

RANDOM ALCOHOL AND DRUG-TESTING OF STUDENTS

In accordance with Board of Education Policy Random Alcohol and Drug Testing - JHCE, the District shall establish and maintain a program of random drug and alcohol testing for pupils enrolled in District High Schools who elect to participate in co-curricular activities, including athletics, and for pupils granted on-campus parking privileges. The program shall function according to the following regulations.

ELIGIBILITY FOR TESTING

The pupil random drug testing program shall be mandatory for all pupils who:

- a) Have violated the District's substance abuse policy effective upon the first violation of that policy in a school year.
- b) Elect to participate in co-curricular activities, including athletics, beginning with their participation in their first activity in any school year.
- c) Apply for and are granted a parking permit for on-campus parking effective the date the first parking permit is granted in the school year.

AND, the program shall be voluntary for all pupils who elect to participate with written parental consent or his/her own written consent if an adult pupil.

Once a pupil initially becomes subject to random drug testing in any school year, the pupil shall remain subject to testing for the remainder of that school year. However, pupils ceasing to participate in co-curricular activities, including athletics, or pupils surrendering their on-campus parking privileges may file formal notice and withdraw from the random drug testing program. Students withdrawn from the testing program remain withdrawn for one (1) calendar year from the date of withdrawal with a built-in fifteen (15) day grace period for reconsideration.

DEFINITIONS:

For the purpose of Board Policy JHCE and the accompanying regulation:

Drugs - "Drug" includes, but is not limited to, alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (a/k/a Ecstasy), methadone, methamphetamine, opiates, oxycodone, PCP, anabolic steroids, tricyclic anti-depressants or any other substance which is defined as a controlled substance by New Jersey law (N.J.S.A. 2C:35.2) or their metabolites; all chemicals that release toxic vapors set forth in N.J.S.A. 2A: 170-25.9 et. eq.; anabolic steroids; all medications taken not pursuant to a legal prescription; and/or any medications not properly registered in advance with the appropriate school nurse.

Alcoholic Beverages – “Alcohol” includes beer, wine, distilled liquors and any other liquid containing alcohol.

Co-Curricular/Extra-Curricular Activities - “Co-curricular” and/or “extra-curricular” shall be those activities which are approved, sponsored, or recognized by the Board of Education and/or the respective school administration but are not offered for credit towards graduation requirements. Clubs and other similar activities shall be included regardless of whether or not they have a paid advisor.

RDT Program - The District’s random drug and alcohol testing program as established and described in policy JHCE and these accompanying regulations.

Testing Pool – All pupils enrolled within the individual high school that are currently subject to the district’s random drug and alcohol testing program as specified above.

Non-Negative – An initial drug test/screen that indicates the presence of drugs as defined above and needs to be sent to the laboratory for additional confirmatory testing.

Confirmed Positive - A positive result from confirmatory testing at the laboratory.

TESTING REGULATIONS

A. Testing Coordinator

1. The School Principals shall have the overall responsibility for the RDT Program in their respective schools.
2. The District shall appoint a Testing Coordinator who shall be responsible for the routine administration of the RDT Program. The Testing Coordinator shall report to the School Principal/Designee

B. Medical Aspects of the Testing Process

1. The District shall contract with an outside service - physician, laboratory service, or health care facility - to conduct the medical aspects of the actual drug testing procedure. This shall include collecting the urine sample required for drug testing, establishing the proper medical controls, maintaining confidentiality of all participants and samples, conducting the analysis of the samples, and providing results to the School Principal.
2. The physician, laboratory service, or health care facility will be annually appointed by the Board of Education.

