

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.

STUDENT DRUG-
TESTING PROGRAM

The District understands that the use of illegal drugs poses serious health and safety risks to the user and those associated with the user. The District intends the policy to serve as a deterrent to the use of illegal drugs and to provide students with a viable reason to resist peer pressure to use illegal drugs.

MISSION

PURPOSE

The District has a vital interest in maintaining a safe and healthy learning environment for all of its students. To fulfill that purpose and as a proactive measure to keep our schools drug free, the District is adopting a mandatory random drug-testing policy for:

1. Students who participate in athletics;
2. Students who participate in school-sponsored competitive extracurricular activities; and
3. Students who wish to park a vehicle on District property.

The District shall also offer a voluntary, random drug-testing policy for students, who along with their parent or guardian, provide written consent to be included in the voluntary random drug-testing program.

By adopting a random drug-testing policy, the District desires to: provide for the health and safety of all students; undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal drugs; deter students from using drugs; prevent injury, illness, or harm to students that may arise as a result of drug use; encourage students who use drugs to participate in drug treatment programs; and educate students regarding the harmful effects of drug use.

STUDENTS
COMPETING IN
ATHLETICS

Since drug use can increase the risk of injury to students participating in athletics and since these students are often role models to other students, the District shall require all students in grades 7 through 12 who participate in school-sponsored athletics to under-

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go random drug testing. The following activities are identified as athletics: basketball, baseball, cross country, football, golf, power lifting, soccer, softball, swimming, tennis, track, volleyball.

STUDENTS
INVOLVED IN
COMPETITIVE
EXTRACURRICULAR
ACTIVITIES

Since drug use can increase the risk of injury to students participating in school-sponsored competitive extracurricular activities and since these students are often role models to other students, the District shall require all students in grades 7 through 12 who participate in school-sponsored competitive extracurricular activities to undergo random drug testing. The following activities are identified as school-sponsored competitive extracurricular activities: band, jazz (including color guard, twirling, jazz band or other organized band group), business professionals of America (BPA), cheerleaders, choir, debate, distributive education clubs of America (DECA), future farmers of America (FFA)/4H, health occupations students of America (HOSA), one act play (drama club), student council, vocational industrial clubs of America (VICA), dance team, pep squad, and UIL – academic and literary contest, and any other school-approved extracurricular club, organization, or chapter.

VOLUNTEER
TESTING

With prior written parental consent, a student in grades 7 through 12 may participate in the random drug-testing program at any time at no cost to the student. Students participating voluntarily shall be included in the same pool for random testing under the same procedures as students participating in the mandatory program. Students may withdraw from the voluntary drug-testing program at any time upon presentation of a completed written withdrawal form signed by the parent or legal guardian. If the student is age 18 or older, he or she may withdraw upon completing a withdrawal form. The parent or guardian shall be notified of the student's withdrawal from the District's voluntary drug-testing program. Test results for voluntary participants shall be provided directly to parents or guardians by the testing entity. The District shall not be informed of the test results for individual voluntary participants. In addition, the testing entity shall notify parents or guardians when a student refuses or fails to take a scheduled drug test.

STUDENTS
PARKING A
VEHICLE ON
SCHOOL
PROPERTY

Since drug use can increase the risk of injury to students driving to and from school, the District shall require all students in grades 9 through 12 who request a parking permit that allows students to park their vehicles on school property during the school day to undergo random drug testing. Students who are not involved in athletics, competitive extracurricular activities, or the voluntary student drug-testing program, shall enter the drug-testing program if they wish to park vehicles on campus. Additional fees shall be added to the parking permit fee to cover the costs of these tests.

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INFORMED
CONSENT FOR
TESTING

Before a student shall be eligible to participate in athletics, competitive extracurricular activities, or receive a parking permit to park a vehicle on school property, a written parent consent form for random drug testing shall be executed and on file with the designated school official. If the student is age 18 or older, he or she shall also sign the consent form. Consent forms shall be valid for the current school year only. Because participation in athletics, competitive extracurricular activities, and parking a vehicle on school property are privileges and not rights, refusal to consent to random drug testing shall result in the denial of participation in the identified activities.

