

Robbinsville Board of Education

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REGULATION

Section: STUDENTS
Regulation 5536: Random Testing for Student Alcohol or Other Drug Use
Date Created: February 2019

The Random Alcohol and Drug Testing Program (Program) of the Board of Education authorizes the random testing of students in grades nine through twelve, pursuant to N.J.S.A. 18a:40a-22 et seq., for the use of controlled dangerous substances as defined in N.J.S.A. 2c:35-2 AND 24:21-2, and as approved by the Board of alcoholic beverages, as defined in N.J.S.A 33:1-1. in accordance with Board Policy 5536.

A. Definitions

“Adulterant/adulteration” means any attempt to alter the outcome of a urine drug test by adding a substance to the sample, attempting to switch the sample, or otherwise interfere with the detections of illicit or banned substances in the urine, or purposefully over hydrating oneself in the attempt to dilute the urine to decrease possible detection of illicit or banned substances.

“Alcohol” means beer, wine, distilled liquors, and any other liquid containing alcohol.

“Alcohol or other Drug Test” means any collection and testing of alcohol or other drugs in accordance with methods in accordance with N.J.S.A. 45:9-42.26 et seq. and N.J.A.C. 8:44 and 8:45 as outlined in N.J.A.C. 6A:16-4.4(c).

“Chain-of-Custody” means procedures beginning at the time of collection to account for all handling, and testing of each specimen.

“Collector” means the person certified and authorized by law to collect specimens for alcohol and other drug testing.

“Confirmed Positive” means a positive test result from an authorized testing laboratory either on-site or off-site of the testing location. Positive test results are reviewed by the MRO who makes the final determination of whether the results constitute a positive test result.

“Cut-off levels” means the concentration levels for alcohol and other drugs designated by the Board of Education where the student will be deemed by the Medical Review Officer to be positive under this Policy.

“Contractor” refers to the company authorized by the Board of Education to perform Random Drug and Alcohol testing.

“Designated Official” means the principal or the principal’s designee.

“Drugs” means all controlled substances designated and prohibited as stated in the Board’s Substance Abuse Policy #5530 and N.J.S.A. 24:21-2, N.J.S.A. 2C:35.2. and as approved by the Board of Education. For the purpose of this Policy, a drug may include, but is not limited to, alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (a/k/a Ecstasy), methadone, methamphetamine, opiates, oxycodone, PCP, tricyclic anti-depressants or any other substance which is defined as a controlled substance by the New Jersey law of their metabolites. The Board will annually adopt a list of prohibited substances that will be tested and cut-off levels for each substance prior to the school year.

“Extra-curricular activity” means any activity or privilege not required by the New Jersey Department of Education or the Board of Education to achieve graduation. Extra-curricular activity includes but is not limited to all interscholastic athletics, all clubs and organizations sponsored by or granted Board of Education approval and ~~all one or multiple time events and activities sponsored by or granted approval by the Board of Education including but not limited to homecoming events and the prom(s), participation in the graduation ceremony, Mr. RHS competition, non-academic class trips, band, school play,~~ the privilege to park a motor vehicle on school grounds ~~any other activity that the New Jersey Commissioner of Education has determined is a privilege and any activity that is sponsored by or granted approval by the Board of Education that is not offered for credit toward graduation.~~

“Interscholastic athletic activity” means any practice, game, competition, or activity as a member of a school district team, to include, but not be limited to, sport teams, academic or other extra-curricular club or organization representing the school district.

“Medications” means all medications, including over-the-counter drugs.

“Medical Review Officer (MRO)” means a licensed physician trained and certified in the process and interpretation of alcohol and other drug testing results.

“Parents” means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a **student**. Where parents are separated or divorced, “parent” means the person or agency who has legal custody of the **student**, as well as the natural or adoptive parent(s) of the **student** provided such parental rights have not been terminated by a court of appropriate jurisdiction.

“Parking permit” means documentation (i.e. hangtag, sticker) issued by **Robbinsville High School** allowing students to park a personal vehicle on school property.

“Principal designee” means a school district staff person authorized by the Principal to conduct certain tasks.

