

KIPP: Nashville Board of Directors

Monitoring:	Descriptor Term:	Policy:	Issued:
Annually	Student Alcohol and Drug Testing	6307.1	5.1.2019

1 The possession and/or use of illegal drugs, and the misuse of prescription drugs is prohibited.
2 The distribution, abuse, or misuse of over the counter medications or other chemicals or
3 substances is likewise prohibited. Students will be notified in writing at the beginning of each
4 school year or at the time of enrollment that they shall be subject to testing for drugs and
5 alcohol during the school year.¹ A parent/guardian of a student shall be notified before any drug
6 test is administered to a student. KIPP Nashville will pay costs of any testing required pursuant
7 to this policy.²

8 **Reasonable Suspicion Drug Testing**

9 School leaders are authorized to order drug tests for individual students when there is a
10 reasonable cause to believe that:³

- 11 1. A KIPP Nashville policy on alcohol and drug use has been violated;
- 12 2. A search of lockers has produced evidence of the presence of drugs and/or alcohol;
- 13 3. A search of persons and containers has produced evidence of a presence of drug and/or
14 alcohol;
- 15 4. A search of vehicles has produced evidence of the presence of drugs and/or alcohol; or
- 16 5. Through observation or other reasonable information reported by a teacher, staff
17 member or other student that a student is using and/or under the influence of drugs
18 and/or alcohol on school property.

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

- 21 1. A particular student has violated school policy;
- 22 2. The test will yield evidence of the violation of school policy or will establish that a
23 student either was impaired due to drug use or did not use drugs;
- 24 3. The test is in pursuit of legitimate interests of the school in maintaining order, discipline,
25 safety, supervision and education of students;
- 26 4. The test is not conducted for the sole purpose of discovering evidence to be used in a
27 criminal prosecution; and

- 1 5. Tests shall be conducted in the presence of a witness. Persons who shall act as
2 witnesses shall be designated by the school leader.

3 Upon receiving reasonable information, the school leader shall take the following steps:

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

12 **Random Drug Testing of Students Participating in Extracurricular Activities⁴**

13 Students involved in any voluntary extracurricular activities shall be subject to random drug
14 tests. Parents and students will be informed of this policy prior to participation and shall sign a
15 consent to the drug testing and a release of information as a condition of participation.

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

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

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

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

1 Drug Testing Process

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

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

10 The school leader will forward the specimen for analysis to a laboratory accredited by the
11 Tennessee Department of Health and Environment and designated by KIPP Nashville.
12 Specimens shall be retained for ten (10) days.⁶

13 Upon receiving a written, certified copy of the analysis from the laboratory, the school leader
14 shall do one of the following:⁷

15 1. If the results of the analysis are negative, they shall be reported as negative and all
16 evidence of the individual test, including all records in the school that the test was
17 ordered and the reasons therefore, shall be destroyed and expunged.

18 2. If the results of the analysis are positive, the student and parents or guardian shall be
19 given the written notice of the result. All records of the test, request for a test or
20 indication a student has been tested shall be confidential student records in accordance
21 with state law.

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

Legal References

1. T.C.A. 49-6-4213(a)(1)
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)

Cross References

- SBE LEA Policy 6307
TSBA 6.307