

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(LOCAL)

DRUG-TESTING PROGRAM	The District requires drug testing of any student in grades 9–12 who chooses to participate school-sponsored UIL extracurricular athletic activities and Cheerleading.
SCOPE	<p>A student participating in these activities shall be tested for the presence of illegal drugs and alcohol at the beginning of each school year, prior to joining an extracurricular program.</p> <p>In addition, students shall be randomly tested throughout the school year.</p>
COVERED ACTIVITIES	School-sponsored UIL extracurricular athletic activities and Cheerleading.
PURPOSE	<p>The purposes of the drug-testing program are to:</p> <ol style="list-style-type: none">1. Prevent injury, illness, and harm resulting from the use of illegal and performance-enhancing drugs or alcohol;2. Help enforce a drug-free educational environment;3. Deter student use of illegal and performance-enhancing drugs or alcohol;4. Educate students regarding the harm caused by the use of illegal and performance-enhancing drugs or alcohol; and5. Give students a valid reason to resist peer pressure to use illegal drugs.
DISTRIBUTION OF POLICY	The District shall provide each parent and student a copy of the drug-testing policy and consent form at the beginning of the school year in the student handbook or prior to the student's participation in an extracurricular activity as listed in this policy.
CONSENT	Before a student is eligible to participate in UIL extracurricular athletic activities or cheerleading, the student shall be required to annually 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 shall also sign a consent form. If appropriate consent is not given, the student shall not be allowed to participate in UIL extracurricular activities or Cheerleading.
USE OF RESULTS	<p>Drug test results shall be used only to determine eligibility for participation in extracurricular activities and Cheerleading. Positive drug test results shall not be used to impose disciplinary sanctions or academic penalties.</p> <p>Nevertheless, nothing in this policy shall limit or affect the application of state law, local policy, or the Student Code of Conduct. A student who commits a disciplinary offense involving</p>

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	<p>the possession, use, or distribution of alcohol or drugs on school property or at a school event shall be subject to consequences in accordance with the Student Code of Conduct.</p>
CONFIDENTIALITY	<p>Drug test results shall be confidential and shall be disclosed only to the student, the student's parents, and designated District officials who need the information in order to administer the drug-testing program. Drug test results shall not be maintained with a student's academic record. Results shall not be otherwise disclosed except as required by law.</p>
TESTING LABORATORY	<p>The Board shall contract with a certified drug-testing laboratory to conduct testing of students' urine samples.</p> <p>Testing laboratories shall 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 drug-testing laboratory shall test for the presence of substances that are illegal to buy, possess, sell, use, or distribute, including prescription drugs, under state or federal law. These substances shall include, but shall not be limited to: alcohol, marijuana, cocaine, phencyclidine (PCP), amphetamines, opiates, or performance-enhancing drugs.</p>
COLLECTION PROCEDURES	<p>Personnel from the drug-testing laboratory shall collect urine samples under conditions that are no more intrusive than the conditions experienced in a public restroom. When selected for testing, a student shall be escorted to the school's testing site by a District employee and shall remain under employee supervision until the student provides a sample. Samples shall be produced by a student from behind a closed restroom stall. A District employee of the same gender as the student shall be present when any samples are collected.</p>
INITIAL TESTING	<p>Initial testing shall be held at the beginning of each school year with a discretionary date to be set by the school administration and the drug-testing laboratory.</p> <p>Students who are absent when the initial testing occurs or who enroll after the initial testing date shall be tested on the next drug-testing date.</p>
RANDOM TESTING	<p>Random tests shall be conducted from time to time during the school year.</p> <p>The drug-testing laboratory shall use a random selection method to identify students chosen for random testing. Students shall not receive prior notice of the testing date or time.</p>

