

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.

**Disciplinary Action** 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.

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**Mandatory Drug-Testing Program**

The District requires drug testing of any student in grades 7-12 who chooses to participate in school-sponsored extracurricular activities. No participant shall be penalized academically for testing positive for using an illegal drug or alcohol. The results of drug tests pursuant to this policy shall not be documented in any student's academic records. Information regarding the results of drug tests shall not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the District shall not solicit. In the event of service of any such subpoena or legal process, the student and the student's custodial parent or guardian shall be notified before the District responds.

The conduct of a student in extracurricular activities should reflect positively on the community, the parents, the District, and the activity in which the student is participating. A student who participates in extracurricular activities is a role model for the District and fellow students and shall set and uphold the highest standards of conduct. Any action that reflects detrimentally on the District shall not be tolerated.

**Covered Activities** Participation in school-sponsored extracurricular activities is a privilege. Extracurricular activities regarding this policy include band, athletic programs, cheerleading, literary activities, One Act Play, or any other club or organization that participates in performances, contests, demonstrations, or competitions.

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**Scope** An extracurricular participant and his or her parent/guardian shall be required to sign a random drug-testing consent form at the beginning of each school year. Any refusal by the parent or the student to sign the consent form shall be treated as a forfeiture of participation in extracurricular activities.

Each student in grades 7–12 participating in extracurricular activities shall be subject to random drug and alcohol testing for the entire school year or until the student discontinues participation in extracurricular activities.

A student shall also be required to provide breath, saliva, or urine samples (whichever is appropriate) when there is reasonable sus-

picion that the student is under the influence of illegal drugs or alcohol at school or at a school-related event, whether such event occurs on- or off-campus.

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Purpose	<p>The purposes of the drug-testing program are to:</p> <ol style="list-style-type: none"><li>1. Prevent illegal drug and alcohol use;</li><li>2. Educate students on the serious physical, mental, and emotional harm caused by illegal drug and alcohol abuse;</li><li>3. Alert students with possible substance abuse problems to the potential harms of illegal drug and alcohol abuse;</li><li>4. Strive for an environment within the District free of illegal drug and alcohol use and abuse;</li><li>5. Prevent injury, illness, and harm as a result of illegal drug or alcohol abuse; and</li><li>6. Give students a valid reason to resist peer pressure to use illegal drugs or alcohol.</li></ol>
Consent	<p>Before a student is eligible to participate in extracurricular activities, 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 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.</p>
Use of Results	<p>Drug-testing results will be used only to determine eligibility for 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>

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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>Drug testing may screen for any illegal drugs that the District, at its discretion, may choose, including but not limited to, the following:</p> <ol style="list-style-type: none"><li>1. Marijuana, cocaine, narcotics, amphetamines, methamphetamines, barbiturates, LSD, and PCP;</li><li>2. All illegal performance-enhancing drugs; and</li><li>3. Alcohol.</li></ol> <p>The term "illegal drug" means any drug 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. The District shall determine which drugs it will screen for prior to identifying the students who are to be tested.</p>

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Collection Procedures	<p>Personnel from the drug-testing laboratory will collect urine 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>A high school student who participates in any extracurricular activity during the school year shall make up one random testing pool and be eligible for random testing. A junior high student who participates in any extracurricular activity during the school year shall make up another random testing pool and be eligible for random testing. All members in either pool shall be involved in random testing equivalent to ten percent of the junior high pool per random test date and ten percent of the high school pool per random test date. Random tests shall be conducted at least once per six weeks for both the high school and junior high school pools.</p> <p>A student who requests to become a participant in an extracurricular activity after the school year begins must obtain permission from the coach or director/sponsor of the sport or activity in question, the athletic director (if applicable), and the principal. A student who declares late shall be placed in the appropriate pool and be subject to the random testing program.</p>

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	<p>A student who is selected for testing during one random test date shall be eligible for future random tests and, if selected, may be tested in consecutive tests.</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 positive test result and will be subject to the appropriate consequences depending on previous positive test results, if any.</p> <p>If a student to be tested is absent when urine samples are collected, his or her parent shall be notified. The student shall then produce a urine sample upon returning to school as soon as deemed possible by the principal.</p>
Confirmation of Positive Results	<p>Testing a urine sample is a two-step process. If the initial test is positive, it shall be confirmed by a second test on the same sample. A sample shall not be reported as positive unless both tests are positive. The laboratory shall return the test results of all students tested to the District as soon as possible. If a test result is positive, the appropriate principal will immediately contact the student and the student's parent/guardian.</p>
<i>Drug Abuse Prevention</i>	<p>The District will notify the parent and student of drug and alcohol abuse prevention resources available in the area.</p>
Consequences	<p>The principal shall assess the disciplinary sanctions for a student who is found to be under the influence of illegal drugs or alcohol while at school or a school-related activity according to District policy.</p> <p>All offenses for testing positive for an illegal drug or alcohol are cumulative for the participant's enrollment in grades 7–8. Once the student has completed grade 8, the consequences shall be cumulative in grades 9–12. A student enrolling in the District for the first time shall begin with a clean record.</p> <p>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.</p>
<i>First Offense</i>	<p>After the first offense, the student shall be suspended from participating in all performances, demonstrations, competitions, or contests (student may continue to practice) in all activities for ten school days. The suspension shall begin after the appeals process has been completed or is no longer applicable.</p> <p>A drug awareness program must be completed by the student as approved by the District after the first offense. The student shall have eight days from when the appeals process is completed or no longer applicable to complete the drug awareness program. If the student fails to complete the drug awareness program within eight</p>

days, he or she will not be allowed to participate in any contest performance, demonstration, or competition (student may still practice) until the program is completed.

