

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.

DRUG-TESTING
PROGRAM

In order to park a vehicle on campus, students shall be included in the District's random drug-testing program.

In order to participate in extracurricular activities, students in grades 9–12 shall be included in the District's random drug-testing program.

Since extracurricular activities are typically acutely specialized and strenuous both mentally and physically, the District, being concerned for the general welfare of its students and being cognizant of the deleterious effects of drug usage on motivation, memory, judgment, reaction, coordination, and performance, institutes this policy in order to promote a safer and more conducive environment for the educational experience of District students.

For purposes of this policy, an extracurricular activity is an activity sponsored by the University Interscholastic League (UIL), the Board, or an organization sanctioned by resolution of the Board. The activity shall not necessarily be related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum. Extracurricular activities shall include, but not be limited to, public performances, contests, demonstrations, displays, and club activities, with the exception of public performances specified below.

In addition, an activity shall be subject to the provisions for an extracurricular activity if any one of the following criteria apply:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered to be extracurricular;
3. The activity is held off campus, except in a case in which adequate facilities do not exist on campus;

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4. The general public is invited; or
5. The activity is the result of a student being elected or appointed to a position of honor.

Students who must participate in cocurricular activities shall not be subject to the terms of this program. An activity shall be considered to be cocurricular if it is the result of a student 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:

1. Only the criterion listed in item 4 above applies to the performance.
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

The Superintendent shall require that this policy be included annually in the student handbook and Student Code of Conduct.

Students in extracurricular activities and their parents or guardians shall be provided with a copy of the District's drug-testing policy and procedures and a copy of the District's drug-testing consent form, which shall be signed and dated by students and their parents or guardians before the students will be eligible to practice or participate in any extracurricular program, including off-season training.

Only one form shall be required for a student regardless of the number of school activities in which he or she participates. Only one form shall be required for the period of time that the student is in high school.

The parents or guardians of a student who does not participate in any extracurricular activity may request in writing that the student participate in the drug-testing program. Such requests may be withdrawn at any time.

The sponsor or coach of each extracurricular activity shall require the attendance of all prospective participants at one or more drug education sessions during which a presentation shall be made to educate the students about the harmful effects and consequences of alcohol and other drug use. Students shall receive information as to where they can seek professional help, if needed, for a use or abuse problem.

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 Tex-

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

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

PURPOSE

The purpose of this policy is:

1. To educate students about the serious physical, mental, and emotional harm caused by illegal drug use.
2. To alert students with possible substance abuse problems to the potential harms that drug use poses for their physical, mental, and emotional well-being and offer them the privilege of competition as an incentive to stop using such substances.
3. To ensure that students adhere to a training program that bars the intake of illegal and performance-enhancing drugs.
4. To prevent injury, illness, and harm for students that may arise as a result of illegal and performance-enhancing drug use.
5. To offer students practices, competitions, and school activities free of the effects of illegal and performance-enhancing drug use.

Illegal and performance-enhancing drug use of any kind is incompatible with the physical, mental, and emotional demands placed upon participants in extracurricular activities and upon the positive image these students project to other students and to the community on behalf of the District.

For the safety, health, and well-being of students in extracurricular activities, the District has adopted this policy. The administration may adopt regulations to implement this policy.

DEFINITIONS

“Activity student” shall mean a member of the high school, District-sponsored extracurricular organization that participates in interscholastic competition. This includes any student who represents the District high school in any extracurricular activity in interscholastic competition, such as FFA, FHA, academic team, band, vocal, pom pom, cheerleader, and athletics.

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“Drug use test” shall mean a scientifically substantiated method to test for the presence of illegal or performance-enhancing drugs or the metabolites thereof in a person’s urine.

“Random selection basis” shall mean a mechanism for selecting activity students for drug testing that:

1. Results in an equal probability that any activity student from a group of activity students subject to the selection mechanism shall be selected; and
2. Does not give the District discretion to waive the selection of any activity student selected under the mechanism.

“Illegal drug” shall mean any substance that an individual may not sell, possess, use, distribute or purchase under either federal or Texas law. Illegal drugs include, but are not limited to, all scheduled drugs as defined by law, all prescription drugs obtained without authorization, and all prescribed and over-the-counter drugs being used for an abusive purpose. Illegal drugs shall also include alcohol.

“Performance-enhancing drugs” shall include anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other athletic ability. The term “performance-enhancing drugs” shall not include dietary or nutritional supplements such as vitamins, minerals, and proteins that can be lawfully purchased in over-the-counter transactions.

“Positive” when referring to a drug use test administered under this policy, shall mean a toxicological test result that is considered to demonstrate the presence of an illegal or performance-enhancing drug or the metabolites thereof using the standards customarily established by the testing laboratory administering the drug use test.

PROCEDURES

Each participating student shall be assigned a number. Numbers shall be randomly drawn from one large pool of students who agree to be tested. Participants who are to be tested shall be selected by a qualified diagnostics laboratory, and selection shall be made from time to time throughout the school year. Testing may occur on any day, Monday through Friday.

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

A urinalysis shall be used at the sole discretion of the school. The student shall fill out, sign, and date any form that may be required for testing.

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The individual obtaining the urine specimen shall be of the same gender as the student. If at any time during the sampling procedure a supervisor has reason to believe that a student is tampering with the sample, the supervisor shall notify the principal or administrative designee who shall then determine if a new urine sample should be obtained. If tampering or cheating is proven, or if a student refuses to provide a sample, the student shall be subject to the consequences of a confirmed positive test.

