

Policy

RANDOM ALCOHOL OR OTHER DRUG TESTING

The Mainland Regional High School District Board of Education recognizes that the problem of illegal drug and alcohol use presents a continuing challenge to the school and a clear danger to the student population as a whole. The district is committed to maintaining athletics, extracurricular programs, and parking in a safe, healthy, and secure educational environment. The purposes of the school alcohol and other drug testing policy is to deter alcohol and other drug use and to provide a means for the early detection of students with alcohol or other drug problems so that referral for evaluation or referral for treatment may be expedited.

The superintendent shall ensure that the district implements policy and supportive programs for the detection and prevention of substance use by students involved in athletics and extracurricular activities, and/or for students who apply for parking permits. Participation in athletics and extracurricular activities, and parking on campus are privileges. Students, by virtue of their voluntary participation in these activities, are regarded as school leaders and role models. Therefore, it is expected that these students maintain exemplary behavior and be drug and alcohol free. The random alcohol and other drug testing program is a proactive means of advancing the goals of health and safety for all students participating in athletics and extracurricular activities, and parking on school grounds.

The school random alcohol or other drug testing program shall comply with the confidentiality requirements established in federal regulations 42 CFR Part II and state law N.J.S.A. 18A:40A-12 addressing reporting students suspected of being under the influence in school. This policy and its implementing regulations will apply to all students of the Mainland Regional High School District who participate in any athletics, extracurricular activities, school clubs, and/or students granted parking permits for on campus parking. This policy and its implementing regulations shall be distributed to all staff, students, and parents/guardians annually at the beginning of each school year. Notification of its availability shall appear annually in the students' handbook and on the district website.

Eligibility for Testing

- A. All students of the Mainland Regional High School District who participate in any athletics, extracurricular activities, school clubs, and/or who have been granted parking permits for on campus parking, shall be required to submit parental consent for the random drug testing pool. Students shall become eligible to participate in the above stated activities and/or granted a parking permit once they and their parent/guardian have completed the Random Alcohol and Other Drug Testing Program: Consent to Test Form;
- B. The Consent to Test Form must be submitted to the appropriate coach, advisor, or administrator;
- C. Student athletes must submit a Consent to Test Form on or before the first day they participate in practice. Failure to do so will result in the student being ineligible for participation in the athletic team/activity;
- D. Students involved in extracurricular activities or school clubs must submit the Consent to Test Form on or before the second meeting date. Failure to do so will result in ineligibility for participation on the activity or club;
- E. Students who apply for a parking permit for on campus parking must submit the Consent to Test Form at the time they submit their permit application/paper work. Failure to do so will result in the denial of the parking permit;

- F. The Consent to Test Form shall be valid for one calendar year. Students in the random alcohol or other drug testing pool may be randomly selected at any time during the year, whether or not they have been previously tested or are currently participating in athletics or extracurricular activities; no longer park on school grounds, and/or have a revoked parking permit;
- G. A student may be removed from the random drug testing pool only when the student no longer participates in athletics or extracurricular activities, the student gives up their parking permit, or has a revoked parking permit (if applicable) and the parent/guardian requests in writing that the student be removed from the drug and alcohol testing pool prior to the student's selection in a random drug test.
- H. The district shall test no less than 10% of the total number of students in the testing pool annually.

Random Selection

In statistics, a simple random sample is a subset of individuals (a sample) chosen from a larger set (a population). The larger set/population for the alcohol and other drug testing pool shall be made up of all students participating in athletics, extracurricular activities or school clubs, and/or students who have been granted parking permits. A simple random sample shall be selected from the pool and tested for alcohol and other drugs according to the testing procedures below.

Each individual in the alcohol and other drug testing pool shall be chosen for testing randomly and entirely by chance, such that each individual has the same probability of being chosen at any stage during the sampling process, and each subset of k individuals has the same probability of being chosen for the sample as any other subset of k individuals.

