

Tennessee School Boards Association

Monitoring: Review: Annually, in April	Descriptor Term: Student Alcohol and Drug Testing	Descriptor Code: 6.3071	Issued Date:
		Rescinds:	Issued:

1 Students will be notified in writing at the beginning of each school year or at the time of enrollment that
 2 they shall be subject to testing for drugs and alcohol during the school year.¹ Principals are authorized
 3 to order drug tests for individual students when there is a reasonable cause to believe that:

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- 5 1. The school board policy on alcohol and drug use has been violated;
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- 7 2. A search of lockers produced evidence of the presence of drugs and/or alcohol;
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- 9 3. A search of persons and containers produced evidence of a presence of drug and/or alcohol;
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- 11 4. A search of vehicles produced evidence of the presence of drugs and/or alcohol; or
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- 13 5. Through observation or other reasonable information reported by a teacher, staff member or other
- 14 student that a student is using drugs and/or alcohol on school property.
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16 Upon receiving reasonable information, the principal shall take the following steps:

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- 18 1. Call the student into the principal's office or another private place;
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- 20 2. Summon an appropriate witness to the proceeding and to assist in furtherance of the proceed-
- 21 ing;
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- 23 3. Inform the student of the substance of the information available to him/her which is the basis
- 24 for the determination that a test is necessary;
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- 26 4. Inform the student of the procedures which shall be followed in administering the test;
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- 28 5. Give the student an opportunity to decline the test and inform the student that if the test is not
- 29 taken the penalty shall be suspension from school and a hearing before the disciplinary hearing
- 30 authority;
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- 32 6. Notify the parent or guardian of the student of the impending test.
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34 The appropriate witness shall take the student to a designated place in the school and collect a specimen
 35 from the student. The specimen shall be taken in a manner which will protect the privacy rights of the
 36 students and which will assure that the integrity of the specimen itself is not compromised.

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

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3 The principal will forward the specimen for analysis to a laboratory accredited by the Tennessee Depart-
4 ment of Health and Environment and designated by the Board.

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

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9 1. If the results of the analysis are negative, all evidence of the individual test, including all re-
10 cords in the school that the test was ordered and the reasons therefore, shall be destroyed.
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12 2. If the results of the analysis are positive, the student and parents or guardian shall be given
13 the written notice of the result. In addition, they shall receive referral information which
14 shall include counseling, in-patient, out-patient, and community-based drug and alcohol
15 treatment programs.
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17 ~~In the case of positive results of the analysis, the principal shall suspend the student and refer the matter~~
18 ~~to the disciplinary hearing authority for further action.~~

19
20 **Random Drug Testing**

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22 Due to the severity of the drug use problem, both locally and throughout the State, students involved in
23 any voluntary extracurricular activities shall be subject to random drug tests. Parents and students will be
24 informed of this policy prior to participation and shall sign a consent to the drug testing and a release of
25 information as a condition of participation.
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46 Legal Reference:

- 47 1. Tenn. Code Ann. § 49-6-4213
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PUBLIC CHAPTER NO. 1136**SENATE BILL NO. 2621****By Tracy, Ketron, Burks, Herron**

Substituted for: House Bill No. 3200

By Winningham, Hawk, Lollar, Evans, Eldridge, Harry Brooks

AN ACT to amend Tennessee Code Annotated, Section 49-6-4213, relative to the testing of students for drugs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-4213, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a)(1) A student may be subject to testing for the presence of drugs in the student's body in accordance with this section and the policy of the LEA if there are reasonable indications to the principal that such student may have used or be under the influence of drugs. The need for such testing may be brought to the attention of the principal through a search authorized by § 49-6-4204 or § 49-6-4205, observed or reported use of drugs by the student on school property, or other reasonable information received from a teacher, staff member or other student. All of the following standards of reasonableness shall be met:

(A) A particular student has violated school policy;

(B) 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;

(C) The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;

(D) The test is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and

(E) Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated in the policy of the local board of education.

(2) A student participating in voluntary extracurricular activities may be subject to random drug testing in the absence of individualized reasonable suspicion provided the standards set forth in subdivisions (a)(1)(B)–(E) are met.

SECTION 2. Tennessee Code Annotated, Section 49-6-4213, is amended by deleting subsection (l) in its entirety and by substituting instead the following:

(l) Each LEA participating in the drug testing of students authorized in subsection (a) of this section shall promulgate policies and procedures to ensure that those students testing positive receive the assistance needed. The assistance shall include 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. Nothing in this section shall be construed to require LEAs to administer drug tests to students. Any system that elects to participate shall supply the testing materials and any subsequent counseling within existing local funds.

SECTION 3. Tennessee Code Annotated, Section 49-6-4213(f), is amended by designating the existing language as subdivision (1) and by adding the following language as new subdivision (2):

(2) If an LEA adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then, prior to a student participating in an extracurricular activity, the LEA shall notify the parents and guardians of any such student that the student may be subjected to random drug testing. A parent or guardian of a student participating in a volunteer extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity.

SECTION 4. Tennessee Code Annotated, Section 49-6-4213, is amended by deleting subsection (k) in its entirety and by substituting instead the following:

(k)(1) If a student is tested in a drug testing program and the results of the test are positive, all records of the test, request for a test or indication a student has been tested shall be confidential student records in accordance with § 10-7-504(a)(4)(A).

(2) No student who is tested under a random drug testing program and who tests positive shall be suspended or expelled from school solely as the result of the positive test.

(3) The principal or school counselor of the school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to the student and to the student's parents or guardian. The information shall include information on inpatient, outpatient and community-based drug and alcohol treatment programs.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.

PASSED: June 8, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 30th day of June 2010



PHIL BREDESEN, GOVERNOR