C. Consent for Testing

1. Consent of the pupil and his/her parent(s)/guardian(s) to participate in random drug testing is required for the pupil to participate in co-curricular activities, including athletics, and for pupils granted on-campus parking privileges.
2. A “Student Random Alcohol and Drug Consent-to-Test Form” is included in these regulations.
3. Each pupil will submit a “Student Random Alcohol and Drug Consent-to-Test Form” prior to the start of their participation in co-curricular activities, including athletics, or before they are issued an on-campus parking permit.
4. Each pupil who elects to voluntarily participate in the testing program shall also submit a “Student Random Alcohol and Drug Consent-to-Test Form”.
5. “Student Random Alcohol and Drug Consent-to-Test Form” for athletic activities shall be submitted to the appropriate head coach on or before the first day a pupil participates in practice. Failure to do so will result in ineligibility for athletic participation until the form is submitted. The Director of Athletics will oversee the collection of “RDT Program: Consent to Test” Forms by coaches. The Director will collect all forms from the head coaches, verify that forms have been received from all sports, and submit the forms to the Testing Coordinator.
6. “Student Random Alcohol and Drug Consent-to-Test Form” for all co-curricular activities other than athletics shall be submitted to the appropriate head advisor on or before a pupil’s attendance at a second meeting/rehearsal/practice etc. of the activity. Failure to do so will result in ineligibility for participation in the activity until the form is submitted. The School Principal shall designate an administrator to collect all forms from the head advisors, verify that forms have been received from all activities, and submit the forms to the Testing Coordinator.
7. Pupils who apply for a permit for on-campus parking shall submit their “Student Random Alcohol and Drug Consent-to-Test Form” to the School Attendance Office before physically receiving their on-campus parking permits. Failure to do so within ten (10) school days after being notified that a permit has been granted will result in ineligibility for parking on campus for the semester.
8. Pupils who volunteer to participate in the RDT Program shall be allowed to enter the Testing Pool at any time once they submit a “Student Random Alcohol and Drug Consent-to-Test Form” to the School Attendance Office.

9. Pupils who have violated the District Substance Abuse Policy will be required to submit a “Student Random Alcohol and Drug Consent-to-Test Form” prior to their return to school following suspension for their first substance abuse violation in any school year.

D. Eligibility for Testing

1. Pupils remain in the Testing Pool and eligible for random drug testing from the date the “Student Random Alcohol and Drug Consent-to-Test Form” is turned in through the remainder of the entire school year, whether or not they have been previously tested or are currently participating in co-curricular activities, including athletics, or possess a parking permit at the time they might be randomly selected for a random drug test.
2. Pupils may, however, be removed from the Testing Pool if they have made the decision to cease participating in co-curricular activities, including athletics and surrender their on-campus parking (if applicable). Student-initiated withdrawals from the RDT Program extend for one (1) calendar year from the date of withdrawal with a built-in fifteen (15) day grace period for reconsideration.
3. If a pupil decides to cease participating in co-curricular activities, including athletics for the remainder of the school year and the pupil surrenders his/her on-campus parking privileges (if applicable), the pupil will submit an “Activity/Parking Drop” form to the School Principal. The form must be signed by both the pupil and a parent(s)/guardian(s) (or just the pupil if the pupil is an adult pupil). The School Principal shall review the form, verify the statements made, and notify the Testing Coordinator of the effective date that the pupil is to be removed from the Testing Pool. Student-initiated withdrawals from the RDT Program extend for one (1) calendar year from the date of withdrawal with a built-in fifteen (15) day grace period for reconsideration.
4. Pupils who volunteer to be part of the testing pool may opt out of the program by submitting a “Voluntary Drop” form signed by both the pupil and a parent/guardian (or just the pupil if the pupil is an adult pupil) to the School Principal. A student submitting a “Voluntary Drop” form may re-enter the testing pool at any time
5. The District shall attempt to test at least 10% of the total number of students in the Testing Pool at each school annually.

