

## 5131.8 PUPIL RANDOM DRUG AND ALCOHOL TESTING

It is the responsibility of the board of education to safeguard the health, character, citizenship, and personality development of the pupils in its schools. Therefore, the board finds that the use of drugs and the unlawful possession and use of alcohol is wrong and harmful. The board recognizes that the misuse of drugs, alcohol or steroids threatens the positive development of pupils and the welfare of the entire school community. The board of education is committed to the prevention of drug, alcohol and steroid abuse and the rehabilitation of identified abusers.

The board of education recognizes that the problem of illegal drug and alcohol use presents a continuing challenge in its schools and a clear danger to the pupil population as a whole. The District's commitment to maintaining athletics, co-curricular programs and parking in a safe, healthy and secure educational environment requires a clear policy and supportive programs relating to the detection and prevention of substance use by pupils involved in athletics and co-curricular activities.

Participation in athletics, co-curricular activities and parking on campus is a privilege. Pupil participants, by virtue of their voluntary decision to participate in these co-curricular and athletic activities, and because of their position as school leaders and role models in the school community, have a heightened responsibility to be drug and alcohol free. The District is committed to being proactive in ensuring the safety of all pupils participating in athletics, co-curricular activities and parking.

Consistent with *Board of Education of Independent School District No. 92 of Pottawatomie County et al v. Earls et al.*, 536 U.S. 822 (2002) and *Joye v. Hunterdon Central Regional High School Board of Education*, 176 N.J. 568 (2003), it is the policy of the board of education to direct the Superintendent to implement and conduct, through the high school principal or his/her designee, a program of random drug testing of pupils in athletics, co-curricular activities, school clubs, pupils granted parking permits for on campus parking, pupils who have violated the District substance abuse policy, and pupils who elect to participate in the program with parental consent. Eligibility shall apply until graduation or an Activity Drop Form is completed

Primary emphasis in administering this program should be directed toward deterrence and remediation rather than punishment of pupils who test positive for alcohol, steroids, non-prescribed medications, illegal drugs or their metabolites. Consequences for a pupil who tests positive for such substances will follow according to District regulation. This policy is NOT intended to be disciplinary or punitive in nature with regard to loss of instructional time.

No pupil shall be expelled or suspended from school as the sole consequence of any verified positive test conducted by the school under the Random Drug Testing Program.

This policy and its implementing regulations will supplement the District's existing comprehensive program of drug, alcohol and steroid education, prevention and intervention. It will expand existing programs aimed at the identification and remediation of pupils involved with drugs, alcohol and steroids. The program will be therapeutic in nature, allowing for the opportunity to refer identified users of drugs, alcohol or steroids to an appropriate substance abuse program as recommended by the New Jersey Department of Health.

This policy will comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II. The policy and procedures set forth will comply with the provisions of N.J.S.A. 18A:40A-12 addressing reporting pupils suspected of being under the influence in school.

This policy and its implementing regulations will apply to pupils in the Belvidere Schools who participate in any athletics, co-curricular activities or school clubs, pupils granted parking permits for on campus parking, pupils who have violated the District substance abuse policy and pupils in grades 6-12 who elect to participate in the program with parental consent.

This policy and its implementing regulations will be made available to all staff, pupils, and parents/guardians on an annual basis. This policy shall also be available in each building, and notification of its availability shall

appear annually in the student handbook.

### **Definitions:**

**Drug:** All controlled dangerous substances designated and prohibited in N.J.S.A. 23:21-2, [N.J.S.A. 2C:35-2](#), [N.J.S.A. 24:21-1, et seq.](#); and N.J.S.A. 2A:170-25.9, et seq. For the purpose of this policy, a drug includes, but is not limited to, phencyclidine (PCP), marijuana (TCH), cocaine, methamphetamine, opiates, alcohol, and anabolic steroids or any other substance which is defined as a controlled substance by New Jersey law or their metabolites; and all referenced chemicals that release toxic vapors and all medications taken not pursuant to a legal prescription.

