

STUDENT RIGHTS AND RESPONSIBILITIES  
INTERROGATIONS AND SEARCHES

FNF  
(LOCAL)

**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 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.

**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.

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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 Drug-Testing Program**

The District requires drug testing of any student in grades 9–12 who chooses to participate in school-sponsored extracurricular activities or any student who drives a vehicle to school.

**Covered Activities**

For the purposes of this policy, "school-sponsored extracurricular activities" shall include, but not be limited to, all UIL activities and all school-sponsored student clubs, groups, and/or organizations or driving a vehicle to school.

Students participating in these activities or driving to school shall be tested for the presence of illegal drugs on a random basis throughout the school year.

**Scope**

After the first regular day of school, a student participating in school-sponsored extracurricular activities or driving to school shall be eligible to be included in the mandatory drug-testing program. If a student begins participating in a school-sponsored extracurricular activity during the school year and was not previously included in the mandatory drug-testing program, he or she shall be immediately included in the mandatory drug-testing program.

A student shall also be required to provide breath, saliva, hair, or urine samples, whichever are appropriate as determined by the principal, when there is reasonable suspicion that the student is under the influence of illegal drugs at school or at a school-related event, whether such event occurs on or off campus.

**Purpose**

The purposes of the drug-testing program are to:

1. Help enforce a drug-free educational environment;
2. Deter student use of illegal and performance-enhancing drugs or illegal substances;
3. Give students a valid reason to resist peer pressure to use illegal drugs or substances; and

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4. Educate students regarding the harm caused by the use of illegal drugs and substances.

Distribution of  
Policy

The District's drug testing policy shall be available on the District website.

Orientation  
Meetings

The District shall conduct a meeting with parents and interested student participants prior to the initial testing of students after implementation of the policy and at approximately the beginning of the fall practice period in subsequent years.

District employees shall explain the drug-testing program, review the policy and consent form, and provide an educational presentation on the harmful effects of drug and substance abuse.

Student attendance at the orientation meeting is mandatory.

Parent attendance at the orientation meeting is encouraged but not mandatory.

The student shall not be allowed to participate in school-sponsored extracurricular activities until these requirements have been met.

Consent

Before a student is eligible to participate in school-sponsored extracurricular activities, or drive a vehicle to campus, the student shall be required 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 school-sponsored extracurricular activities. The form shall only have to be signed once and shall be valid for the entire time the student is enrolled in the District. The consent form may be rescinded at any time at the parent's written request. The consent form may be rescinded by a student upon turning 18 years of age. A student whose consent has been rescinded shall immediately forfeit the privilege of participating in school-sponsored extracurricular activities from the date of rescission forward.

Use of Results

Drug test results shall be used only to determine eligibility for participation in school-sponsored extracurricular activities. Positive drug test results shall not be used to impose disciplinary sanctions or academic penalties.

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.

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Confidentiality	Drug test results shall be confidential and shall be disclosed only to the student, the student's parents, 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' 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	<p>The District shall make available to students and parents a list of the exact substances for which tests will be conducted.</p> <p>The term "illegal drug" shall mean all drugs that an individual may not buy, use, sell, or distribute under federal or Texas law, including any prescribed medication for which a student does not have a current prescription.</p>
Collection Procedures	<p>A licensed medical facility or third-party administrator selected by the Superintendent shall conduct all testing for the presence of drugs in a student's urine, breath, saliva, and/or hair samples, whichever the District chooses at its sole discretion.</p> <p>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 urine sample within a closed restroom stall. A District employee or a contracted laboratory technician of the same gender as the student shall be present when any samples are collected.</p>
Random Testing	<p>All students who have submitted a consent form are eligible and shall make up a random testing pool subject to random testing throughout the school year.</p> <p>No fewer than ten percent and no more than 50 percent of the 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, testing method, or time.</p> <p>An initial pool of students to be tested shall be selected by the drug-testing laboratory along with a list of alternates. Students</p>

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from the initial pool who are absent shall have an alternate chosen for their place. Students on the alternate list shall be chosen by the drug- testing company in numerical order.