E. Testing Procedures

1. Prior to the start of each school year, the Testing Coordinator will create a confidential testing schedule to ensure that the testing of eligible students is conducted in a manner that is random. There will be a minimum of one testing day per month. The School Principal shall review and approve the proposed schedule. The schedule shall remain confidential and not be disclosed to any other staff or pupils.
2. Testing will only occur on student contact days during the academic year when school is in full day session. Testing will not occur during exam periods nor during the last three days of any school marking period.
3. The Testing Coordinator will make arrangements for the selected dates with the physician, laboratory service, or healthcare facility appointed to conduct the medical aspects of the testing. The outside individuals shall keep the dates confidential.
4. The Testing Coordinator shall be responsible for the selection of eligible students from the Testing Pool for testing. Selection shall be accomplished in a purely and entirely random basis, which will be carried out as follows:
 - a. In order to maintain confidentiality, pupils' district assigned student identification numbers, and not their names, will identify the pupils in the Testing Pool as well as those eligible for testing on any given date.
 - b. One day prior to a date selected for testing, the Testing Coordinator shall randomly select a sample of student identification numbers from the Testing Pool for testing on the date selected. Three (3) additional identification numbers will be randomly selected above and beyond the desired number to be tested. The last three identification numbers chosen will serve as alternate selections which shall be used in the event of absence of pupils.
 - c. The Testing Coordinator will make advance arrangements with the School Principal for a secure area in the school facility with maximized privacy where the testing can be conducted.
 - d. The Testing Coordinator will notify the individual students selected for testing and escort these individuals to the secure testing site.
 - e. The testing site will have a secured bathroom that will maximize the privacy of the participant and ensure the integrity of the sample collection process. Appropriate measures will be taken as necessary to insure the reliability and accuracy of all tests.

- f. The names and/or any other personally identifiable information of the pupils tested will remain confidential. Only the student identification number will be used to identify the owner of the sample taken.

F. Collection of Samples

1. The collection of urine samples, the analysis of samples and all related medical aspects of the testing shall be under the direction of the outside service - physician, laboratory service, or health care facility - appointed by the Board of Education to conduct the testing.
2. All aspects of the RDT Program, including the taking of specimens, will be conducted so as to safeguard any and all personal and/or privacy rights of pupils to the maximum extent possible.
3. Any and all test results shall be treated as a confidential health record pursuant to both federal and state regulations. 42 C.F.R., 2.1 and 2.2; N.J.A.C. 6A: 16-1.5. As such, any information obtained by the RDT Program that would identify the pupil randomly tested as a drug or alcohol user may be disclosed only for those purposes and under those conditions permitted by federal regulations in accordance with 42 C.F.R. - Part II.
4. No testing record of any pupil randomly tested will be used to initiate or substantiate any criminal charges against the pupil or to conduct any investigation of him or her, and the District shall not share any individual pupil's test results with law enforcement authorities except under circumstances in which the district is legally compelled to surrender or disclose such test results. [N.J.A.C. 6A:16-3.2].
5. Any information transmitted to an approved outside agency - physician, laboratory service, or healthcare facility - for testing or processing will not contain any personally identifiable information of the pupil randomly tested. Instead each pupil randomly selected for testing shall be assigned a specimen control number that is an assigned control number other than the pupil's student identification number. The Testing Coordinator shall be the only individual who knows the match of student identification numbers and specimen control numbers.
6. Each pupil randomly selected for testing shall submit a urine and/or saliva screen according to the Student Random Alcohol and Drug Consent-to-Test Form.
7. The outside service shall collect the specimens from pupils randomly selected for testing and conduct an initial on-site test on the specimen.