“Refusal to test” means any student who fails to provide an adequate test sample and/or leaves school grounds and is found to not have an excused absence.

“Specimen” means a urine sample in an adequate amount to be split into two samples and be tested using appropriate and approved testing equipment. A “specimen” may also be a hair, breath, or other sample obtained through non-invasive means.

B. Distribution and Collection of Written Consent Forms

1. The Designated Official shall distribute and collect the School District's Random Alcohol and Drug Testing Policy Consent Form (Consent Form) from all students who participate in an interscholastic athletic program, extra-curricular activity and/or receive a parking permit to park a personal vehicle on school property.
2. The Consent Form shall include an acknowledgement that the parent and the student received a copy of the school district's Random Testing of Student Alcohol or Other Drug Use Policy and Regulation and the Board approved list of prohibited substances and cut off levels before signing the Consent Form.
3. The Consent Form will be distributed to all students interested in participating in an interscholastic athletic activity or extra-curricular activity. The Consent Form must be completed and submitted to the coach or the activity advisor prior to the interscholastic athletic activity. A student must submit a completed Consent Form with their application for a student parking permit on school property. A parking permit will not be issued without a completed Consent Form.

A student electing to voluntarily participate in the Program shall submit a completed Consent Form to the Principal or designee.

4. All Consent Forms shall be in effect for a period of twelve (12) months from the date the signed Consent Form is received by the school. At the end of the one year expiration date, the parent and student will be required to submit a new Consent Form to continue participation in an interscholastic athletic activity, an extracurricular activity or retaining and/or obtaining his/her parking permit. A student is not permitted to continue such participation without submitting an updated Consent Form.
5. All completed Consent Forms shall be maintained by the Principal or designee for the time period in accordance with the standards established by the New Jersey Division of Archives and Records Management.

C. Procedures for Random Selecting Students for Alcohol and Other Drug Testing

1. The Designated Official shall maintain a current list of all students eligible (Eligibility List) to be tested under the Program. The Eligibility List shall be updated by the Principal or designee every two weeks.
2. The selection, collection, and testing of participating students will be coordinated by the Contractor contracted by the Board of Education. The Contractor will meet the requirements as set forth below as required by the N.J.A.C. 6A:16-4.4
 - a. The Contractor will be supplied a list of eligible students to include Last Name, First Name, Student ID, Grade, and Gender. Participating students will be uploaded to the Contractor's software program specifically designed for management of random drug testing programs. The business day prior to testing, the Contractor will initiate the selection as required by the school's policy. The random selection will be performed with a certified algorithm, provided by the software manufacturer. The selected test

records will be digitally stamped to highlight that it was done by the computer and not manually. The list of selected students will be sent to the school's designated official to verify consent and coordinate a collection protocol. A student with an excused absence the day of testing will be tested at the next scheduled time. A student who leaves the school grounds and is found to not have an excused absence will be considered a refusal to test and treated as a positive result.

- b. The Contractor is responsible to utilize proper drug testing custody and control forms that satisfy the needs of the school's policy and test laboratory. The student ID number will be used for laboratory identification with the student's name only appearing on the copies that go to the donor, MRO, and Designated Official.

D. Procedure for Acquisition and Management of Student's Alcohol and Drug Test Specimens

1. The Designated Official, on the day the students have been selected to be tested, shall have the students report to the school nurse's office or other appropriate location (testing site) for alcohol or other drug testing.
2. The Designated Official will arrange for the reporting of all students designated to be tested to the testing site where each student will provide a specimen for testing. Each student reporting to the testing site will be required to sign into the testing site.
3. The Designated Official will remain at the testing site to monitor the students to be tested and to confirm the students to be tested provide a specimen.
4. The testing site will have a secure restroom to maximize the student's privacy (specimen collection area). Any water supply sources at the specimen collection area will be secured and unusable and any toilet water will be treated to avoid and prevent adulteration of the specimen to be provided.
5. No purses, bags or containers may be taken into the collection area with the student. All extra coats, vests, jackets, sweaters, etc., are to be removed before entering the collection area.
6. Prior to the giving of any sample, the Collector will add a bluing agent (food coloring) to the water in the urinal or toilet.
7. The student will be directed to rinse and dry their hands. If no water is easily accessible, a non-alcoholic wipe may be used instead.
8. The drug testing custody and control form will be started by the student and the Collector.
9. The student will be told to urinate directly into the provided container and should provide a sufficient amount of urine (at least 45ml) in one attempt.
10. The student will enter a private area to provide a specimen and hand the container of urine to the Collector.