DISSEMINATION OF
INFORMATION AND
ORIENTATION

The random drug-testing policy shall be distributed to all students in grades 7 through 12 as part of registration at the beginning of each school year. Newly enrolled students shall receive a copy of the policy as they register at their campus.

Prior to the commencement of drug testing each school year, an orientation session shall be held to explain the drug-testing policy and review the consent forms. Additionally, students shall receive an educational presentation regarding the harmful effects of drug abuse.

TESTING
PROCEDURES
FREQUENCY

Each school year the Board shall determine the percentage and frequency of students to be tested based on the number of participants. The testing entity shall select the dates for conducting random drug tests. The selection of dates shall not follow any recognizable pattern.

RANDOM
SELECTION OF
STUDENTS

The District shall provide the testing laboratory with a list of all identified participants. Students shall be chosen for testing by a computer-generated random selection process conducted by the testing laboratory. The random selection process is intended to eliminate subjective factors from playing a role in the selection of the students to be tested.

TESTING
STANDARDS

Testing shall be conducted through accepted scientific means using approved practices and procedures established by the testing laboratory selected by the District. The testing parameters shall be set at industry standards as defined by the National Institute for Drug Abuse. The testing laboratory shall be certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and have greater than five years experience in toxicology testing and chain-of-custody procedures.

The drug test shall be performed by urinalysis. The specimen shall be analyzed using immunoassay methodology. All presumptive positive results shall be confirmed by a second test of the same

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specimen using a gas chromatography/mass spectroscopy methodology.

The testing laboratory may use quantitative results to determine if positive results on repeat testing indicate recent use of illegal drugs or the natural decline of levels of the illegal drug from the body. If the testing laboratory feels the quantitative levels do not reflect current use, a declining quantity may be reported.

COLLECTION OF
THE SAMPLE

Upon the testing entity's arrival at school, the randomly selected students' names shall be given to the designated school official, who shall arrange for these students to report to the collection area. The names of the selected students shall not be called over the public address system.

Students shall be tested in an isolated facility under the supervision of an official of the same sex who shall assist the testing entity representative. Students shall provide a urine sample in a restroom or other private facility in a closed stall. Neither the supervising official nor the testing entity representative shall directly observe the student providing a urine sample. Facilities shall be secure with only one student testing at a time to ensure the security and confidentiality of each individual.

The urine sample shall be collected in a sealed split specimen collection container provided by the testing entity. The student shall provide the collected sample to the testing entity representative. The split specimen bottle shall be sealed and witnessed by the student. The testing entity representative shall take all specimens to the laboratory for analysis. A copy of the specimen collection and chain-of-custody procedures used by the testing entity shall be made available to any parent or student upon request.

REFUSAL

Refusal to provide a sample or noncompliance with the testing procedures by any student shall be considered a positive test result, and the student shall be subject to appropriate consequences depending on previous positive test results, if any.

SUBSTANCES

The District reserves the right to test for the following substances: alcohol, nicotine, amphetamines, anabolic steroids, barbiturates, cocaine, LSD, marijuana, methadone, opiates, and phencyclidine.

TEST RESULTS

CONFIDENTIALITY
OF RESULTS

Student privacy shall be protected in accordance with all applicable laws. Records of test results shall be kept confidential and provided only to parents, administrators, personnel responsible for administering the extracurricular activity, other school officials with a legitimate interest in the information, or as otherwise required by law or overriding health and safety concerns.

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Test results shall be kept separate from other school records. School personnel shall only view the information if they have a legitimate educational interest in the results. Results shall not be shared with law enforcement except as required by law.