The first time any participant tests positive, he or she shall be removed from the random testing pool and be tested at each random testing for one calendar year. Such testing shall begin after the appeals process is completed or is no longer applicable.

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*Second Offense*

After the second offense, the student shall be suspended from participating in all performances, demonstrations, competitions, or contests (student may continue to practice) in all activities for 30 school days. The suspension shall begin after the appeals process has been completed or is no longer applicable.

The second time any participant tests positive, he or she shall be removed from the random testing pool and shall be tested at the time of each random testing for a period of one calendar year. Such testing shall begin after the appeals process is completed or is no longer applicable.

As a condition to returning to full participation, the student must provide documentation that he or she attended and successfully completed 2 hours of substance abuse counseling from an approved provider outside the school district's resources. Proof of counseling must be furnished to the Superintendent or designee within 45 calendar days of the testing date. Any costs of outside counseling services shall be the responsibility of the parent or guardian. District counseling shall be offered at no charge. This counseling is in addition to the first counseling program required for the first offense. If the student has begun the second program, the provider may verify the student's participation and the Superintendent or designee may permit the student to participate in activities if the program is completed in a timely manner. Failure to meet these requirements within the specified timelines shall result in the student being suspended from participation in all identified extra-curricular activities until the requirements are satisfied.

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*Third Offense*

After the third offense, the student shall be suspended from participating in all performances, demonstrations, competitions, or contests (student may continue to practice) in all activities for 90 school days. The suspension shall begin after the appeals process has been completed or is no longer applicable.

The third time any participant tests positive, he or she shall be removed from the random testing pool and shall be tested at the time of each random testing for a period of one calendar year. Such

testing shall begin after the appeals process is completed or is no longer applicable.

As a condition to returning to full participation, the student must provide documentation that he or she attended and successfully completed 4 hours of substance abuse counseling from an approved provider outside the school district's resources. Proof of counseling must be furnished to the Superintendent or designee within 45 calendar days of the testing date. Any costs of outside counseling services shall be the responsibility of the parent or guardian. District counseling shall be offered at no charge. This counseling is in addition to the first counseling program required for the first offense. If the student has begun the second program, the provider may verify the student's participation and the Superintendent or designee may permit the student to participate in activities if the program is completed in a timely manner. Failure to meet these requirements within the specified timelines shall result in the student being suspended from participation in all identified extra-curricular activities until the requirements are satisfied.

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*Fourth Offense*

After the fourth offense, the student shall be suspended from participating in all performances, demonstrations, competitions, or contests (student may continue to practice) in all activities for 180 school days. The suspension shall begin after the appeals process has been completed or is no longer applicable.

The fourth time any participant tests positive, he or she shall be removed from the random testing pool and shall be tested at the time of each random testing for a period of one calendar year. Such testing shall begin after the appeals process is completed or is no longer applicable.

As a condition to returning to full participation, the student must provide documentation that he or she attended and successfully completed 8 hours of substance abuse counseling from an approved provider outside the school district's resources. Proof of counseling must be furnished to the Superintendent or designee within 45 calendar days of the testing date. Any costs of outside counseling services shall be the responsibility of the parent or guardian. District counseling shall be offered at no charge. This counseling is in addition to the first counseling program required for the first offense. If the student has begun the second program, the provider may verify the student's participation and the Superintendent or designee may permit the student to participate in activities if the program is completed in a timely manner. Failure to meet these requirements within the specified timelines shall result in the student being suspended from participation in all identified extra-curricular activities until the requirements are satisfied.

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<i>Subsequent Offenses</i>	<p>After the fifth offense, the student shall be permanently removed from all extracurricular activities.</p> <p>A student in grades 7 and 8 who incurs a fifth offense and who is removed from all extracurricular activities in junior high shall be allowed to participate in extracurricular activities upon entering high school. A student regaining his or her high school eligibility after a fifth offense in junior high shall be tested at the time of each random testing for a period of one calendar year upon enrollment at the high school campus.</p>
Students Opting Out of Program / Activity	<p>If a student who leaves or quits a program/activity after testing positive wants to be reinstated, he or she must have the permission of the sponsor/coach and principal and must test negative at the next random testing. If these requirements are met, the student shall be reinstated to the program/activity in the same capacity as when he or she left the program/activity and shall be required to complete any suspension period, if any, still in effect.</p>
<i>Voluntary Student Testing</i>	<p>A student who does not participate in extracurricular activities but whose parent wishes him or her to be drug tested may participate in the District's voluntary random drug-testing program. The student's parent must make a request to the appropriate principal, and the parent and student must both sign the drug-testing consent form. A student who voluntarily participates shall be placed in the applicable high school or junior high pool and be tested in the same manner as a student who participates in extracurricular activities.</p> <p>Any refusal by the student and/or parent to sign the consent form shall be treated as 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.</p>
Appeals	<p>Within 72 hours of being notified of a test result, the parent/guardian of any participant testing positive shall have an opportunity to schedule a conference with the principal, at which time the student or parent/guardian may offer an explanation of the positive result. A parent/guardian may provide any doctor's prescriptions of any</p>

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drugs that the student was taking that might have affected the outcome of the test and may request a retest. Upon such a request, the urine sample from the second bottle originally obtained shall be retested by the same lab and method as the previous test. If the retest is negative, the participant will remain in good standing. If the retest is positive, the parent/guardian is responsible for the cost of the retest, and the participant shall be subject to consequences under this policy. If a parent fails to make a request for a retest within 72 hours of receiving notice of a positive test result, the appeals process will be waived and the second sample will not be tested.

An appeal/complaint may be pursued in accordance with FNG (LOCAL) for a complaint other than for a positive result under this policy.