**Alcohol:** Beer, wine, distilled liquors and any other liquid containing alcohol.

**Co-curricular Activities:** Activities which are sponsored or approved by the board of education but which are not offered for credit toward graduation.

**Non-punitive:** No loss of instructional time as established in New Jersey and United States Supreme Court decisions.

### **Testing Coordinator:**

- The high school principal or designee will coordinate and supervise the Pupil Random Drug and Alcohol Testing Program.

### **Eligibility for Testing: Belvidere High School**

- All pupils in the Belvidere High School who participate in any athletics, co-curricular activities, or school clubs, have been granted parking permits for on campus parking, have violated the District substance abuse policy and pupils who elect to participate in the Random Drug and Alcohol Testing Program (Program) with parental consent, will be in the testing pool and will be subject to random drug testing.
- Pupils become members of the testing pool once they complete a “Random Drug and Alcohol Testing Program: Pupil Consent to Test Form” (Consent to Test Form).
- The Consent to Test Form must be submitted to the appropriate coach, advisor or Assistant Principal.
- Pupil athletes must submit Consent to Test Form on or before the first day they participate in practice. Failure to do so will result in ineligibility for participation in the athletic endeavor until the form is submitted.
- Pupils involved in co-curricular activities or school clubs must submit the Consent to Test Form by no later than their attendance at the second meeting of the activity or club. Failure to do so will result in ineligibility for participation in the activity or club.
- Pupils who are granted a parking permit for on campus parking must submit the Consent to Test Form prior to the first day of parking. Failure to do so will result in ineligibility for parking on campus.
- Pupils who have violated the District’s Substance Abuse Policy # [5131.6](#) will be required to submit a Consent to Test Form prior to their return to school following suspension. Failure to do so will result in the pupil being deemed in violation of the District Substance Abuse Policy # [5131.6](#).
- Pupil volunteers for the Program shall be allowed to enter the Belvidere High School Testing Pool at any time once they submit a Consent to Test Form.
- Pupils remain eligible for random drug testing from the date the Consent to Test Form is turned in until an Activity Drop Form is completed, or until the student graduates from Belvidere High School, whether or not they have been previously tested or are currently participating in athletics or co-curricular activities at the time they might be randomly selected for a drug test. In the event that a pupil eligible for random alcohol and drug testing ceases to participate or withdraws from all athletics, co-curricular activities or school clubs, or

pupil parking, he or she has the opportunity to submit to the Principal or administrative designee an Activity Drop Form. This Activity Drop Form shall remain in effect for a minimum of one calendar year, with a built in fifteen (15) day grace period for reconsideration. In order for a pupil's withdrawal to be effective and thereby remove him or her from the Testing Pool, the pupil's Activity Drop Form must be signed by both the pupil and a parent/guardian.

- The District will test no less than 10% of the total number of pupils in the Belvidere High School Testing Pool annually.

### **Eligibility for Testing – Oxford Street School**

- Oxford Street School students who volunteer to participate in the Program shall be allowed to enter the Testing Pool at any time once they submit a Consent to Test Form signed by both the student and parent(s)/guardian(s).
- Oxford Street School students who have violated the District Substance Abuse Policy will be required to submit a Consent to Test Form prior to their return to school following suspension. Failure to do so will result in the student being deemed in violation of the District Substance Abuse Policy [5131.6](#).
- Oxford Street School students remain eligible for random drug testing from the date the Consent to Test Form is turned in through an entire calendar year. Should a student and his or her parents wish to remove the student from the voluntary testing program, they must submit an Activity Drop Form signed by both the student and a parent/guardian. Oxford Street School students who are part of the testing pool because of a violation of the District Substance Abuse Policy [5131.6](#) must remain in the testing pool.
- The district will test no less than 10% of the total number of Oxford Street School students in the Test Pool annually.

