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### Texas Leadership Public Schools Student Drug Testing Policy

In accordance with state law, policies, procedures and handbooks, Texas Leadership Public Schools (TLPS) prohibits the use, sale, possession, or distribution of illicit drugs by students on school premises or during any school activity, regardless of its location. TLPS also prohibits the use, sale, possession, or distribution of look-alike substances and/or synthetic substances designed to imitate the look and/or effects of illicit drugs, tobacco or alcohol. Student violators are subject to possible prosecution, as allowed by law, as well as the disciplinary terms of the Student Code of Conduct. In addition, students may lose the privilege of participating in extracurricular activities based on violations of law or policy.

#### **The Program:**

TLPS utilizes a drug-testing program for students who participate in extra-curricular activities and/or that drive motorized vehicles onto or park on school property, which is offered as a proactive deterrent to student substance abuse. The purpose of the program is threefold:

1. To provide for the health and safety of students.
2. To undermine the effects of peer pressure by providing a legitimate reason for students to refuse illegal use of drugs.
3. To encourage students who use drugs to participate in drug treatment programs.

In order to participate in extracurricular activities and/or drive any motorized vehicles onto or park on campus, students in grades 7–12 shall be included in TLPS's drug-testing program.

TLPS administrators and sponsors of extracurricular activities have authority to develop and enforce higher standards of student behavior for continued participation. Participation is a privilege, not a right. Further, a student's participation in mandatory drug testing does not establish a student's right to participate in extracurricular activities, though willing participation in the drug testing is a pre-requisite to a student's participation in extra-curricular activities.

#### **Random Drug Searches:**

Additionally, TLPS may conduct random drug searches, in accordance with state and federal law and pursuant to the following:

In order to ensure a drug-free learning environment, TLPS conducts random drug searches of all school facilities. TLPS may use law enforcement (on or off duty) or contract for specially trained nonaggressive dogs to sniff out and alert school officials to the current presence of concealed prohibited or illegal items, including drugs, tobacco and alcohol. Canine visits may be

unannounced. The dogs shall be used to search facilities and grounds, including empty or vacant classrooms, vacant/empty common areas, the areas around student lockers, and the areas where vehicles are parked on TLPS property or at school-related activities or events. The dogs shall not be asked to alert on students. A dog alert to a locker, vehicle, or item in a classroom, constitutes reasonable grounds for a search by school officials. The search shall be conducted in accordance with applicable law.

### **Reasonableness of Searches:**

Whether a particular search is reasonable is judged by balancing its intrusion on the individual's Fourth Amendment interests against its promotion of legitimate governmental interests. Thus, the reasonableness of a student drug-testing policy is determined by balancing the following factors:

1. The nature of the privacy interest compromised by the drug-testing policy.
2. The character of the intrusion imposed by the drug-testing policy.
3. The nature and immediacy of the governmental interests involved and the efficacy of the drug-testing policy for meeting them.

TLPS gives notice to all students, parents, staff and members of its community that it believes that random searches conducted by specially trained canines and searches conducted where legally permitted and/or of consenting students, and drug tests conducted by independent laboratories through urinalysis are reasonable and further a legitimate public educational and governmental interest.

### **Extracurricular Activity Participation:**

#### Definitions

An extracurricular activity is an activity sponsored by the University Interscholastic League (UIL), the Board, or another organization sanctioned by TLPS Board or administration. The activity is not necessarily related to instruction of the essential knowledge and skills but may be indirectly related to some areas of the curriculum. Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities, with the exception of public performances specified in paragraph 2 below.

1. In addition, an activity shall be subject to this policy and considered to be extracurricular if any one of the following criteria apply:
  - a. The activity is competitive;
  - b. The activity is held in conjunction with another activity that is considered to be extracurricular;

- c. The activity is held on campus, except in a case in which adequate facilities do not exist on campus;
- d. The general public is invited;
- e. The activity is the result of being elected or appointed to a position of leadership or honor; or
- f. An admission is charged and paid to the school or a school-sponsored organization.

Students who must participate in co-curricular activities are not subject to the terms of this program, but remain subject to the Code of Conduct, Board Policies and applicable law. An activity is considered to be co-curricular if it is the result of being enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, subject to the following requirements and limitations:

- a. Only the criterion listed in paragraph 1.d. above applies to the performance.
- b. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

A student driver, for purposes of this policy, is any student who drives any motorized vehicle on a TLPS campus or property.

#### Parent/Guardian Acknowledgment

A parent/guardian with a student in 7th thru 12th grade, and who participates in extracurricular activities or drives a vehicle on a TLPS campus or property, shall annually provide the district with acknowledgment that the student is subject to participation in the district's Student Drug Testing Program. If a parent/guardian refuses to sign, they shall not participate in extracurricular activities or driver onto and/or park on school property.

This acknowledgment will be done via the Drug Testing section of the district's electronic enrollment packet completed for each student prior to the student being enrolled.

#### Voluntary Participation

A student who does not participate in any extracurricular activity or is not a student driver may request to participate voluntarily in the Student Drug Testing Program. Before voluntary participation is approved, the student and/or parent/guardian must submit a properly completed TLPS Random Drug Testing Authorization Form to the campus principal or principal's designee. If the student is under the age of 18, the student's parent(s) or legally ordered guardian(s) shall also sign the form.

Students suspended from extracurricular activity participation and/or driving a vehicle on campus in accordance with this policy may voluntarily participate in the random drug-testing program.

## Contents and Manner of Test

Students may be tested for use of:

1. Drugs that an individual may not buy, possess, or use without a prescription, or sell or distribute under either federal or Texas law.