Refusal to Test or  
Tampering

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 a student refuses to submit or tampers with a sample, the parent or guardian shall be notified at the time of refusal or tampering.

A student who had been attending school on the day of testing but is absent at the time of testing without a parent or guardian checking him or her out of school prior to beginning of testing shall be considered as refusing to test.

If a student to be tested is absent on the day of the random test, the parent shall be notified. The student shall automatically be included in the testing pool on the next random testing date.

Confirmation of  
Positive Results

An initial positive test shall be confirmed by a second test of the same specimen before being reported as positive.

Upon receiving results of a positive drug test, the campus principal shall schedule a meeting with the student and the student's parent as applicable, if the student is under the age of 18, to review the test results and discuss consequences.

Appeals Based on  
Medical  
Explanations

Within 72 hours of being notified of a test result, the parents or guardians of any participant testing positive shall have an opportunity to schedule a conference with the campus principal. If the student is taking or has recently taken prescribed medication, he or she shall be required to provide proof of his or her prescription. The student shall not be required to disclose any medical condition, and any medical information revealed by disclosing use of medication shall be kept strictly confidential by the District, unless lawfully compelled to disclose. Students may be eligible for all competition and practices during a medical appeal at the discretion of the District based on the findings in this appeal hearing. Any student who has tested positive for an illegal drug as a result of properly taking prescribed medication shall be deemed to have a negative test. Failure to provide sufficient documentation shall result in positive test results and related consequences.

Appeals Non-  
Medical Related

Within 72 hours of being notified of a test result, the parents or guardians of any participant testing positive shall have an opportunity to schedule a conference with the campus principal. During this time, the student shall be considered eligible for practice but

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not competition. During the meeting, the student or his or her parents or guardians may request, at their own expense, a certified lab to be used for a second test of the original sample. It shall be sent, in accordance with the original laboratory's internal procedures, to the certified lab of the parents' choosing. The second certified lab shall conduct its testing only on that second specimen, and such test results must be communicated directly from that certified laboratory's medical review officer to the District. The retest must test for the same illegal substances as the original test and must use valid testing methods to detect use of those illegal substances. If the second test results are negative, the student shall be returned to good standing. The parents or guardians shall be responsible for any costs incurred for such testing regardless of the results of the second test.

A parent or guardian may appeal a decision made under this policy in accordance with FNF(LOCAL). The student shall be ineligible for participation in school-sponsored extracurricular activities while the appeal is pending. For purposes of an appeal, the certified laboratory's report of a positive test result shall be deemed accurate.

Waiving Appeals

For each positive test result, the student, parent, or guardian may choose to waive the appeal process and accept the results of the positive test. Any consequences associated with the positive test result would begin immediately upon waiving the appeal process. Waiving of the appeal process is for each test only and does not apply for future test results. A parent or guardian of a student shall be notified if the student is choosing to waive the appeal process.

Drug Abuse  
Prevention

The District shall notify the parent and student of drug prevention resources available in the area.

Consequences

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

*First Offense*

Upon a first offense of receiving a confirmed positive drug test, a student shall:

1. Be suspended for no less than 10 school days from school-sponsored extracurricular activities and or lose driving privileges; and
2. Complete a substance abuse counseling course offered by the District.

The suspension shall begin immediately upon notification of the parent or guardian if there is no appeal of the positive test results.

The student shall be removed from the random testing pool and shall be tested at each random testing for one calendar year.

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During the period of suspension, the student may not participate in practices or in any competitive activities or performances. The student's person and personal property will be searched including, but not limited to, their locker, backpack, and car. If drugs or drug paraphernal are found, the student will be subject to consequences based on the student code of conduct.

The student shall be reinstated to the status of good standing and may begin participating in activities after the suspension period if the student has completed the required counseling and has provided satisfactory proof of such counseling to the campus principal.