- a. **Any student unable to provide an adequate specimen at the time will be given more time, and access to drink up to eight ounces of water five times (8 oz. x 5 times) if needed during the next three hours, counting from the first failed attempt, according to applicable, accepted medical procedures. The Test Coordinator or designee may have the student placed under administrative supervision until the student expresses willingness to make another attempt, under the Test Coordinator or designee's supervision. During this time, it will be explained to the student that psychological reasons for not being able to urinate will not be accepted unless there is a condition that has already been medically diagnosed. It will also be explained that after three hours, if the student states that he/she is still unable, a parent will be contacted and required to pick up the student to take them directly to the school approved testing medical center of a physician chosen by and to be paid for by the parent, to be examined by a physician for "shy bladder." The student will be provided a further opportunity to provide a specimen. The student must present a physician's statement diagnosing "shy bladder" if no specimen is given or this situation will be deemed a refusal to test.**
11. The Collector will check the volume, read and record the temperature within four minutes of collection, and look for evidence of tampering.
12. If the collector suspects tampering may have occurred, a second specimen will be requested. A second suspected tampered specimen will be considered *refusal to test* and the Designated Official will be so notified.
13. With the student watching, the Collector will pour the specimen into the two specimen bottles and cap the specimen bottles tightly.
14. The Collector will take the specimen bottle seals and place them over the caps and sides of the specimen bottles. The student will be directed to date and initial the specimen bottles.
15. The sealed specimen bottles will be placed inside the requisition pouch by the Collector.
16. The top lab copy of the drug testing custody and control form will be folded with the top portion visible to the outside and placed in the requisition pouch by the Collector. The transport bag and requisition pouch will be sealed by the Collector. The student will be directed to complete the Custody and Control Form and will be given the donor copy of the form by the Collector. The donor copy will serve as the notification to a parent that a test has been completed.
17. The student will then be permitted to wash their hands and will be sent back to class.
18. The Collector will seal all the specimens in the transport bag with a tamper proof evident seal. The specimens will be shipped by overnight courier. If shipping is unavailable, the Collector will arrange that the specimens are stored in a secure, appropriate location. The specimens will be shipped at the next available business day.
19. The Designated Official will be notified immediately of any student who refuses to provide a urine sample or is suspected of tampering with or adulterating the specimen container and/or the specimen or intentional failure to follow directions relating to the testing procedure.

E. Laboratory Testing

All specimens will be tested for alcohol and drugs in accordance with one of more of the methods set forth in N.J.S.A. 45:9-42.26 et seq. and N.J.A.C. 8:44 and 8:45. Tests certified as positive by the laboratory will be reported immediately to the Medical Review Officer. Negative specimens will be destroyed by the laboratory after 5 business days. Non-negative specimens will be stored by the laboratory for six months and disposed of according to statutory and regulatory requirements.

F. Medical Review Officer (MRO) Responsibilities

1. The MRO will review all test results.
2. The MRO will determine if any discrepancies have occurred in the Chain of Custody.
3. The Medical Review Officer will notify the parent of any student whose test results are positive. The Medical Review Officer will contact the parent to review the results and to discuss with the parent if there is any medical explanation or reason for positive test results and to obtain information prior to making a final determination on the test results.
 - a. The MRO will consider information provided by the parent to the Medical Review Officer and then will confirm or excuse the test results.
 - b. In the event the Medical Review Officer is unable to have a consultation with the parent within forty eight (48) hours of the MRO's receipt of the results, the Medical Review Officer will make the determination of test result based upon the information then available to the MRO.
 - c. The Medical Review Officer will inform the Designated Official of the final determination regarding positive test results.
 - d. The Designated Official, upon consultation with the Medical Review Officer, will inform the parent of any student who had a consultation with the Medical Review Officer of the final determination.