Testing Procedure

- A. A confidential testing schedule will be created by the administration prior to the initiation of the program to ensure that the testing of eligible students is conducted in a manner that is random;
- B. Testing will only occur on student contact days during the academic year;
- C. Each student in the alcohol and drug testing pool shall be assigned a randomly selected identification number;
- D. The students eligible for testing will be identified by their designated random identification number, not their name, in order to maintain confidentiality and to maintain the integrity of the randomness of this program;
- E. Selection of the students in the drug and alcohol testing pool will be conducted in a purely and entirely random basis;
- F. Periodically, the testing coordinator will receive, from an independent consultant, designated random identification number(s) to be tested;
- G. The district shall ensure that the following information shall remain confidential:
 - 1. The identity of the students selected to be tested;
 - 2. The identity of the students tested;
 - 3. The billing and management reports associated with alcohol or other drug tests; and

4. Information, prior to the time of the alcohol or other drug test that a test is to take place.
- H. All random drug and alcohol testing shall be conducted in the nurse's office or other designated area by the school nurse or the school physician; or physician/staff member from a state licensed clinical lab or health care facility.
 - I. The testing coordinator or designee will notify the individuals selected for testing (participant) and escort the student to the nurse's office or other designated area;
 - J. The testing site will have a secured bathroom, which will maximize the privacy of the participant. The door shall be monitored by the nurse/physician; or staff member from a state licensed clinical lab or health care facility.
 - K. Each specimen collected shall be subject to strict chain of custody procedures including a chain of custody form and shall be handled only by the nurse/physician; or staff member from a state licensed clinical lab or health care facility conducting the test.
 - L. The testing analysis of the specimen shall be conducted by a licensed clinical laboratory in strict adherence of the protocols detailed for that particular test conducted;
 - 1. The District recognizes that second-hand inhalation of marijuana (THC) can be identified in a chemical screening. To this end, the District has established a minimum threshold of 20 nanograms (ng) of marijuana (THC) per chemical screening for suspected use based on observable behaviors, possession, and random testing. Students that test positive, but below the 20 nanogram threshold will not be subject to the consequences outlined in this policy. Conversely, students that test positive at 20 nanograms or more for marijuana (THC) per chemical screening will be subject to the consequences delineated within this policy.
 - M. Specimens shall be stored in a locked cabinet or when necessary a refrigerator and disposed of following the receipt of the test results in accordance with law;
 - N. Confirmed positive samples shall be stored and retained not less than forty-eight (48) hours following the notification to the parent/guardian of the test results, in order to ensure that the sample is available should the parent/guardian wish to contest the result;
 - O. The district shall bear the cost of all alcohol and other drug tests conducted as part of the random alcohol and other drug testing program.

Notification of Testing and Testing Results

The parents/guardians of students in the random alcohol and other drug testing pool shall be notified each time his/her child has been tested. Parents/guardians shall receive written notification of the results of the alcohol and/or other drug test. These notifications shall be confidential.

All positive alcohol or other drug test results shall be confirmed by the laboratory using methodology recommended by the manufacturer of the laboratory instrument.

Recording Results

The district respects the privacy of its students and shall maintain confidentiality regarding any alcohol or other drug testing records. The results will only be released to parents/guardians and designated district personnel. 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 student and/or his/her parent/guardian without written authorization from the student and/or his/her parent/guardian, in accordance with 42 C.F.R. - Part II. District personnel violating confidentiality or releasing records or other information without authorization shall be subject to disciplinary action.

Student alcohol or other 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).

Consequences

Consequences will result from the following:

- A. A confirmed positive alcohol or other drug test;
- B. Refusal to participate in testing or to provide a specimen when selected; and/or
- C. Tampering with the specimen and/or the collection process.

Students will be ineligible for participation in any athletics, extracurricular activities, school clubs, or parking on campus unless they and their parent/guardian complete and sign the Random Alcohol or Other Drug Testing Program: Consent to Test Form.

Procedures for a Confirmed Positive

The following procedures shall apply when the result of the random alcohol or other drug test is a confirmed positive by the laboratory:

- A. The principal or designee will contact the parent/guardian to remove the student 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 (board policy 5131.6 Substance Abuse);
- B. The student shall be referred for evaluation and treatment pursuant to law and according to board policy 5131.6 Substance Abuse. The student may be reinstated in the athletics, extracurricular activities, schools clubs, and/or have his/her parking permit renewed only when the student has cooperated fully with the resulting recommendations and/or treatment plan;
- C. In accordance with law (N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3) and board policy 5131.6 Substance Abuse, a physician must evaluate any student found to be under the influence of alcohol or other drugs before returning to school. The physician shall provide a written clearance to the district certifying that substance use no longer interferes with the student's mental or physical ability to participate in school;
- D. The student and at least one parent must meet with the principal and/or an administrative designee within five (5) school days to review the policy and subsequent consequences for a second failed test. The student will complete no less than 3 counseling sessions as scheduled by the Student Assistance Counselor (SAC). Further treatment, if deemed necessary, will be recommended at the

conclusion of the counseling sessions. The student must also acknowledge participation in three subsequent random tests;

- E. A second offense of a confirmed positive alcohol or other drug test will result in forfeiture of the privilege of participation in any athletics, extracurricular activities or school clubs, and/or have his/her parking permit revoked for a minimum period of thirty (30) consecutive calendar days while school is in session. The student shall be subject to notifications, referral for evaluation and/or treatment and all other consequences for first offenses;
- F. A third offense of a confirmed positive alcohol or other drug test will result in forfeiture of the privilege of participation in any athletics, extracurricular activities or school clubs, and have his/her parking permit revoked for a minimum period of sixty (60) consecutive calendar days while school is in session. The student shall be subject to notifications, referral for evaluation and/or treatment and all other consequences for first offenses.
- G. A fourth offense of a confirmed positive alcohol or other drug test will result in forfeiture of the privilege of participation in any athletics, extracurricular activities or school clubs, and have his/her parking permit revoked for a minimum period of one calendar year. The student shall be subject to notifications, referral for evaluation and/or treatment and all other consequences for first offenses.

The student may be detained until he/she can produce a sample. The parent/guardian shall be notified when the student refuses to provide a specimen for alcohol or other drug testing, and directed to take the student for an alcohol or other drug test at a facility approved by the district. Refusal to cooperate, refusal to produce a specimen, and/or tampering with a specimen or the collection process will be considered a positive result, and district procedures for a confirmed positive result will be implemented.

Parent/guardians shall not be responsible for the cost of the random alcohol or other drug test, or transportation to the test. Parents/guardians shall be responsible for the cost of the rehabilitation and/or treatment programs.

Appeal Procedure

Any student participating in the random alcohol or other drug testing program or his/her parents/guardians may challenge a positive alcohol or other drug test to the superintendent.

A retest of the specimen may be conducted at a laboratory approved by the district and which follows federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards concerning alcohol and other drug testing protocols and procedures. The parent/guardian shall be responsible for the cost of the retest. Requests must be made within five (5) working days of receiving the confirmed positive results from the initial alcohol or other drug test. The original specimen shall be forwarded to the laboratory agreed to by the parents/guardians and the district.

NJSBA Review/Update: February 2012
Adopted: August 2013
Readopted: August 18, 2014, April 26, 2018

Key Words

Alcohol, Drugs, Alcohol Test, Drug Test, Random Testing, Substance Abuse

<p>Legal References: <u>N.J.S.A.</u> 2A:62A-4</p> <p><u>N.J.S.A.</u> 2C:29-3a</p> <p><u>N.J.S.A.</u> 2C:33-15</p> <p><u>N.J.S.A.</u> 2C:33-16</p> <p><u>N.J.S.A.</u> 2C:33-17</p> <p><u>N.J.S.A.</u> 2C:35-1 et seq. 1987</p> <p>See particularly: <u>N.J.S.A.</u> 2C:35-7, -10</p> <p><u>N.J.S.A.</u> 2C:35-2</p> <p><u>N.J.S.A.</u> 9:6-1 et seq.</p> <p><u>N.J.S.A.</u> 9:17A-4</p> <p><u>N.J.S.A.</u> 18A:25-2</p> <p><u>N.J.S.A.</u> 18A:36-19.2</p> <p><u>N.J.S.A.</u> 18A:37-1</p> <p><u>N.J.S.A.</u> 18A:37-2</p> <p><u>N.J.S.A.</u> 18A:38-25</p> <p><u>N.J.S.A.</u> 18A:38-31</p> <p><u>N.J.S.A.</u> 18A:40A-1 et seq.</p> <p>See particularly: <u>N.J.S.A.</u> 18A:40A-1, -2, -3, -4, -5, and -9</p> <p><u>N.J.S.A.</u> 18A:40A-22 to -25</p> <p><u>N.J.S.A.</u> 24:21-2</p> <p><u>N.J.A.C.</u> 6A:9-13.2</p> <p><u>N.J.A.C.</u> 6A:14-2.8</p> <p><u>N.J.A.C.</u> 6A:16-1.1 et seq.</p> <p>See particularly: <u>N.J.A.C.</u> 6A:16-4.4</p> <p>See also: <u>N.J.A.C.</u> 6A:16-1.3, -1.4, -2.2, -2.4, -3.1, -3.2, -4.1 through -4.3, -5.3, -6.1 -6.5</p> <p><u>N.J.A.C.</u> 6A:32-13.1 et seq.</p> <p><u>Drug Free Workplace Act of 1988</u> Enacted November, 1988 (Pub. L. 100-690, Title V, Subtitle D) 102 Stat. 4305-4308</p>	<p>Reports by educational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor releasing chemicals; immunity from liability</p> <p>Hindering apprehension or prosecution</p> <p>Possession or consumption of alcoholic beverage by person under legal age, penalty</p> <p>Alcoholic beverages; bringing or possession on school property by person of legal age; penalty</p> <p>Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions</p> <p><u>New Jersey Comprehensive Drug Reform Act of</u> <u>1987</u></p> <p>Definitions</p> <p>Abuse abandonment, cruelty, and neglect of child; what constitutes</p> <p>Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality</p> <p>Authority over students</p> <p>Student locker or other storage facility; inspections; Notice to students</p> <p>Submission of students to authority</p> <p>Causes for suspension or expulsion of students</p> <p>Attendance required of children between six and sixteen, exceptions</p> <p>Violation of article by parents or guardian, penalties</p> <p>Substance abuse</p> <p>Random student drug testing</p> <p>Definitions (New Jersey controlled dangerous substances)</p> <p>Substance awareness coordinator</p> <p>Discipline/suspension/expulsion</p> <p>Programs to Support Student Development</p> <p>Voluntary policy for random testing of student alcohol or other drug use.</p> <p>Pupil Behavior</p>
---	---

Regulations Under Drug Free Workplace Act, C.F.R. 4946 (1/31/89)

42 CFR Part 2--Confidentiality of alcohol and drug abuse patient records

Possible

Cross References:

*1120	Board of Education Meetings
*1410	Local units
*4131.1	In-service education/visitations/conferences
*4231.1	In-service education/visitations/conferences
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5125	Pupil records
*5131	Conduct/discipline
*5131.6	Substance abuse
*5131.7	Weapons and dangerous instruments
*5141.3	Health examinations and immunizations
*5141.21	Administering medication
*5145.12	Search and seizure
*6145	Extracurricular activities
*6145.1/6145.2	Intramural competition; interscholastic competition
6145.7	Social events/meetings
*6154	Homework/makeup work
*6172	Alternative educational programs
*6173	Home instruction

*Indicates policy is included in the Critical Policy Reference Manual