Such drugs include, but are not limited to, marijuana, cocaine, opiates, amphetamines, methaqualone, benzodiazepines, phencyclidine, methadone, barbiturates, and propoxyphene.

2. All prescription drugs upon reasonable suspicion that they were obtained without authorization.
3. All prescription and over-the-counter drugs upon reasonable suspicion that they are being used in an abusive manner.
4. Performance-enhancing drugs.

Random drug testing shall be conducted by an independent laboratory that is certified by the Substance Abuse and Mental Health Services Administration and approved by the TLPS administration. TLPS shall pay the cost of the testing.

Each participating student shall be assigned a number, and numbers shall be randomly drawn from the pool of those agreeing to be tested. The selection of participants to be tested shall be done utilizing random number generating software. Selections shall be made from time to time throughout the school year and testing may occur on any academic day or day of an activity or competition.

No student shall be given advance notice or early warning of the testing. In addition, a strict chain of custody of the specimens obtained shall be enforced to eliminate invalid tests or outside influences.

Urinalysis shall be employed, at the sole discretion of TLPS, to conduct random drug testing of students. Students shall complete, sign, and date any form that may be required for testing.

A certified medical review officer (MRO) affiliated with the independent laboratory shall interpret and evaluate all drug test results.

If the initial test result is contested, another administration-approved independent laboratory shall test a split portion of the original specimen.

When a student's test result indicates the presence of an illegal drug or substance prohibited by TLPS, or the MRO rules the specimen adulterated, the result shall be considered positive.

## **Consequences of Positive Test**

TLPS leadership shall be notified of all positive test results and sanctions consistent with this policy, code of conduct and state law shall be imposed.

Nothing in this policy shall limit or affect the application of state law, local policy, or TLPS's other policies and handbooks, including the Student Handbook and Code of Conduct. A student who commits a disciplinary offense shall be subject to consequences in accordance with the Student Handbook and Code of Conduct.

Drug test results shall be confidential and shall be disclosed only to the student, the student's parent(s) or guardian(s), and designated TLPS 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.

**After one positive test result**, a student shall be suspended from participation in extracurricular activities and/or driving and parking a vehicle on a TLPS campus or property for not less than thirty (30) calendar days and will not be allowed to attend games or contests at any TLPS venue during that 30 days.

To be eligible to resume extracurricular activity participation and/or driving and parking a vehicle on campus, a student shall:

1. Participate in follow-up drug testing provided by TLPS and must test negative each time tested. Student will be automatically re-entered in the testing pool for the next three (3) random dates as provided by the MRO
2. Participate in a program of substance abuse counseling on campus to be provided by the local Alcohol & Drug Abuse Council. (ADAC) and must be completed within thirty (30) days.
3. **\*\*Earn Ten (10) hours of community or school service to be served at one of the following:**
  - TLPS Custodial Services
  - Parent/Guardian choice of community service, provided approval is granted by campus or central administration

**After a second positive test result**, a student shall be suspended from participation in extracurricular activities and/or driving and parking a vehicle on a TLPS campus or property for not less than ninety (90) calendar days and will not be allowed to attend games or contests at any TLPS venue during that 90 days.

To be eligible to resume extracurricular activity participation and/or drive a vehicle or park on campus after the period of suspension, a student shall:

1. Participate in follow-up drug testing provided by TLPS and must test negative each time tested. Student will be automatically re-entered in the testing pool for the next six (6) random dates as provided by the MRO
2. Participate in a program of substance abuse counseling conducted by a certified chemical dependency counselor approved by TLPS leadership. Parents or guardians are responsible for any fee that might be associated with the completion of such program. If the local ADAC

is not chosen by the parent and student, the licensed counseling program and/or agent must be approved by campus or central administration.

3. \*\*Earn Twenty (20) hours of community or school service to be served at one of the following:

- TLPS Custodial Services
- Parent/Guardian choice of community or school service, provided approval is granted by campus or central administration

**After a third positive test result**, a student shall be suspended from participation in extracurricular activities and/or driving and parking a vehicle on a TLPS campus or property for not less than one (1) calendar year and will not be allowed to attend games or contests at any TLPS venue during that full calendar year.

To be eligible to resume extracurricular activity participation and/or drive a vehicle on campus after the period of suspension, a student shall:

1. Participate in follow-up drug testing provided by TLPS and must test negative each time tested. Student will be automatically re-entered in the testing pool for the next full year of random dates as provided by the MRO.
2. Participate in a program of substance abuse counseling conducted by a certified chemical dependency counselor approved by TLPS leadership. Parents or guardians are responsible for any fee that might be associated with the completion of such program. If the local ADAC is not chosen by the parent and student, the licensed counseling program and/or agent must be approved by campus or central administration.
3. \*\*Earn fifty (50) hours of community or school service to be served at one of the following:
  - TLPS Custodial Services
  - Parent/Guardian choice of community or school service, provided approval is granted by campus or central administration

\*\* All community or school service must be documented and signed by student and the individual or group supervising the community or school service.

**After a fourth positive test result**, a student shall be permanently suspended from participation in extracurricular activities and/or driving and parking a vehicle on a TLPS campus or property.

### **Miscellaneous**

Any student who refuses to be tested when selected shall be considered to have failed the test and shall be withdrawn from the program until they comply with the provisions of this policy.

Any student who fails to complete all of the reinstatement provisions as outlined in this policy shall remain withdrawn from the program until they comply with those provisions.

A student may appeal a suspension under this policy in accordance with TLPS's other policies and handbooks. The student shall remain suspended during the appeal process.