G. Confidentiality and Scope of Authorized Disclosure of Alcohol or Other Drug Testing Information

1. The Test Coordinator will inform district personnel on a "need to know basis," which may include the SAC, the Athletic Director and coach, an advisor, an administrator or school nurse, depending on the severity of drugs being used. Such personnel will have been informed regarding Federal Confidentiality laws, and their liability for breaking such protection of student privacy. The district personnel will not release any written records of drug and alcohol tests or any resulting action to anyone other than the student and/or her/his parent without written authorization in accordance with the same Federal law: 42:C.FR.- Part II.
2. All positive test results will be reported to the Designated Official.

3. The Test Result Report will indicate which, if any, specimens tested positive for alcohol and/or controlled dangerous substances.

H. Parent Appeal of Test Results

1. In the event the parent is informed by the Designated Official that the test results have been confirmed to be positive by the Medical Review Officer, the parent will have twenty four (24) hours to inform the Designated Official in writing if the parent seeks to appeal a positive determination.
2. In the event the parent appeals this determination the parent shall authorize a laboratory, approved by the Board, to test the split specimen provided by the student (the split specimen test). The parent will be responsible for any costs associated with the split specimen test. If the parent selects a laboratory other than the laboratory used by the Contractor for the initial test, the specimen will be forwarded from the Contractor's laboratory to the Board approved laboratory selected by the parent with chain of custody maintained.
 - a. The parent must authorize delivery of the split specimen test results directly from the laboratory performing the split specimen test to the Designated Official in order for the split specimen test results to be considered by the Medical Review Officer. In addition the parent will receive a copy of the split specimen test results.
3. The filing of an appeal shall not stay the exclusion from interscholastic athletic activities, extra-curricular activities, revocation and/or disqualification from obtaining a parking permit or the immediate statutorily required medical examination.
4. In the event the test results from the split specimen test are different than the test results determined by the Medical Review Officer, the Designated Official will forward the split specimen test results to the Medical Review Officer for a review and determination by the MRO.
5. The Medical Review Officer may, or may not, in the exercise of the MRO's professional discretion discuss the split specimen test results with the parent before making a final determination confirming or excusing the initial results.
6. The Medical Review Office will inform the Designated Official of a final determination of the first and the split specimen test results. If the Medical Review Officer determines after review of the split specimen test result that the test is a negative result, the student will be immediately restored to full activities.
7. **If a student receives a 45 or 365 day suspension from all activities, they may file an appeal of that suspension with the Superintendent of Schools. In order for the Superintendent to hear an appeal, the student must:**
 - **Be involved in a licensed rehabilitation program at the parent's expense for at least 30 days of the 45 day suspension and six weeks of a 365 days suspension. The student's parents must provide written proof of attendance.**
 - **The student must have two negative drug tests.**

I. Consequences for a Confirmed Positive Alcohol or Drug Test – First Offense

1. The consequences and remedial measures outlined below will be applicable for a student who tests positive for alcohol or drugs during their first time enrolled in grades nine through twelve in the school district. Consequences and remedial measures will result from a confirmed positive alcohol or drug test, a student's refusal to test when selected and/or tampering with or adulterating the specimen collection process.
2. Consequences for Confirmed Positive Alcohol or Drug Test- First Offense
 - The Medical Review Officer will inform the high school principal/vice principal about the results of the RDT.
 - The principal/vice principal will contact the parents/guardian of any student who tests positive, have the student removed from school and make arrangement for a mandatory medical examination pursuant to statute, N.J.S.A. 18A: 40A-12. This medical examination will be conducted by the physician at **Rednor-Risi Family Medicine, 1 Washington Blvd., Robbinsville, NJ 08691**, the Board appointed medical facility or can be administered by the student's private physician. If the parents/guardians use their private physician, they will be responsible for the cost of the physical exam.
 - Upon return from the physical examination, the school must receive a doctor's note indicating that the student is able to return to school. At the time the student returns to school with the doctor's note, a parent conference will be held to review the procedures for a 1st offense positive result.
 - In attendance at the meeting will be: vice principal, parents/guardians, student and the SAC.
 - At the meeting, a Memorandum of Understanding will be discussed and signed by the high school administration, the student, and parents/guardians.
 - The Memorandum of Understanding will include:
 - Review of the driving guidelines for parking on campus.
 - Acknowledgement of three subsequent random drug tests following positive results.
 - Acknowledgement that the conference was held as attested to by the signatures on the Memorandum of Understanding.
 - Review of consequences for any subsequent positive RDT.
 - At this point in the meeting, the **administration** will leave and the SAC will discuss the five mandatory counseling sessions with the student and his/her parents/guardians.
 - At the end of the five counseling sessions, the SAC will share the recommendations for treatment with the parents/guardians and student only.
 - The administration will not receive a copy of the treatment recommendation for the first offense.
 - The information regarding the RDT results, parent meeting, and treatment plan will not be shared with anyone other than those noted in these procedures (student, parent, Vice Principal, SAC).
3. Consequences for a Confirmed Positive Alcohol or Drug – Second Offense