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REFUSAL TO TEST OR TAMPERING	<p>A student who refuses to be tested when selected or who is determined to have tampered with or assisted in tampering with a sample shall be deemed to have a positive test result and shall be subject to the appropriate consequences depending on previous positive test results, if any.</p> <p>If a student whose name is selected for random testing is absent on the day of the random test, a sample shall be collected on the next random testing date.</p>
POSITIVE TEST RESULTS	<p>An initial positive test shall 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 shall schedule a meeting with the student, the student's parent or guardian if the student is under the age of 18, and the coach or sponsor of the extracurricular activity in which the student participates.</p> <p>The following steps shall be taken:</p> <ol style="list-style-type: none"><li data-bbox="560 940 1419 1045">1. The principal shall schedule a meeting with the counselor, the parent or guardian, the student, and the coach or sponsor to develop a plan of assistance for the student.<li data-bbox="560 1066 1419 1171">2. At the meeting, the principal shall give the student and parent or guardian a copy of the test results and provide them an opportunity to offer an explanation of the results.<li data-bbox="560 1192 1419 1360">3. The student or parent shall have two school days following the meeting to provide any documentation providing a medical explanation of a positive test result. The documentation shall be obtained from a physician licensed to practice medicine in the state of Texas.<li data-bbox="560 1381 1271 1423">4. Consequences shall be discussed at the meeting.<li data-bbox="560 1444 1349 1507">5. All positive test results shall be considered positive until satisfactory documentation can be provided.
CONSEQUENCES	<p>Consequences of positive test results shall be cumulative through the student's enrollment in grades 9-12.</p> <p>A student who has a confirmed positive drug test shall be subject to the following consequences.</p>
FIRST OFFENSE	<p>After the first offense, the student shall be suspended from any extracurricular activity and/or from driving and parking on campus for 15 school days following the date the student and parent or guardian are notified of the test results.</p>

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	<p>The student shall be required to begin 15 hours of a school-approved alcohol/drug counseling program within the first 15 days after notification and shall be required to complete the sessions by a deadline set by the principal. The student assistance process shall determine the approval of the counseling program.</p> <p>During the period of suspension, the student may participate in practices, but shall not be permitted to participate in competitions or to drive and/or park on campus.</p>
RETESTING	<p>If the student wishes to return to participation in extracurricular activities and/or drive and/or park on campus, the student shall be retested on the next two random test dates.</p>
DRUG ABUSE PREVENTION	<p>The District shall notify the parent/guardian and student of drug and alcohol abuse prevention resources available in the area and shall provide a list of approved counselors. All required counseling shall be conducted within Texas.</p> <p>All counseling expenses shall be at the cost of the student and parent or guardian.</p>
SECOND OFFENSE	<p>After the second offense, the student shall be suspended from participating or practicing in any extracurricular activity and/or from driving and/or parking on campus for 90 school days following the date the student and parent are notified of the test results. The student shall also be required to attend 30 hours of a school-approved alcohol/drug counseling program. The student assistance process shall determine the approval of the counseling program.</p> <p>The District shall again notify the parent and student of drug and alcohol abuse prevention resources available in the area.</p>
THIRD OFFENSE	<p>After the third offense, the student shall be suspended from participating and practicing in any extracurricular activity and/or from driving and/or parking on campus for the remainder of the student's enrollment in the District following the date the student and parent/guardian are notified of the test results.</p> <p>The District shall again notify the parent and student of drug and alcohol abuse prevention resources available in the area.</p>
END-OF-SEMESTER SUSPENSIONS	<p>If a student's suspension from participating in UIL extracurricular athletic activities and Cheerleading is not completed by the end of the semester, the student shall complete the assigned period of suspension, random drug tests, and required counseling sessions during the following semester or during the first semester of the following school year.</p>

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APPEALS

An appeal of the sanction may be instituted by the parent/guardian by giving written notice to the Superintendent within five calendar days of notification of the sanctions.

The student shall be ineligible for participation in UIL extracurricular athletic activities and cheer pending the appeal. In accordance with the procedures in FNG(LOCAL) for a Level Three presentation, the Board shall determine whether the sanction was justified.

FNF Legal Additions

RANDOM DRUG TESTING

Whether a particular search is reasonable is judged by balancing its intrusion on the individual's Fourth Amendment interests against its promotion of legitimate governmental interests. Thus, the reasonableness of a random student drug-testing policy is determined by balancing the following factors:

1. The nature of the privacy interest compromised by the drug-testing policy.
2. The character of the intrusion imposed by the drug-testing policy.
3. The nature and immediacy of the governmental interests involved and the efficacy of the drug-testing policy for meeting them.

Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646, 115 S.Ct. 2386 (1995) (upholding a policy requiring urinalysis drug testing as a condition of participating in athletics); Bd. of Educ. of Indep. Sch. Dist. No. 92 of Pottawatomie County v. Earls, 122 S.Ct. 2559 (2002) (upholding a policy requiring urinalysis drug testing as a condition of participating in competitive extracurricular activities)