8. The school physician will consult with and guide the District in establishing and maintaining proper procedures for the collection of specimens in accordance with federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards.
9. Any pupil randomly selected for testing on a given day and unable to produce adequate urine specimen during the collection process will be administered an alternative test by saliva screen during the same collection process.
10. Any attempt by a pupil randomly selected for testing to tamper with the specimen collection process will deem and constitute the specimen as a confirmed positive.
11. Refusal of a pupil randomly selected for testing to provide a sample will also be interpreted as a confirmed positive result.
12. If the specimen produced is determined to be a "non-negative", the specimen will be forwarded to a licensed laboratory for confirmatory testing. Any information transmitted to a licensed laboratory for testing or processing will not contain any personally identifiable information of the pupil randomly selected for testing. Only the specimen control number will identify the specimen.
13. Confirmatory testing will be accomplished within seventy-two hours after submission and the results reported back to the Testing Coordinator.
14. Specimens sent to the test facility shall be kept by the testing facility for at least ninety (90) days pending a request by the pupil and/or the parent(s)/ guardian(s) of an appeal.
15. All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of pupil randomly selected for testing. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors.

G. Notification of Testing and Testing Results

1. An attempt will be made by the School Office to notify the parent(s)/guardian(s) of pupils selected for testing prior to the testing procedure. Failure to establish contact shall not, however, postpone or cancel the testing for the student. Parents of minor students have the right to be present when the test is conducted.
2. Upon completion of the in-school testing and determination of preliminary results:
 - a. If the preliminary testing results are negative, the parent(s)/ guardian(s) of the pupil tested will be notified of the negative results by the School Office. In the case of an adult pupil, only the pupil will be notified.

- b. If the preliminary testing results are non-negative, the parent(s)/guardian(s) of pupil tested will be called by the Testing Coordinator and informed of the preliminary results and that further analysis of the sample will be obtained. The process of confirming the results will be explained and any parental questions about the process answered. In the case of an adult pupil, only the pupil will be notified.
3. Where a student's test is confirmed positive, the student's parent(s)/guardian(s) will be contacted directly by a Medical Review Officer (MRO) to conduct a consultation. The consultation will address the reasons for the positive test and a decision will be made by the MRO regarding the legitimacy, validity or accuracy of a positive test. The MRO will determine if that substance has been taken pursuant to a legal prescription.
4. Results of the student's test confirmed by the MRO will be provided to the designated personnel within twenty-four (24) hours of the MRO's consultation with the student and his/her parent(s)/guardian(s).
5. The test results of pupils randomly selected for testing shall be kept in confidential files separate and apart from his /her other educational records, and shall be disclosed only to those school personnel who have a need to be informed regarding the result of the test in order to implement or oversee implementation of the RDT Program or the consequences of violating the policy. Student drug testing information resulting from the RDT Program will not be turned over to any law enforcement authorities or college/university admissions officers except under circumstances in which the district is legally compelled to surrender or disclose such test results. [N.J.A.C. 6A:16-3.2].
5. The District respects the privacy of its pupils and shall maintain confidentiality regarding any alcohol and drug testing for this RDT Program. The results will only be released to parent(s)/guardian(s) of the pupil or in the case of an adult pupil only to the pupil himself and the school's Student Assistance Counselor. All records and subsequent actions shall be kept in a file separate from the student's regular file. District personnel will not release records of drug and alcohol tests or any resulting action to anyone other than the pupil and/or his/her parent(s)/guardian(s) without the written authorization from the pupil and/or his/her parent(s)/guardian(s) in accordance with 42. C.F.R. - Part II.

H. Consequences

1. Pupils will be ineligible for participation in any extra-curricular activities including athletics and/or school clubs; or parking on-campus unless they complete the Random Drug and Alcohol Testing Program Consent to Test Form as specified above.

2. Consequences from pupil testing will result from any of the following:
 - A confirmed positive test,
 - Refusal to participate in testing when selected, and/or
 - Tampering with the specimen collection process.

3. Consequences of a Confirmed Positive Test – First Occurrence
 - a. In accordance with N.J.A.C. 18A:40A-12 and N.J.A.C. 6A:16-4.3, the pupil must be evaluated by a physician before returning to school and a written report must be furnished to the school principal certifying that substance use no longer interferes with the pupil's mental or physical ability to participate in school.