MEDICAL REVIEW
OFFICER (MRO)

The testing entity shall provide a medical review officer (MRO) for interpreting and verifying test results. The MRO services shall be provided by a licensed physician who is certified by the Medical Review Officer Certification Council or the American Association of Medical Review Officers as having proven by examination to have had the appropriate medical training to interpret and evaluate drug test results, and thus be qualified for certification as an MRO.

NOTIFICATION

When a student's test result indicates the presence of a prohibited substance identified in this policy, the parent or guardian shall be contacted by an MRO employed by the testing entity within one school day of receiving a confirmed positive test result. The MRO shall confer with a parent or guardian and determine if there is a medical explanation for the positive test result. If a medical explanation is verified by the MRO, the test result shall be reported as negative. However, without verification by the MRO, a confirmed positive test result shall be reported to the designated school official within one school day of conferring with the student's parent or guardian.

If the MRO is unable to contact the parent or guardian within one school day, the MRO shall ask the designated school official for help in locating the student's parent or guardian. This request in no way implies a positive test result. The designated school official should only assume that the MRO has questions for the student's parent or guardian.

The MRO may use quantitative results to determine if positive results on repeat testing indicate recent use of illegal drugs or the natural decline of levels of the illegal drug from the body. If the MRO feels the quantitative levels do not reflect current use, a declining quantity result may be reported.

Upon receiving notice from the MRO that a student has a confirmed positive test result, the designated school official shall contact the student and parent or guardian to discuss the consequences of the positive test result.

RETEST

A student who tests positive may request a second test. A request for a retest shall be made to the designated school official in writing within 48 hours from the time the parent or guardian was first notified of a positive test result by the MRO. Once a request for retest is made, the District's testing laboratory shall send bottle "B" of the split specimen directly to the second laboratory for retesting at the

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parent or guardian's expense. The parent may select the second laboratory from a list of nationally certified independent laboratories identified by the District. A list of approved laboratories may be obtained upon request.

The results of the retest conducted by an approved second laboratory shall be used in lieu of the results generated by the District's testing laboratory (i.e. the results of the retest control what consequences, if any, will apply under the student drug-testing policy). However, retest results from a nonapproved second laboratory shall not be considered.

STATISTICAL
REPORTING

The District shall receive a monthly report showing the number of tests performed, the rate of positive and negative test results, and the substances found in the positive urine specimens. The monthly report shall not include the individual results of an identifiable student. The testing laboratory shall not release any statistics on the rate of positive drug tests to any person, organization, news publication, or media without express written consent of the Board.

RELATIONSHIP TO
STUDENT CODE OF
CONDUCT

This drug-testing policy shall in no way modify the disciplinary provisions of the District Student Code of Conduct or Chapter 37 of the Texas Education Code. While a positive drug test is not in and of itself proof that a student has violated the Student Code of Conduct, a student shall be subject to the disciplinary consequences under the Student Code of Conduct if a student sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance, a dangerous drug, or alcoholic beverage. For more information on the District's disciplinary rules regarding drugs and alcohol, please refer to the District Student Code of Conduct.

CONSEQUENCES

Any student who tests positive for a drug in a test conducted under the provisions of this policy shall face the following consequences. Offenses shall be cumulative for the duration of a student's attendance during grades 7 through 12.

FIRST POSITIVE
TEST RESULT

A conference shall be held among the designated school official, personnel responsible for administering athletics or extracurricular activities in which the student participates (if applicable), the student, and the parent or guardian. If applicable, the student shall be suspended from participation in all athletics and competitive extracurricular activities identified in this policy and/or shall relinquish all parking privileges for 15 school days following the date of the conference. Following the expiration of the suspension, the student shall be tested at the next two random testing dates.