The lifting of a suspension from activities shall not be granted until all requirements are met.

*Second Offense*

Upon a second offense of receiving a confirmed positive drug test, a student shall:

1. Be suspended for no less than 30 school days from any school-sponsored extracurricular activities and or lose driving privileges; and
2. Complete a substance abuse counseling course offered by the District.

The suspension shall begin immediately upon notification of the parent or guardian if there is no appeal of the positive test results.

The student shall be removed from the random testing pool and shall be tested at each random testing for one calendar year.

During the period of suspension, the student may not participate in practices or in any competitive activities or performances. The student's person and personal property will be searched including, but not limited to, their locker, backpack, and car. If drugs or drug paraphernal are found, the student will be subject to consequences based on the student code of conduct.

The student shall be reinstated to the status of good standing and may begin participating in activities after the suspension period if the student has completed the required counseling and has provided satisfactory proof of such counseling to the campus principal.

The lifting of a suspension from activities shall not be granted until all requirements are met.

*Third Offense*

Upon a third offense of receiving a confirmed positive drug test, a student shall:

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1. Be suspended for no less than 365 calendar days school days from any school-sponsored extracurricular activities and or lose driving privileges; and
2. Complete a substance abuse counseling course offered by the District.

The suspension shall begin immediately upon notification of the parent or guardian if there is no appeal of the positive test results.

The student shall be removed from the random testing pool and shall be tested at each random testing for one calendar year.

During the period of suspension, the student may not participate in practices or in any competitive activities or performances. The student's person and personal property will be searched including, but not limited to, their locker, backpack, and car. If drugs or drug paraphernal are found, the student will be subject to consequences based on the student code of conduct.

The student shall be reinstated to the status of good standing and may begin participating in activities after the suspension period if the student has completed the required counseling and has provided satisfactory proof of such counseling to the campus principal.

The lifting of a suspension from activities shall not be granted until all requirements are met.

*Fourth Offense*

Upon a fourth offense of receiving a confirmed positive drug test, a student shall be suspended from participation in any school-sponsored extracurricular activities and the ability to drive a vehicle to school, shall be suspended for the remainder of the student's enrollment in the District. Future consideration of possible reinstatement of extracurricular participation privileges shall be at the discretion of the Superintendent.

End-of-Semester  
Suspensions

If a student's suspension from participation in school-sponsored extracurricular activities is not completed by the end of the semester, the student shall complete the assigned period of suspension during the following semester or during the first semester of the following school year.

Reinstatement after  
Opting Out

If a student who leaves or quits a school-sponsored extracurricular activity after testing positive wants to be reinstated, he or she must have the permission of the sponsor or coach and the principal and must test negative at the next random testing. If the student is unwilling to delay participation until the next random testing date, the student may travel for testing, at his or her own expense, to the testing laboratory with which the District contracts. If these requirements are met, the student may be reinstated to the activity and



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shall be required to complete the suspension period, if any, not completed satisfactorily prior to the student's quitting the activity.

**Voluntary Student  
Drug-Testing  
Program**

Students in grades 6–8 or grades 9-12 who do not participate in school-sponsored extracurricular activities or drive to school but whose parents wish them to be drug tested may participate in the District's voluntary random drug-testing program. A parent must make a request to the principal, and the parent and student must both sign the drug testing consent form. Students who voluntarily participate shall be placed in the testing pool and shall be tested in the same manner as students who participate in school-sponsored extracurricular activities. Parents shall be required to pay for each test.

Any refusal by the student or parent to sign the consent form shall be treated as a forfeiture of participation in the voluntary testing program. Any refusal by a student in the voluntary program to be tested shall be reported to his or her parent or guardian at the time of refusal.

**Reasonable  
Suspension Testing**

A student shall also be required to provide breath, saliva, or urine samples when there is reasonable suspicion that the student is under the influence of illegal substance at school or at a school-related event, whether such event occurs on or off campus.