

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION		
STUDENT ALCOHOL, DRUG USE AND TESTING		6307
ADOPTED: April 9, 2021	REVISED:	MONITORING: Review: Annually

Each authorized charter school shall have a written policy for handling drug/alcohol problems that may arise in the schools.¹ The policy should include disciplinary actions that must be taken for students who consume, possess, use, sell, or distribute illegal drugs or alcohol in school buildings, on school grounds, in school vehicles or buses, or at any school-sponsored activity or event whether on or off school grounds. Parents/guardians and students should be notified of the policy on an annual basis.

Alcohol and Drug Testing.² A student may be subject to testing for the presence of drugs in the student's body in accordance with this policy and the policy of the school if there are reasonable indications to the school leader that such student may have used or be under the influence of drugs.³ The need for testing may be brought to the attention of the school leader through an authorized search⁴, 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:

- (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;
- (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 witnesses shall be designated in the policy of the school.

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 above are met. If a school adopts a policy permitting random drug testing of students in voluntary extracurricular activities, then, prior to a student participating in an extracurricular activity, the school shall notify the parents/guardians that the student may be subjected to random drug testing. A parent/guardian of a student participating in a voluntary extracurricular activity shall provide written consent for random drug testing prior to the student participating in the voluntary extracurricular activity. The school shall pay the cost of any testing required under this section.

As used in this policy, "drugs" means any scheduled drug as specified in state law⁵; and/or alcohol.

Before a drug testing program is implemented in a school, that school shall establish policies, procedures, and guidelines in accordance with state law.

Tests shall be conducted by properly trained persons in circumstances that ensure the integrity, validity, and accuracy of the test results but are minimally intrusive and provide maximum privacy to the tested student. All tests shall be performed by an accredited laboratory. Specimens confirmed as positive shall be retained for at least ten (10) days for possible retesting or reanalysis.

Students shall be advised in writing at the time of their enrollment in the school that they are subject to testing. Notice to each student shall include grounds for testing, the procedures that will be followed, and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of refusal. A parent/guardian of the student shall be notified before any drug test is administered to the student.

The school shall provide in-service training of school leaders and teachers in signs and symptoms of student drug use and abuse and in the school policy for handling of these students.

If a student is tested and the results of the test are negative, all records of the test, request for a test, or indication a student has been tested shall be expunged from all records, including school records.

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.⁶ No student who is tested under a random drug testing program and who tests positive shall be suspended or expelled from school solely as a result of the positive test.

The school leader 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.

A school participating in the drug testing of students shall adopt policies and procedures to ensure that those students testing positive receive the assistance needed.

Legal References:

¹ TRR/MS 0520-01-03-.08(2)(d)

² T.C.A. § 49-6-4213

³ T.C.A. § 49-6-4203

⁴ T.C.A. § 49-6-4204; T.C.A. § 49-6-4205

⁵ T.C.A. §§ 39-17-405 - 416

⁶ T.C.A. § 10-7-504(a)(4)(A)

Cross References:

LEA Policy 1801 Special Education

LEA Policy 1802 ADA and Section 504