

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

Mission Statement

The District has a vital interest in maintaining a safe and healthy environment for all students. The use of illegal drugs poses serious health and safety risks to the user and those associated with the user. The mission of the drug-testing program includes serving as a deterrent to the use of illegal drugs, to provide students with a viable reason to resist peer pressure to use illegal drugs, and to be a part of the District's overall substance abuse program and provide substance abuse policies and programs that preserve the dignity and privacy of students, and that are respectful to all while helping students who have substance abuse issues find the help they need.

Purpose

By adopting a random drug-testing policy, the District desires to:

1. Provide for the health and safety of all students;
2. Undermine the effects of peer pressure by providing a legitimate reason for students to refuse to use illegal drugs;
3. Deter students from using drugs;
4. Prevent injury, illness, or harm to students that may arise as a result of drug use;
5. Encourage students who use drugs to participate in drug treatment programs; and
6. Educate students regarding the harmful effects of drug use.

Students Subject to Testing

The District shall require random drug testing for all students participating in any school-sponsored extracurricular competitions or activities that require a sponsor or coach for participation.

Informed Consent for Testing

Before a student is eligible to participate in competitive extracurricular activities, a written parental consent form for random drug testing shall be executed and on file with the designated school official. If the student is of legal age (age 18 or older), he or she shall also

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	<p>sign the consent form. Consent forms shall be valid for the current school year only.</p> <p>Since participation in competitive extracurricular activities is a privilege and not a right, refusal to consent to random drug testing shall result in the denial of participation in extracurricular activities.</p>
Dissemination of Information	<p>The random drug-testing policy shall be distributed to all students in grades 7–12 as part of registration at the beginning of each school year. Newly enrolled students shall receive a copy of the policy at the time of registration.</p>
Orientation	<p>Prior to the commencement of drug testing each school year, an orientation session shall be held to explain the drug-testing program and review the consent forms. Additionally, students shall receive an educational presentation regarding the harmful effects of drug abuse.</p>
Volunteer Testing for Students Not Participating in Extracurricular Activities	<p>The District shall also offer a voluntary drug-testing program.</p> <p>With prior parental consent, each student in grades 7–12 may participate in the random drug-testing program at any time. Voluntary testing may have a cost associated 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 a parent or legal guardian. If the student is of legal age (age 18 or older), he or she may withdraw upon completing a withdrawal form. The parent or legal guardian shall be notified of the student's withdrawal from the voluntary drug-testing program.</p> <p>Test results for voluntary participants shall be provided directly to the parent or legal guardian 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 the parent or legal guardian when a student refuses or fails to take a scheduled drug test. Students that test positive shall be referred to Hays Caldwell Council on Alcohol and Drug Abuse (HCCADA) services.</p>
Testing Procedures <i>Frequency</i>	<p>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.</p> <p>The District shall provide the testing laboratory with a list of all identified participants. Students shall be chosen for testing by com-</p>

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	<p>puter-generated random selection 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.</p>
Testing Standards	<p>Testing shall be conducted through accepted scientific means using approved practices and procedures established by the testing laboratory. 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 shall have greater than five years' experience in toxicology testing and chain-of-custody procedures.</p> <p>The testing company's drug test may be performed by urinalysis or other scientifically prescribed analysis, such as a cheek swab or hair follicle. The specimen shall be analyzed using immunoassay methodology. All presumptive positive results shall be confirmed by a second test of the same specimen using a gas chromatography/mass spectroscopy methodology.</p> <p>The testing laboratory may use quantitative results to determine whether 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 as a negative by the medical review officer (MRO).</p>
Collection of A Sample	<p>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 the students to report to the collection area. The names of the selected students shall not be called over the public address system.</p> <p>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 a student providing his or her urine sample. Facilities shall be secured with only one student testing at a time to ensure security and confidentiality.</p> <p>The urine sample shall be collected in a sealed split specimen (parts A and B) 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.</p>

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	<p>A copy of the specimen collection and chain-of-custody procedures used by the testing entity shall be made available to the tested student or the tested student's parent or legal guardian upon request.</p>
<p><i>Refusal to Provide a Sample</i></p>	<p>Refusal to provide a sample or noncompliance with the testing procedures by any student shall be considered a positive test result and shall be subject to the appropriate consequences.</p>
<p>Substances</p>	<p>The District has the right to test for substances including, but not limited to, the following list: alcohol, amphetamines, anabolic steroids, barbiturates, cocaine, LSD, marijuana, methadone, opiates, phencyclidine, and all other controlled or illegal substances as defined by the Health and Safety Code in the state of Texas.</p>
<p>Confidentiality of Results</p>	<p>Student privacy shall be protected in accordance with all applicable laws. Records of test results shall be kept confidential and provided only to the parents and principal. The federal Family Educational Rights and Privacy Act (FERPA) allows disclosure of personally identifiable information from an education record to appropriate parties in connection with a health and safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals.</p> <p>Test results shall be kept separate from other school records. Results shall not be shared with law enforcement except as required by law.</p>
<p>Medical Review Officer</p>	<p>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.</p>
<p>Notification</p>	<p>When a student's test result indicates the presence of a prohibited substance, the MRO shall contact the parent or guardian within one school day of receiving a confirmed positive test result.</p> <p>The MRO shall confer with the parent or guardian and determine whether there is a medical explanation for the positive test result. If the 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.</p> <p>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 and only indicates that the MRO has questions for the student's parent or guardian.</p>

