

# Overton County Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term: <b>Student Alcohol and Drug Testing</b>	Descriptor Code: <b>6.3071</b>	Issued Date: <b>05/24/16</b>
		Rescinds: <b>6.3071</b>	Issued: <b>02/16/09</b>

1 The Board has the statutory authority to detect, deter, and prevent the illegal use and abuse of drugs,  
2 controlled substances, and alcohol among the students on all school campuses and at school  
3 extracurricular activities. The Board has the statutory authority, under certain conditions, to detect and  
4 deter the use of illegal drugs, controlled substances and alcohol among students who are involved in  
5 competitive extracurricular activities.<sup>1</sup> The possession or use of alcohol, illegal drugs and controlled  
6 substances is prohibited. This prohibition shall extend to the distribution of, or misuse of prescription  
7 drugs, over-the-counter medications, chemicals and any substance represented to be drugs, controlled  
8 substances, prescription drugs, over the counter medications, and chemical substances.

9 Drugs and controlled substances (hereinafter, “drugs”) are defined as any substance specified and  
10 defined in state law.<sup>1</sup> Alcohol shall be defined as any beverage whose manufacture, sale and consumption  
11 is regulated under the provisions of Title 57 of Tennessee Code Annotated.

12 The distribution, abuse, or misuse of over the counter medications or other chemicals or substances that  
13 are regulated by state or federal law, is prohibited. This prohibition shall also apply to substances that  
14 are represented to be prohibited over-the-counter drugs or substances.

15 Students will be notified in writing at the beginning of each school year or at the time of enrollment that  
16 they shall be subject testing for drugs and alcohol during the school year.<sup>1</sup> The Overton County Board  
17 of Education will pay costs of any testing required pursuant to this policy.<sup>2</sup>

## 18 **Reasonable Suspicion Drug Testing**

19 Principals are authorized to order drug/alcohol tests for individual students when there is a reasonable  
20 cause to believe that <sup>3</sup>

- 21 1. A school board policy on alcohol and drug use has been violated;
- 22
- 23 2. A search of lockers has produced evidence of the presence of drugs and/or alcohol;
- 24
- 25 3. A search of persons and containers has produced evidence of a presence of drug and/or alcohol;
- 26
- 27 4. A search of vehicles has produced evidence of the presence of drugs and/or alcohol; or

1           5. Through observation or other reasonable information reported by a teacher, staff member or other  
2 student that a student is using and/or under the influence of drugs and/or alcohol on school  
3 property.

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

- 5           1. Call the student into the principal's office or another private place;
- 6
- 7           2. Summon an appropriate qualified witness to the proceeding and to assist in furtherance of the  
8 proceeding;
- 9
- 10          3. Discuss with the student the basis for the determination that a test is necessary;
- 11
- 12          4. Inform the student of the procedures which shall be followed in administering the test;
- 13
- 14          5. Notify the parent or guardian of the student of the impending test.
- 15
- 16          6. Give the student an opportunity to decline the test and inform the student that if the test is not  
17 taken the penalty shall be suspension from school and a hearing before the disciplinary hearing  
18 authority.

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

- 21          1. A particular student has violated school policy;
- 22
- 23          2. The test will yield evidence of the violation of school policy or will establish that a student either  
24 was impaired due to drug use or did not use drugs;
- 25
- 26          3. The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety,  
27 supervision and education of students;
- 28
- 29          4. The test is not conducted for the sole purpose of discovering evidence to be used in a criminal  
30 prosecution; and
- 31
- 32          5. Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be  
33 trained accountability counselors.

34 All procedures and communications shall comply with FERPA (20 U.S.C. § 1232g), HIPPA (42 CFR  
35 Part 2 Alcohol and Drug Confidentiality) and state law on confidentiality of student records (T.C.A. §  
36 10-7-504(a)).

### 37 **Random Drug Testing of Students Participating in Extracurricular Activities<sup>4</sup>**

38 Due to the severity of the drug use problem, students involved in any voluntary, competitive  
39 extracurricular activities shall be subject to random drug tests. Parents and students shall be informed

1 of this policy prior to the beginning of participation and the parent and the student shall sign a consent  
2 form for drug testing that contains a release for drug testing results and information to school officials  
3 as a condition of participation.

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

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

- 9 1. The test will yield evidence of the violation of school policy or will establish that a student either  
10 was impaired due to drug use or did not use drugs;  
11
- 12 2. The test is in pursuit of legitimate interests of the school in maintaining order, discipline, safety,  
13 supervision and education of students;  
14
- 15 3. The test is not conducted for the sole purpose of discovering evidence to be used in a criminal  
16 prosecution; and  
17
- 18 4. Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be  
19 trained accountability counselors.

20 No student who tests positive under a random drug testing program shall be suspended or expelled from  
21 school solely as the result of the positive test.<sup>5</sup>

## 22 **Drug Testing Process**

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

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

31 The principal will forward the specimen for analysis to a laboratory accredited by the Tennessee  
32 Department of Health and designated by the Board. Specimens shall be retained for ten (10) days.<sup>6</sup>

33 Upon receiving a written, certified copy of the analysis from the laboratory, the principal shall perform  
34 one of the following:<sup>7</sup>

- 1 1. If the results of the analysis are negative, they shall be reported as negative and all evidence of  
2 the individual test, including all records in the school that the test was ordered and the reasons  
3 therefore, shall be destroyed and expunged.  
4
  - 5 2. If the results of the analysis are positive, the student and parents or guardian shall be given the  
6 written notice of the result. In addition, they shall receive referral information which shall  
7 include counseling, in-patient, out-patient, and community-based drug and alcohol treatment  
8 programs. All records of the test, request for a test or indication a student has been tested shall  
9 be confidential student records in accordance with state law.<sup>10</sup>
- 10 The Overton County Board of Education will provide students testing positive an assessment to  
11 determine the severity of the student's alcohol and drug problem and a recommendation for referral to  
12 intervention or treatment resources as appropriate.<sup>8</sup>

### 13 **Penalties**

- 14 Each confirmed incident will result in a referral to the Director of Schools.
- 15 First offense students will be suspended from all extra-curricular activities for one calendar year and will  
16 be referred to the Director of Schools for further actions/interventions consistent with the law.
- 17 Second offense students will be suspended from all extra-curricular activities for duration of time  
18 enrolled or reenrolled in Overton County School system.
- 19 Malicious use of authority granted by this policy by any school personnel may be grounds for dismissal.<sup>9</sup>

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#### Legal References

1. T.C.A. 49-6-4213(a)(1); *Veronia v. Acton*, 515 U.S. 646 (1995); *Pottawatomie v. Earls* 536 U.S. 822 (2002)
2. T.C.A. 49-6-4213(a)(2)(G)
3. T.C.A. 49-6-4213(a)(1)
4. T.C.A. 49-6-4213(a)(2)
5. T.C.A. 49-6-4213(k)(2)
6. T.C.A. 49-6-4213(d)
7. T.C.A. 49-6-4213(j)-(k)
8. T.C.A. 49-6-4213(l)
9. T.C.A. 49-6-4213(m)