During the period of suspension, the student may participate in practices but not in any games, performances or competitive activities. A release from a medical doctor shall be required prior to

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practicing or participating with the team, club, or organization. In order to have athletics, a competitive extracurricular activity, or parking privileges reinstated, the student shall:

1. Provide documentation of three hours of substance abuse counseling from an approved provider during the suspension period at the expense of the parent or guardian; and
2. Submit to a new drug test and have a negative test result following the 15 school day suspension.

Failure to meet these requirements within the specified time lines shall result in continuation of the suspension until such time as the student completes the requirements outlined above.

SECOND
POSITIVE TEST
RESULT

A conference shall be held among the designated school official, personnel responsible for administering the extracurricular activities in which the student participates (if applicable), the student, and the parent or guardian. The student shall be suspended from participation in all athletics and/or competitive extracurricular activities identified in this policy and/or shall relinquish all parking privileges for 30 school days. The student shall automatically be tested at the next four random testing dates.

During the period of suspension, the student may participate in practices but not in any performances or competitive activities. A release from a medical doctor shall be required prior to practicing or competing with the team. In order to have parking, athletics, or competitive extracurricular activity privileges reinstated, the student shall:

1. Provide documentation that he/she attended and successfully completed six hours of substance abuse counseling from an approved provider during the suspension period at the parent or guardian's expense; and
2. Submit to a new drug test and have a negative test result following the 30 school day suspension. Failure to meet these requirements within the specified time lines shall result in continuation of the suspension until such time as the requirements are completed.

THIRD POSITIVE
TEST RESULT

A conference shall be held among the designated school official, personnel responsible for administering the extracurricular activities in which the student participates (if applicable), the student, and the parent or guardian. The student shall be suspended from participation in all athletics and/or competitive extracurricular activities identified in this policy and/or shall relinquish all parking privileges for 60 school days. The student shall automatically be tested at the next 12 random testing dates.

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During the period of suspension, the student may participate in practices but not in any performances or competitive activities. A release from a medical doctor shall be required prior to practicing or competing with the team. In order to have parking, athletics, and/or competitive extracurricular activity privileges reinstated, the student shall:

1. Provide documentation that he or she has attended and successfully completed 24 hours of substance abuse counseling from an approved provider during the suspension period at the parent or guardian's expense; and
2. Submit to a new drug test and have a negative test result following the 60 school day suspension. Failure to meet these requirements within the specified time lines shall result in continuation of the suspension until such time as the requirements are completed.

FOURTH
POSITIVE TEST
RESULT

A conference shall be held among the designated school official, personnel responsible for administering the extracurricular activities in which the student participates (if applicable), the student, and the parent or guardian. The student shall be suspended from participation in all athletics and competitive extracurricular activities identified in this policy and/or shall relinquish all parking privileges for one calendar year from the time of the positive test.

The District shall notify the parent or guardian and student of drug abuse treatment resources available in the area, and prior to reinstatement to athletics, competitive extracurricular activities, and/or parking privileges, the student shall provide documentation that he or she has successfully completed a substance abuse treatment program, at the expense of the parent or guardian.

END-OF-YEAR
SUSPENSIONS

A student serving a suspension that is not completed at the end of the school year shall complete the suspension during the following school year until the entire length of the suspension has been served.

SUBSTANCE ABUSE
COUNSELING

The District shall approve substance abuse counseling provided by a certified chemical dependency counselor or at any agency certified by the Texas Department of Health or the Texas Department of Alcohol and Drug Addiction Services. A list of approved substance abuse counseling providers may be obtained upon request.

ACADEMICALLY
NON-PUNITIVE

A positive drug test shall not affect the student's grade in any curricular class associated with athletics or competitive extracurricular activity. However, if participation in the extracurricular activity is required for the class or affects the student's grade, the student may be required to satisfy participation requirements in alternative

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ways. The result of the drug tests shall not be documented in the student's academic records.

APPEALS

A student or parent may appeal a decision under this policy in accordance with FNG(LOCAL). Consequences established in this drug-testing policy shall not be deferred pending the completion of the appeal process.