

STUDENT RIGHTS AND RESPONSIBILITIES  
INVESTIGATIONS AND SEARCHES

FNF  
(REGULATION)

**Searches of  
Students—  
Reasonable  
Suspicion**

A District search of a student may occur only when the student is on District premises, or while the student is attending a school-sponsored or school-related event, either on or off school property.

Any search of a student will be conducted by an authorized District official who is of the same sex as the student and, when feasible under the circumstances, will be witnessed by at least one other official who is of the same sex as the student.

The following rules will apply when any District official searches a student:

1. Authorized District officials may search a student whenever the student consents to such a search; however, consent will not be obtained through threats or coercion.
2. In the absence of consent, a search may occur when a District official has reasonable suspicion that searching a student's person or personal item will reveal evidence of a violation of the Student Code of Conduct. For example, district officials may conduct a reasonable-suspicion based search for:
  - a. Alcohol;
  - b. A prohibited weapon;
  - c. Controlled substances or illegal drugs as defined by law;
  - d. Stolen property;
  - e. Any other item that has been or may reasonably be expected to be disruptive of school operations; or
  - f. Any other item for which possession by a student is listed as a violation of the Student Code of Conduct.
3. If the search yields contraband, authorized personnel have the authority to detain the student and to preserve any contraband seized.

**Searches of  
Vehicles—  
Reasonable  
Suspicion**

If a vehicle subject to search is locked, the student will be asked to unlock the vehicle. If the student refuses, the District will contact the student's parents. If the parents also refuse to permit the vehicle to be searched, the District may contact local law enforcement officials and turn the matter over to them.

**Parent Notification**

When feasible under the circumstances, the District will notify a student's parent or guardian if any prohibited item is found in District property assigned to a student, in a student's vehicle parked on school property, or on the student's person or personal property as a result of a search conducted in accordance with this policy.

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<b>Disciplinary Action</b>	Any student found to be in possession of an item prohibited in the Student Code of Code will be subject to disciplinary action in accordance with the Student Code of Conduct.
<b>Mandatory Drug-Testing Program</b>	The District requires 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, but are not limited to, all UIL activities and all school-sponsored student clubs, groups, and/or organizations or driving a vehicle to school.
Scope	A student participating in these activities or requesting a parking permit will be tested for the presence of illegal drugs and alcohol randomly throughout the year.
Purpose	The purposes of the drug-testing program are to: <ol style="list-style-type: none"><li>1. Help enforce a drug-free educational environment;</li><li>2. Deter student use of illegal and performance-enhancing drugs or alcohol;</li><li>3. Give students a valid reason to resist peer pressure to use illegal drugs or substances; and</li><li>4. Educate students regarding the harm caused by the use of illegal and performance-enhancing drugs or alcohol.</li></ol>
Distribution of Policy	The District will provide each parent and student a copy of the drug-testing policy, procedures, and consent form prior to the student's participation in an affected activity or receipt of a parking permit. The policy and procedures are also available online at <a href="http://www.lipanindians.net">www.lipanindians.net</a> .
Orientation Meetings	The District will conduct meetings with parents and interested student participants at the inception of the drug testing program and prior to the beginning of the fall practice period.  District employees will explain the drug-testing program; review the policy, procedures, and consent form; and provide an educational presentation on the harmful effects of drug and alcohol abuse.  Student attendance at the orientation meeting is mandatory parent attendance is encouraged but not mandatory.
Consent	Before a student is eligible to participate in extracurricular activities or to receive a parking permit, the student will 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

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	<p>of 18, the student's parent or guardian will also sign a consent form. If appropriate consent is not given, the student will not be allowed to participate in extracurricular activities or to receive a parking permit.</p>
Use of Results	<p>Drug-testing results will be used only to determine eligibility for a parking permit and participation in extracurricular activities. Positive drug test results will not be used to impose disciplinary sanctions or academic penalties.</p> <p>Nevertheless, nothing in this policy will limit or affect the application of state law, local policy, or the Student Code of Conduct. A student who commits a disciplinary offense will be subject to consequences in accordance with the Student Code of Conduct.</p>
Confidentiality	<p>Drug-testing results will be confidential and will be disclosed only to the student, the student's parents, and designated District officials who need the information to administer the drug-testing program. Drug-testing results will not be maintained with a student's academic record. Results will not be otherwise disclosed except as required by law.</p>
Testing Laboratory	<p>The Board will contract with a certified drug-testing laboratory to conduct testing of students' biological samples.</p> <p>Testing laboratories will 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 will make available to students and parents a list of the exact substances for which tests will be conducted.</p>
Collection Procedures	<p>Personnel from the drug-testing laboratory will collect urine, hair, or biological samples under conditions that are no more intrusive than the conditions experienced in a public restroom. When selected for testing, a student will be escorted to the school's testing site by a District employee and will remain under employee supervision by an employee of the same sex until the student provides the required sample.</p>
Random Testing	<p>No less than ten percent and no more than 50 percent of the students participating in the program will be randomly selected for each random test date. The drug-testing laboratory will use a random selection method to identify students chosen for random testing. Students will 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 will be deemed to have a</p>