Each student shall be provided with a copy of the student drug-testing consent form, which shall be read, signed, and dated by the student, parent or custodial guardian, and coach/sponsor before the student shall be eligible to practice or participate in any extracurricular activities. The consent requires the student to provide a sample: (a) as part of the student's initial test for eligibility for participation; and (b) when the activity student is selected by the random selection basis to provide a sample. No student shall be allowed to practice or participate in any extracurricular activities involving interscholastic competition unless the student has returned the properly signed student drug-testing consent form.

Prior to the commencement of drug testing each year, an orientation session shall be held with each student to educate the student about the sample collection process, privacy arrangements, drug-testing procedures, and other areas that may help to reassure the activity student and help avoid embarrassment or uncomfortable feelings about the drug-testing process.

Each student shall receive a copy of the student drug-testing policy. The head coach, sponsor, or principal shall be responsible for explaining the policy to all prospective students, and for preparing an educational presentation to acquaint the student with the harmful consequences of drug and alcohol use and abuse.

Students shall be chosen for drug testing on a monthly random selection basis from a list of all students who are involved in off-season or in-season activities. The District shall determine a number of student names to be drawn monthly at random to provide samples for drug use testing for illegal drugs or performance-enhancing drugs.

Any drug use test shall be administered by or at the direction of a professional laboratory chosen by the District. The professional laboratory shall be required to use scientifically validated toxicological testing methods, have detailed written specifications to ensure chain of custody of the specimens, and have proper laboratory control and scientific testing.

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All aspects of the drug-testing program, including the taking of specimens, shall be conducted to safeguard the personal and privacy rights of the student to the maximum degree possible. The test specimen shall be obtained in a manner designed to minimize the intrusiveness of the procedure. In particular, the specimen must be collected in a restroom or other private facility and within a closed stall. The monitor shall not observe the student while the specimen is being produced, but the monitor shall be present outside the stall to listen for the normal sounds of urination in order to guard against tampered specimens and to ensure an accurate chain of custody. The monitor shall verify the normal warmth and appearance of the specimen. If at any time during the testing procedure the monitor has reason to believe or suspect that a student is tampering with the specimen, the monitor may stop the procedure and inform the principal/athletic director who shall then determine if a new sample should be obtained. The monitor shall give each student a form on which the student may list any legally prescribed medications that he or she has taken in the preceding 30 days. The parent or legal guardian must be able to confirm the medication list submitted by his or her child during the 24 hours following any drug test. The medication list shall be submitted to the lab in a sealed and confidential envelope and shall not be viewed by District employees.

CONFIDENTIALITY

The laboratory shall notify the principal or designee or the Superintendent of any positive test. To keep the positive test results confidential, the principal or Superintendent shall only notify the student and the student's parent or custodial guardian of the results. The principal shall schedule a conference with the student and parent or guardian and explain the student's opportunity to submit additional information to the principal or to the lab. The District shall rely on the opinion of the laboratory that performed the test in determining whether the positive test result was produced by something other than consumption of an illegal or performance-enhancing drug.

Test results shall be kept in files separate from the student's other educational records, shall be disclosed only to the principal or Superintendent, and shall not be turned over to any law enforcement authorities.

APPEAL

A student who has been determined by the principal or designee to be in violation of this policy shall have the right to appeal the decision to the Superintendent or designees. Such a request for a review must be submitted to the Superintendent in writing within five calendar days of notice of the positive test. The Superintendent or designees shall then determine whether the original finding was

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justified. The Superintendent's decision shall be appealable to the Board in accordance with FNG(LOCAL).

CONSEQUENCES Any student who tests positive in a drug test under this policy shall be subject to the following consequences.

FIRST OFFENSE Upon the first offense, the parent/guardian shall be contacted immediately and a private conference shall be scheduled to present the test results to the parent/guardian. A meeting shall then be set up with the student, parent/guardian, and principal or designee, concerning the positive drug test. The coach or director of any extracurricular activity in which the student is involved should be notified immediately of a positive test. First offense consequences shall be imposed by the coach or director. In order to continue participation in the activity, the student and parent/guardian must, within five days of the joint meeting, show proof that the student has received drug counseling, at the student's expense, from a qualified drug treatment program or counseling entity. Additionally, the student must voluntarily submit to a second drug test, at the student's expense, to be administered within 14–30 days in accordance with the testing provisions of this policy.

If the parent/guardian and student agree to these provisions, the student shall continue to participate in the activity. Should the parent/student not agree to these provisions, the consequences listed in this policy for the second offense shall be imposed.

SECOND OFFENSE Second offense consequences shall include suspension for 14 calendar days, from participation in any activities that include performances, scrimmages, or competitions covered under this policy and successful completion of four hours of substance abuse education/counseling at the student's expense within ten days. Additionally, the student must voluntarily submit to a second drug test, at the student's expense, to be administered within 14–30 days in accordance with the testing provisions of this policy. The student shall remain in the pool that shall normally be randomly tested for the remainder of the school year. The time and date shall be unknown to the student and shall be determined by random selection.

These restrictions and requirements shall begin immediately, consecutive in nature, unless a review appeal is filed following receipt of a positive test.

THIRD OFFENSE
(IN THE SAME SCHOOL YEAR) Third offense consequences shall include complete suspension from participation in all extracurricular activities including all meetings, practices, performances, and competitions for the remainder of the school year.

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REFUSAL TO
SUBMIT TO
DRUG-USE TEST

A participating student who refuses to submit to a drug test authorized under this policy shall not be eligible to participate in parking on campus or any other activities covered under this policy, as well as all meetings, practices, performances, and competitions. Additionally, the student shall not be considered for any interscholastic activity honors or awards given by the school.