### **Testing Procedure:**

- A confidential testing schedule will be created by the administration prior to the initiation of the Program to ensure that the testing of eligible pupils is conducted in a manner that is random.
- Testing will only occur on pupil contact days during the academic year.
- Selection of eligible pupils for testing will be conducted in a purely and entirely random basis, which will be carried out as follows:
  - The pupils eligible for testing will be identified by their pupil ID number, not their name, in order to maintain confidentiality and to maintain the integrity of the randomness of this program.
  - Periodically, the testing coordinator will receive, from District information technology personnel, pupil ID number(s) to be tested.
  - The testing coordinator or designee will notify the individuals selected for testing (pupil) and escort the pupil to the nurse's office (Testing Site).
  - The Testing Site will have a secured bathroom which will maximize the privacy of the pupil.
  - Alternate pupil selection will be made in the event of pupil absence.
  - The names and/or any other personally identifiable information of the pupil will remain confidential.

### **Collection of Samples:**

- All aspects of the Program, including the taking of specimens, will be conducted so as to safeguard any and all the personal and/or privacy rights of the pupil to the maximum extent possible. The Policy treats a pupil's test results 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 Program which would identify the pupil 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](#). No testing record of any pupil will be used to

initiate or substantiate any criminal charges against a pupil or to conduct any investigation of him or her, and the District will not share pupils' individual test results with law enforcement authorities.

- Any information transmitted to an approved outside agency for testing or processing will not contain any personally identifiable information of the pupil. The approved outside agency will consult with and guide the school nurse in the collection of specimens in accordance with federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards.
- In administering the Program, the District will test for the presence of certain substances that may include, but are not limited to, the following substances or their metabolites: alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, methamphetamines, opiates, oxycodone, PCP, anabolic steroids, tricyclic antidepressants and/or any other substance defined as a "controlled substance" by either New Jersey or Federal law.
- The pupil shall submit a urine screen according to the Consent to Test Form.
- The school nurse will collect specimens from the selected pupil and conduct an initial on-site test on the specimen. 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.
- The pupil shall complete a specimen control form which bears an assigned identification number. This identification number shall be the means for identifying the specimen by all laboratory personnel. Only the designated school personnel shall know the assigned number for each pupil.
- Specimens will be kept by the testing facility for at least ninety (90) days pending a request for retesting of a specimen, if an appeal occurs.
- Any pupil unable to produce an adequate specimen during the collection process will be recalled for testing later that day.
- Any attempt by a pupil to tamper with the specimen collection process, or refusal to participate, will deem and constitute the specimen as positive.
- All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of pupils. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors.

#### **Notification of Testing and Testing Results:**

- An attempt will be made to contact the parent(s) or guardian(s) of pupils selected for testing prior to the testing procedure.
- The parent(s) or guardian(s) of pupils selected for testing will receive a phone call or message with information concerning the preliminary results following the pupil's completion of the testing process.
- Where a pupil's test is confirmed positive, the pupil's parent(s) or guardian(s) will be contacted directly by the school physician to conduct a consultation. The consultation will address the reasons for the positive test and a decision will be made by the school physician regarding the legitimacy, validity, or accuracy of a positive test. The school physician will determine if the substance has been taken pursuant to a legal prescription.
- Results of the pupil's test confirmed by the school physician will be provided to the appropriate personnel within twenty-four (24) hours of the school physician's consultation with the pupil and his or her parent(s) or guardian(s).
- Pupils' test results will be kept in confidential files separate and apart from his or her other educational records, and shall be disclosed only to those personnel who have a need to be informed regarding the result of the test in order to implement or to oversee implementation of the Program or the consequences for

violating the policy. Pupil drug testing information resulting from the Program will not be turned over to any 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](#).

