drug-
Testing**

The parent of a student in grades 9–12 who is not subject to random drug testing under the District's program can submit a signed request form for his or her student to be included in the voluntary testing pool.

Upon receiving results of a positive drug test for a student in the voluntary pool, the District shall communicate the results to the student's parent.