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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

Student who test positive may request a second test. A request for a retest must 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. Once a request for a 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 parent's or guardian's expense. The parent or guardian may select the second laboratory from a list of nationally certified independent laboratories identified by the District at the parent's or guardian's expense.

The results of the retest 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, shall apply under the student drug-testing policy). However, retest results from an unapproved second laboratory shall not be considered.

Statistical Reporting

The District shall receive a quarterly 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 quarterly 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 the Student Code of Conduct

This drug-testing policy does not in any way modify the disciplinary provisions of the District's Student Code of Conduct or Chapter 37 of the Texas Education Code. While a positive test result 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 an 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.

First Positive Test Result

As a result of the first positive test result, a conference shall be held between the principal, the student, and the parent or guardian.

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The student shall be suspended from participation in all competitive extracurricular activities identified in this policy for ten percent of his or her current or next regularly scheduled competitions or performances. Following the expiration of the suspension, the student shall be tested during the next two random testing dates. Additional drug testing during the school year does not apply to students who choose not to be involved in extracurricular activities after the positive test result, as the testing would no longer be related to the District's stated objectives and interests regarding extracurricular activities.

During the period of suspension, the student may participate in practices but not in any performances or competitive activities. In order to have competitive extracurricular activity privileges reinstated, the student and parent, as applicable, shall:

1. Report to HCCADA within 24 to 48 hours of notification of a positive drug test for the purpose of an initial assessment and determination of compliance requirements. If there is not appropriate parental involvement or support, the principal shall identify another adult as the student's advocate.
2. Sign an appropriate release form from HCCADA so that open communication shall be possible between the principal and HCCADA regarding student compliance as laid out by HCCADA.
3. Submit to a follow-up drug test and have a negative test result following the loss of participation in ten percent of extracurricular competitive activities.
4. Complete all recommendations made by HCCADA.

The follow-up drug test to check a positive test result on a mandatory drug test does not have a separate consequence to the original positive test result. The student shall remain ineligible to participate until he or she tests negative.

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

*Second Positive
Test Result*

If a student receives a second positive test result, a conference shall be held between the principal, the student, and the parent or guardian.

The student shall be retested at all random drug-testing dates for a full calendar year from the date of the second positive test.

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The student shall be suspended from participation in all competitive extracurricular activities for 30 percent of the current or next regularly scheduled competitions or performances.

During the period of suspension, the student may participate in practices but not in any performances or competitive activities. To begin performing or competing again, the student must:

1. Report to HCCADA within 24 to 48 hours of notification of a positive drug test for the purpose of an initial assessment and determination of compliance requirements.
2. Provide documentation that he or she completed HCCADA counseling on substance abuse.
3. Submit to a new drug test and have a negative test result all other times a random drug test is given that school year.

Failure to meet these requirements within the specified timelines as provided by HCCADA shall result in a continuation of the suspension until the requirements are completed.

*Third Positive
Test Result—And
Beyond*

If a student receives a third positive and any subsequent positive drug test result, a conference shall be held between the designated school official; personnel responsible for administering the extracurricular activities the student participates in, if applicable; the student; and the parent or guardian.

The student shall be suspended from participation in all competitive extracurricular activities for a calendar year in the District.

The student shall be retested at all random drug-testing dates for a full calendar year from the date of the third positive test or a subsequent positive test. The end date for the calendar year shall be one year from the last positive test.

A student who tests positive for drugs or alcohol for the third time shall participate in counseling with HCCADA or other counseling and/or treatment facilities as recommended.

*End-of-Year
Suspensions*

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

*Substance Abuse
Counseling*

The District shall provide a list of certified chemical dependency counselors and approve any agency licensed by the Texas Department of State Health Services to provide substance abuse treatment to adolescents. (Certified by the Texas Department of Health or the Texas Department of Drug and Alcohol Addiction Services.) The District shall recommend services to students and families

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through the HCCADA. Initial assessment and counseling are provided on a sliding fee scale. The parent or guardian shall assume financial responsibility for any services provided if financial assistance criteria are not met.

Academically
Nonpunitive

A positive drug test shall not affect the student's grade in any curricular class associated with an 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 ways. The result of the drug test shall not be documented in the student's academic records.

Appeal Process

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