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GERALD L. GULLEY, JR.
CHRISTOPHER J. OLDHAM

September 10, 2008

BY FACSIMILE and FIRST CLASS U. S. MAILDr. Toni H. McGriff
Director of Schools
105 Bluff Road
Kingston, Tennessee 37763Mr. Earl J. Nall
Chairman
Post Office Box 14
Kingston, Tennessee 37763RE: **Illegal Drug Testing of High School Student Athletes**

Dear Dr. McGriff and Mr. Nall:

The American Civil Liberties Union Foundation of Tennessee ("ACLU-TN") has been contacted by David Higgins, the father of a ninth grader at Harriman High School, to challenge the "random" drug testing of student-athletes in the middle schools and high schools of Roane County. Your schools' policy of allowing "random" drug testing, violates Tennessee law and raises serious state constitutional issues.

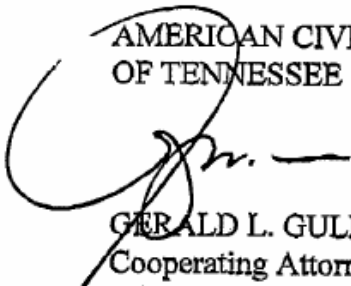
Tennessee Code Annotated Section 49-6-4213 provides in pertinent part that "[a] student may be subject to testing for the presence of drugs in the student's body ... if there are reasonable indications to the principal that such student may have used or be under the influence of drugs." A Tennessee Attorney General's Opinion, Number 07-96 from July 2007, concludes in response to an inquiry by the Executive Director of the State Board of Education in Nashville, Tennessee that random drug testing, such as the type engaged in by your middle and high schools (and in particular by Harriman High School) violates the express language of the school drug testing statute, found at Tennessee Code Annotated Section 49-6-4213. We also believe that the random drug testing conducted by your schools may also violate our state constitution.

Consequently, ACLU-TN believes that the random drug testing of Mr. Higgins' daughter, a student-athlete at Harriman High School, is a clear violation of the Tennessee statute which sets forth the parameters of drug testing of students. On behalf of the Higgins family, we respectfully request that you change your policy of random drug testing of students at Roane County schools within thirty (30) days. Unless such change is formally adopted by the school district and the Board of Education, David Higgins, on behalf of his daughter, will take legal action to stop the illegal, random drug testing.

Dr. McGriff and Mr. Nall
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Please respond within five (5) business days, in writing, so that this situation can be resolved without the necessity of litigation.

Sincerely,



AMERICAN CIVIL LIBERTIES UNION FOUNDATION
OF TENNESSEE

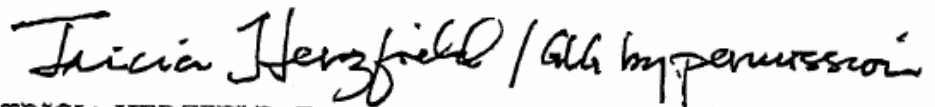
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Cooperating Attorney

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Cooperating Attorney

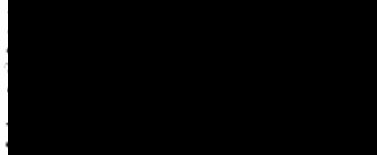
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ACLU FOUNDATION OF TENNESSEE



Attorneys for David Higgins