 - b. The pupil will be immediately suspended from any co-curricular activities, including athletics, and/or school clubs; as well as have his/her parking permit revoked for a minimum period of one (1) week. After the required one (1) week period, the pupil may submit proof to the school principal of a negative drug test and be allowed to return to participation in any co-curricular activities, including athletics, and/or school clubs; and/or have his/her parking permit reinstated. Failure to submit proof of a negative drug test will continue the pupil's suspension from activities and/or revocation of parking privileges until such time that a negative drug test is submitted.

 - c. Once a pupil provides proof of a negative drug test and is permitted to return to co-curricular activities, including athletics, and/or school clubs; and/or has his/her parking permit reinstated, the pupil will reenter the Testing Pool and become eligible once again for selection for random drug testing.

 - d. The pupil shall have a minimum of six (6) counseling sessions with the school's Student Assistance Counselor (SAC), one of which must occur within the week immediately following the confirmed positive test.

 - e. The pupil shall attend an Early Intervention Program. If one is not available in the school, the pupil shall attend an agency approved by the Department of Health and Senior Services as an appropriate substance abuse treatment center. The pupil must enter an approved program within one (1) week of his/her notification of the confirmed positive test result. The pupil must provide the school's Student Assistance Counselor (SAC) with proof of participation in the approved program.

 - f. The parent(s)/guardian(s) shall be responsible for the cost associated with the Early Intervention Program and any follow-up testing.

4. Consequences of a Confirmed Positive Test – Additional Occurrence(s)
 - a. If, in the course of this RDT Program, a pupil is involved in a confirmed positive drug test for a second time, the pupil will forfeit the privilege of participation in any co-curricular activities, including athletics, and or school clubs; as well as have his/her parking permit revoked for a minimum period of thirty (30) consecutive school days. Continuation in activities as well as reinstatement of parking privileges shall be as outlined in item 3c above.
 - b. If, in the course of this program, a pupil is involved in a confirmed positive drug test three or more times, the pupil will forfeit the privilege of participation in co-curricular activities, including athletics and/or school clubs; as well as have his/her parking permit revoked for a minimum period of one (1) calendar year from the date of the third notification of a confirmed positive test result.
 - c. A pupil who submits a confirmed positive drug test a second or greater time must participate in a substance abuse evaluation conducted by a substance abuse professional approved by the Department of Health and Senior Services or Department of Education. The school's Student Assistance Counselor (SAC) must confirm the qualifications of the substance abuse professional prior to the pupil beginning the evaluation. A copy of the professional evaluation including recommended actions to be taken by the pupil must be submitted to the school's Student Assistance Counselor (SAC). The pupil must follow any recommendations made by the evaluator and discuss his/her progress with the school's Student Assistance Counselor (SAC) at least once every ten days.
5. Failure to follow through on procedures as set forth herein will result in the pupil being deemed ineligible for any athletics, co-curricular activities, including athletics, and/or school clubs, or receiving on-campus parking privileges until such time as a remedial program is prescribed and completed under the care of a qualified professional counselor.
6. Refusal of a pupil to participate in drug testing or tampering with the process when selected shall result in the pupil being immediately ineligible to participate in co-curricular activities, including athletics, and or school clubs; as well as be granted on campus parking permit privileges for one calendar year from the date of refusal.

I. Appeal Procedure

1. A pupil and/or his parent(s)/guardian(s) may request approval from the school principal for an additional test of the pupil within twenty-four (24) hours after receiving notification from the principal that the school has received confirmed positive results on the pupil from the district facility.

2. Additional testing will be authorized by the principal provided that it is:
 - a. At the expense of the pupil and/or his parent(s)/guardian(s) and
 - b. Is conducted at a laboratory approved by the District and which follows Substance Abuse and Mental Health Services Administration (SAMHSA) standards concerning drug testing protocols and procedures.
3. If the results of the test made on appeal are negative, the pupil will be permitted to continue in activities and will be returned to the Testing Pool.

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