- The District respects the privacy of its pupils and shall maintain confidentiality regarding any alcohol and drug testing for this Program. The results will only be released to parents of the pupil and the Guidance Counselor or caseworker. All records and subsequent actions shall be kept in a file separate from the pupil's regular file. The 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/guardian without written authorization from the pupil and/or his/her parent/guardian, in accordance with [42 C.F.R.-Part II](#).

### **Consequences:**

- Consequences will result from the following:
  - A confirmed positive alcohol or drug test;
  - Refusal to participate in testing when selected; and/or
  - Tampering with the specimen collection process.
- Pupils will be ineligible for participation in any athletics, co-curricular activities or school clubs, or parking on campus unless they complete the Random Drug and Alcohol Testing Program: Pupil Consent to Test Form.

### **Consequences of a Confirmed Positive: Belvidere High School**

- The Principal or designee will contact the parent(s) or guardian(s) to remove the pupil from school and make arrangements for the mandatory medical examination pursuant to [N.J.S.A 18A: 40A-12](#). and [N.J.A.C. 6A:16-4.3](#).
- The pupil will be removed from athletics, co-curricular activities or school clubs as well as have his/her parking permit revoked for a minimum period of one (1) week.
- The pupil shall have a minimum of six (6) visits with a Guidance Counselor or caseworker, two of which must occur within the week immediately following the confirmed positive test.
- The pupil shall attend an Early Intervention Program. If one is not available in school, the pupil shall attend the program at an agency approved by the Department of Health and Senior Services as an appropriate substance abuse treatment center. The pupil must enter into an approved program within one (1) week of the receipt of the confirmed positive result.
- The parent(s) is/are responsible for the cost of the rehabilitation program.
- In accordance with [N.J.S.A. 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 District certifying that substance use no longer interferes with the pupil's mental or physical ability to participate in school.
- The pupil must submit a negative drug test prior to returning to any athletics, co-curricular activities or school clubs as well as before having his/her parking permit reinstated.
- If the pupil submits a confirmed positive drug test a second time, the pupil will forfeit the privilege of participation in any athletics, co-curricular activities or school clubs as well as have his/her parking permit revoked for a minimum period of thirty (30) consecutive school days.
- A pupil who submits a confirmed positive drug test a second time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Department of Health and Senior Services as an appropriate substance abuse treatment provider.
- A pupil who submits a confirmed positive drug test a third time must participate in a substance abuse

evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Department of Health and Senior Services as an appropriate substance abuse treatment provider. The pupil will forfeit the privilege of participation in any athletics, co-curricular activities or school clubs as well as have his/her parking permit revoked for a minimum period of one calendar year.

- Failure to follow through on procedures as set forth will result in pupil being deemed ineligible for any athletics, co-curricular activities or school clubs, or parking on campus.

### **Consequences of a Confirmed Positive: Oxford Street School**

- The Participant shall have a minimum of six (6) visits with Guidance Counselors or Nurse, one of which must occur within the week immediately following the confirmed positive test.
- The Participant shall attend an Early Intervention Program. If one is not available in school, the Participant shall attend at an agency approved by the Department of Health and Senior Services as an appropriate substance abuse treatment center. The Participant must enter an approved program within one (1) week of the receipt of the confirmed positive test result.
- The parent(s)/guardian(s) are responsible for the cost of the treatment program.
- A participant who submits a confirmed positive drug test a second or third time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Department of Health and Senior Services or Department of Education as an appropriate substance abuse treatment provider.

### **Appeal Procedure**

- A pupil or his or her parent(s) or guardian(s) may request a retest of his/her specimen at his/her own expense at a laboratory approved by the District and which follows federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards concerning drug testing protocols and procedures. A written request must be made within twenty-four (24) hours of receiving the results of the drug test. The specimen previously submitted will be forwarded to the approved lab in cooperation with the District approved outside agency responsible for confirmatory testing.

Cross References: Drugs, Alcohol, Tobacco (Substance Abuse)/Co-curricular Activities

DATE ADOPTED: 1/12/11

[LEGAL SOURCES](#)