- The Medical Review Officer will inform the high school principal/vice principal about the result of RDT.
- The principal/vice principal will contact the parents/guardian of any student who tests positive, have the student removed from school and make arrangement for a mandatory medical examination pursuant to statute, N.J.S.A. 18A: 40A-12. This medical examination will be conducted by the physician at **Rednor-Risi Family Medicine, 1 Washington Blvd., Robbinsville, NJ 08691**, the Board appointed medical facility or can be administered by the student's private physician. If the parents/guardians use their private physician, they will be responsible for the cost of the physical exam.
- Upon return from the physical examination, the school must receive a doctor's note indicating that the student is able to return to school. At the time the student returns to school with the doctor's note, a parent conference will be held to review the procedures for a 2nd offense positive result.
- In attendance at the meeting will be: vice principal, parents/guardians, student and the SAC.
- At the meeting, a Memorandum of Understanding will be discussed and signed by the high school administration, the student, and parents/guardians.
- The Memorandum of Understanding will include:
 - Review of the driving guidelines for parking on campus.
 - Acknowledgement of three subsequent random drug tests following positive results.
 - Acknowledgement that the conference was held as attested to by the signatures on the Memorandum of Understanding.
 - Review of consequences for any subsequent positive RDT.
 - The SAC will discuss the ten mandatory counseling sessions with the student and his/her parents/guardians.
 - At the end of the ten counseling sessions, the SAC will share the recommendations for treatment with the parents/guardians, student and the administration.
 - Acknowledgement that the student will be removed from all activities and parking on the campus for 45 days.
 - The information regarding the RDT results, parent meeting, and treatment plan will not be shared with anyone other than those noted in these procedures.

4. Consequences for a Confirmed Positive Alcohol or Drug Test- Third Offense

- The Medical Review Officer will inform the high school principal/vice principal about the result of RDT.
- The principal/vice principal will contact the parents/guardian of any student who tests positive, have the student removed from school and make arrangement for a mandatory medical examination pursuant to statute, N.J.S.A. 18A: 40A-12. This medical examination will be conducted by the physician at **Rednor-Risi Family Medicine, 1 Washington Blvd., Robbinsville, NJ 08691**, the Board appointed medical facility or can be administered by the student's private physician. If the parents/guardians use their private physician, they will be responsible for the cost of the physical exam.

- Upon return from the physical examination, the school must receive a doctor's note indicating that the student is able to return to school. At the time the student returns to school with the doctor's note, a parent conference will be held to review the procedures for a 3rd offense positive result.
- In attendance at the meeting will be: vice principal, parents/guardians, student and the SAC.
- At the meeting, a Memorandum of Understanding will be discussed and signed by the high school administration, the student, and parents/guardians.
- The Memorandum of Understanding will include:
 - Review of the driving guidelines for parking on campus.
 - Acknowledgement of three subsequent random drug tests following positive results.
 - Acknowledgement that the conference was held as attested to by the signatures on the Memorandum of Understanding.
 - Review of consequences for any subsequent positive RDT.
 - The SAC will discuss the **fifteen** mandatory counseling sessions with the student and his/her parents/guardians.
 - Acknowledgement that the student will be removed from all activities and parking on the campus for 365 days.
 - At end of the ten counseling sessions, the SAC will share the recommendations for treatment with the parent/guardian, student and administration (Principal or Vice Principal).
 - The information regarding the RDT results, parent meeting, and treatment plan will not be shared with anyone other than those noted in these procedures.