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INVESTIGATIONS AND SEARCHES

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	<p>positive test result and will 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 will be collected on the next random testing date.</p>
Confirmation of Positive Results	<p>An initial positive test will 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 will schedule a meeting with the student, the student's parent if the student is under the age of 18, and the coach or sponsor of the extra-curricular activity, as applicable, to review the test results and discuss consequences.</p> <p>The student or parent will have 72 hours following the meeting to provide an explanation for a positive result.</p>
<i>Medical Explanations</i>	<p>If the student is taking or has recently taken prescribed medication, he or she will be required to provide proof of his or her prescription. The student will not be required to disclose any medical condition, and any medical information revealed by disclosing use of medication will 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 will be deemed to have a negative test. Failure to provide sufficient documentation will result in positive test results and related consequences.</p>
<i>Nonmedical Explanations</i>	<p>If a student or parent wishes to provide a nonmedical explanation, the student will be considered eligible for practice but not competition for 72 hours after the meeting.</p> <p>During the meeting, the student or his or her parent or guardian may request, at their own expense, a certified lab to be used for a second test of the original sample. It will be sent, in accordance with the original laboratory's internal procedures, to the certified lab of the parent's choosing. The second certified lab will 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 will be returned to good standing. The parents or guardians will be responsible for any costs incurred for such testing regardless of the results of the second test.</p>

STUDENT RIGHTS AND RESPONSIBILITIES  
INVESTIGATIONS AND SEARCHES

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Drug Abuse Prevention	The District will notify the parent and student of drug and alcohol abuse prevention resources available in the area.
Consequences	Consequences of positive test results will be cumulative through the student's enrollment in the District.
<i>All Offenses</i>	<p>During the period of suspension for any offense, the student will not be permitted to participate in practices, competitive activities, or performances.</p> <p>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.</p> <p>The student will be removed from the random testing pool and shall be tested at each random testing for one calendar year.</p> <p>The student will 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.</p> <p>The District will not lift the student's suspension from activities until the student meets all requirements.</p>
<i>First Offense</i>	<p>Upon a first offense of receiving a confirmed positive drug test, a student will:</p> <ol style="list-style-type: none"><li>1. Be suspended from any extracurricular activity, and the student's parking permit will be suspended for ten school days following the date the student and parent are notified of the test results; and</li><li>2. Complete a substance abuse counseling course offered by the district.</li></ol>
<i>Second Offense</i>	<p>Upon a second offense of receiving a confirmed positive drug test, a student will:</p> <ol style="list-style-type: none"><li>1. Be suspended from any extracurricular activity, and the student's parking permit will be suspended for 30 school days following the date the student and parent are notified of the test results; and</li><li>2. Complete a substance abuse counseling course offered by the district.</li></ol>
<i>Third Offense</i>	<p>Upon a third offense of receiving a confirmed positive drug test, a student will:</p>

STUDENT RIGHTS AND RESPONSIBILITIES  
INVESTIGATIONS AND SEARCHES

FNF  
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1. Be suspended from any extracurricular activity, and the student's parking permit will be suspended for 365 calendar days following the date the student and parent are notified of the test results; and
2. Complete a substance abuse counseling course offered by the district.

*Fourth Offense*

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

*End-of-Semester Suspensions*

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

Appeals

A student or parent may appeal a decision made under this policy in accordance with FNG(LOCAL). A student may be eligible for participation in practices, competitive activities, or performances during a medical appeal at the discretion of the District based on the finding in this appeal hearing.

A student making a nonmedical appeal will be ineligible for participation in extracurricular activities or reinstatement of parking privileges while the appeal is pending.

*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 will begin upon notification of the test results. 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 will be notified if the student is choosing to waive the appeal process.

Reinstatement after Opting Out

If a student who leaves or quits a school-sponsored extracurricular activity after testing positive wishes 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

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**

A student in grades 6–12 who does not participate in school-sponsored extracurricular activities or drive to school but whose parent wishes 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. A student who participates voluntarily will be placed in the testing pool and will be tested in the same manner as students who participate in school-sponsored extracurricular activities. Parents will be required to pay for each test.

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