



Drug and Alcohol Use (Student)

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| Policy Number: 6.3071 | Monitoring Review: Annually |
| Effective/Revised Date: June 28, 2023 | Signature: |
| Approved by: Lizzette Gonzalez Reynolds, Commissioner | |

The possession and/or use of illegal drugs and the misuse of prescription drugs is prohibited. The distribution, abuse, or misuse of over the counter medications or other chemicals or substances is likewise prohibited. Students shall be notified in writing at the beginning of each school year, or at the time of enrollment, that they shall be subject to testing for drugs and alcohol during the school year.¹ The ASD shall pay costs of any testing required pursuant to this policy.²

Reasonable Suspicion Drug Testing

Principals are authorized to order drug tests for individual students when there is a reasonable cause to believe that:³

1. A school board policy on alcohol and drug use has been violated;
2. A search of lockers has produced evidence of the presence of drugs and/or alcohol;
3. A search of persons and containers has produced evidence of a presence of drug and/or alcohol;
4. A search of vehicles has produced evidence of the presence of drugs and/or alcohol; or
5. Through observation or other reasonable information reported by a teacher, staff member, or other student, a student is using and/or under the influence of drugs and/or alcohol on school property.

Prior to performing a drug test on a student based on reasonable suspicion, the following conditions must be met:

1. A particular student has violated school policy;
2. The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;
3. The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision, and education of students;

¹ Tenn. Code Ann. § 49-6-4213

² Tenn. Code Ann. § 49-6-4213(a)(2)(g)

³ Tenn. Code Ann, § 49-6-4213(a)(1)

4. The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and
5. Tests shall be conducted in the presence of a witness. Persons who shall act as witness shall be designated by the principal.

Upon receiving reasonable information, the principal shall take the following steps:

1. Call the student into the principal's office or another private place;
2. Summon an appropriate qualified witness;
3. Discuss with the student the basis for the determination that a test is necessary;
4. Inform the student of the procedures which shall be followed in administering the test;
5. Notify the parent/guardian of the student of the impending test; and
6. Give the student an opportunity to decline the test and inform the student that if the test is not taken the penalty shall be suspension from school and a hearing before the disciplinary hearing authority.

Random Drug Testing of Students Participating in Extracurricular Activities⁴

Students involved in any voluntary extracurricular activities shall be subject to random drug tests. Parent(s)/guardian(s) and students shall be informed of this policy prior to participation and shall sign a consent to the drug testing and a release of information as a condition of participation.

Extracurricular activity is defined as voluntary participation in activities not falling within the scope of regular curriculum and carrying no academic credit. This includes participating in athletic programs, cheerleading, band, clubs, student leadership positions, etc.

Prior to performing a random drug test on a student participating in extracurricular activities, the following conditions must be met:

- (1) The test will yield evidence of the violation of school policy or will establish that a student either was impaired due to drug use or did not use drugs;
- (2) The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;
- (3) The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and
- (4) Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated by the principal.

No student who tests positive under a random drug testing program shall be suspended or expelled from school solely as the result of the positive test.⁵ The director of schools shall develop procedures establishing a random process for the selection of students to be tested.

Drug Testing Process

The appropriately qualified and trained witness shall take the student to a designated place in the school and collect a specimen from the student. The specimen shall be taken in a manner which will ensure the integrity, validity, and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested

⁴ Tenn. Code Ann. § 49-6-4213(a)(2)

⁵ Tenn. Code Ann. § 49-6-4213(k)(2)

student.

The type of specimen taken shall depend on the substance in question and the test performed on the specimen shall be appropriate for accurate detection of the substance in question. Once taken, the principal shall give the specimen an identifying number which in no way will reveal the identity of the student.

The principal will forward the specimen for analysis to a laboratory accredited by the Tennessee Department of Health and Environment and designated by TDOE. Specimens shall be retained for ten (10) days.⁶

Upon receiving a written, certified copy of the analysis from the laboratory, the principal shall do one of the following:⁷

- (1) If the results of the analysis are negative, they shall be reported as negative and all evidence of the individual test, including all records in the school that the test was ordered and the reasons therefore, shall be destroyed and expunged.
- (2) If the results of the analysis are positive, the student and parents or guardian shall be given the written notice of the result. All records of the test, request for a test or indication a student has been tested shall be confidential student records in accordance with state law.

The ASD will provide students testing positive an assessment to determine the severity of the student's alcohol and drug problem and a recommendation for referral to intervention or treatment resources as appropriate.⁸

Penalties

Each confirmed incident will result in a referral to the school principal.

First offense students will be suspended from all extra-curricular activities for one calendar year.

Second offense students will be suspended from all extra-curricular activities for duration of time enrolled or reenrolled in at the ASD.

Malicious use of authority granted by this policy by any school personnel may be grounds for dismissal.⁹

⁶ Tenn. Code Ann. § 49-6-4213(d)

⁷ Tenn. Code Ann. § 49-6-4213(j)-(k)

⁸ Tenn. Code Ann. § 49-6-4213(l)

⁹ Tenn. Code Ann. § 49-6-4213(m)