Failure to comply with the guidelines may result in one or more of the following interventions: 1) meeting with the student, parent/guardian, SAC and administration; 2) referral to the Board of Education; 3) and/or referral to the Division of Child Protection and Permanency for investigation.

5. Consequences for a Confirmed Positive Alcohol or Drug Test- Fourth Offense

- The Medical Review Officer will inform the high school principal/vice principal about the result of RDT.
- The principal/vice principal will contact the parents/guardian of any student who tests positive, have the student removed from school and make arrangement for a mandatory medical examination pursuant to statute, N.J.S.A. 18A: 40A-12. This medical examination will be conducted by the physician at **Rednor-Risi Family Medicine, 1 Washington Blvd., Robbinsville, NJ 08691**, the Board appointed medical facility or can be administered by the student's private physician. If the parents/guardians use their private physician, they will be responsible for the cost of the physical exam.
- Upon return from the physical examination, the school must receive a doctor's note indicating that the student is able to return to school. At the time the student returns to school with the doctor's note, a parent conference will be held to review the procedures for a 4th or more offense positive result.
- In attendance at the meeting will be: vice principal, parents/guardians, student and the SAC.

- At the meeting, a Memorandum of Understanding will be discussed and signed by the high school administration, the student, and parents/guardians.
- The Memorandum of Understanding will include:
 - Parent will be informed of the referral to the Child Student Team
 - The Superintendent and Board of Education will be notified and a hearing may be scheduled.
 - An evaluation will be required at the parent's expense that includes the recommendations for appropriate school based interventions.
 - Review of the driving guidelines for parking on campus.
 - Acknowledgement of the three subsequent random drug test following a positive result.
 - Acknowledgement that the conference was held as attested to by the signatures on the Memorandum of Understanding.
 - Review of consequences for any subsequent positive RDT.
 - The SAC will discuss the twenty mandatory counseling sessions with the student and his/her parents/guardians.
 - Acknowledgement that the student will be removed from all activities and parking on the campus for 365 days.
 - At end of the twenty counseling sessions, the SAC will share the recommendations for treatment with the parent/guardian, student and administration (Principal or Vice Principal).
 - The information regarding the RDT results, parent meeting, and treatment plan will not be shared with anyone other than those noted in these procedures.

J. Non-Punitive Nature of Policy

1. No student will be penalized academically for testing positive for alcohol or other drugs under the school district's random testing of student alcohol or other drug use. Any actions taken concerning any student who tests positive for alcohol or other drug use shall be limited to removal from or prohibition against participation in extra-curricular activities, including interscholastic athletics and revocation or denial of a student's parking permit.
2. The results of drug tests pursuant to this Policy will not be documented in any student's academic records or discipline file. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the Board of Education will not solicit. In the event of service of any such subpoena or legal process, the student and the student's parent will be notified at least seventy-two (72) hours before response is made by the Board of Education to extent permitted by such subpoena or legal process. The Contractor will only provide the identity and results of those tested to the Designated Official.
3. The invoice provided by the Contractor will not list any specific names of students tested, only the date of service and the number of students completed. This invoice will be provided to the Designated Official to verify against the final report and then approved for payment by the Board of Education.

4. The Contractor will supply progress reports as requested by the Designated Official as well as an annual summary and analysis of the testing program. The Contractor is not authorized to release this information to anyone but the district administration unless authorized in writing by the Board of Education.

K. Consequences for Violation of Confidentiality and Disclosure Standards

1. The consequences for violation of confidentiality and disclosure standards by a member of the staff of the **Robbinsville School District** pursuant to N.J.A.C. 6A:16-4.4 may include, but not be limited to reprimand, suspension, withholding of increments, termination, or certification of tenure charges.

Adopted: