

Robbinsville Board of Education

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POLICY

Section: STUDENTS

Policy 5536: Random Testing for Student Alcohol or Other Drug Use

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It is the responsibility of the Board of Education to safeguard the safety of the students in the schools and to promote an orderly learning environment. We recognize that the use and unlawful possession of alcohol, illegal drugs, drugs not prescribed by a physician, or steroids is dangerous and harmful. As such, the Board maintains that the misuse of alcohol, illegal drugs, drugs not prescribed by a physician, or steroids threatens the safety of the students and the orderly learning environment of the entire school community. The Board of Education is committed to the prevention of alcohol, illegal drugs, drugs not prescribed by a physician, and steroid abuse.

The Board of Education recognizes that the problem of alcohol and other drug use presents a continuing challenge in its schools and a clear danger to the student population as a whole. The district's commitment to maintaining athletics, extracurricular, and co-curricular activities and parking in a safe and secure environment requires a clear policy and supportive programs relating to the deterrence of substance use by students involved in these school sponsored activities.

The district is committed to being proactive in ensuring the safety of all students participating in athletics, extracurricular and co-curricular activities, and parking. Participation in athletics, extracurricular and co-curricular activities and parking on campus are privileges. Student participants, by virtue of their voluntary decision to participate in these extracurricular and 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 alcohol and other illegal drug free.

Consistent with the U.S. Supreme Court Ruling, *Board of Education of Independent School District No. 92 of Pottawatomie County et al v. Earls et al.*, 536 U.S. 822 (2002) and the New Jersey Supreme Court Ruling in *Joye v. Hunterdon Central Regional High School Board of Education*, 176 N.J. 568 (2003), the Board of Education directs the Chief School Administrator to implement and conduct a program of random drug testing of student participants in athletics, extracurricular and co-curricular activities, students granted parking permits for on-campus parking, students who have violated the district substance abuse policy, and students who voluntarily elect to participate in the program with parental consent. Eligibility shall apply to the entire academic year. The Testing Coordinator shall be the Robbinsville High School Nurse, who will coordinate and supervise the Random Testing Program of students, under the supervision of the Principal.

Design of the program shall be consistent with the Board of Education's objectives, which are as follows:

- Promote safety;
- Deter drug use and counter pressure which may encourage indulgence;
- Promote an orderly learning environment; and
- Encourage and invite voluntary testing.

Primary emphasis in administering this program shall be directed toward deterrence and remediation rather than punishment of pupils who test positive for alcohol, non-prescribed medications, illegal drugs

or their metabolites. Sanctions and corrective action shall be designed accordingly. This policy and its regulations shall be made available annually, at the beginning of the school year, to all school employees, students and parent(s) or legal guardian(s). This policy is NOT intended to be disciplinary or punitive in nature. No pupil shall be expelled or suspended from school as a sole result of any verified positive test conducted by the school under the Random Drug Testing Policy.

This policy shall apply to all Robbinsville Public School District students in grades 9-12 who participate in any athletics, extracurricular and co-curricular activities, or who possess a school parking permit. This policy shall also apply to all Robbinsville Public School District students in grades 9-12 who voluntarily elect to participate in the program with parental consent. This policy supplements other drug policies in effect in the school district.

DEFINITIONS

Drugs – All controlled substances designated and prohibited as stated in the Board’s Substance Abuse Policy #5530 and N.J.S.A. 23:21-2, N.J.S.A.2A:170-25.9, N.J.S.A. 2C:35.2. For the purpose of this policy, a 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.

Alcoholic Beverages – Includes beer, wine, distilled liquors and any other liquid containing alcohol.

Activities – Any extracurricular activities not required by the Board of Education for graduation.

MRO – Medical Review Officer; must review all positive drug tests.

Non-Negative – a drug screen that indicates the presence of metabolites and needs to be sent to a laboratory for confirmatory testing, or a refusal to follow procedures outlined in this policy.

SAC – Student Assistance Counselor – maintains an important and effective place in the public schools. The SAC is uniquely positioned to provide both individual and school-wide services that directly impact on classroom instruction, behavior management, alcohol and drug counseling, student safety, family support, and community relations.

Confirmed Positive - A positive result from confirmatory testing in a laboratory.

EtG Test – A laboratory test for the presence of Ethyl glucuronide (EtG), a biomarker resulting from the consumption or absorption of alcohol.

Consent Form

All students wishing to participate in any extracurricular, co-curricular and/or athletic program, obtain on-site parking, and/or participate in the voluntary drug testing program must provide student and custodial parent/guardian written consent for drug testing pursuant to the Robbinsville High School (RHS) Random Drug Testing Policy. Written consent shall be provided on the RDT form attached to this policy. Any student who does not sign the consent form and have the form signed by his /her parent/guardian, will not be able to participate in extracurricular activities, co-curricular activities, or obtain a parking space.

Administrators will have consent forms in the main office that need to be completed before the student attends the next meeting, activity or before a parking space is issued. Athletes will turn in their consent forms a week prior to the start of practice.

Eligibility for Testing

1. All students in Robbinsville High School who participate in any athletics, co-curricular activities or school clubs, have been granted parking permits for on-campus parking, as well as students who elect to participate with parental consent in the Random Testing Program for Alcohol and Other Drug Use, will be eligible for the random drug testing pool.
2. Once parent consent is signed, students remain eligible for random drug testing from the date the Consent to Random Testing Form is submitted until graduation, withdrawal or transfer from school, or until an Activity Drop Form is completed. Students will also remain eligible for testing whether they have been previously tested and/or are currently participating in athletics and/or co-curricular activities at the time they might be randomly selected for a drug test.
3. In the event that a student eligible for random testing ceases to participate or withdraws from all athletics, co-curricular activities or school clubs, or student parking, he or she has the opportunity to submit to the Principal or designee an appropriate Activity Drop Form. The Drop Form shall remain in effect for a minimum of one calendar year, with a built-in ten-day grace period for reconsideration. In order for a student's withdrawal to be effective and thereby remove her or him from the Testing Pool, the Activity Drop Form must be signed by both the student and a parent.
4. Students who volunteer to be part of the testing pool may opt out of the program by submitting the Activity Drop Form signed by the student and a parent.

Testing Procedure

On a periodic basis during the course of the school year, the ID numbers of all participating students will be placed in a pool from which in a contracted drug testing provider will randomly draw the names of up to ten percent of the participating number for testing. Those students selected for testing shall be immediately notified and tested the same day. A courtesy phone call will be made to the student's parents following the administration of the test. Any student who refuses to be tested, deliberately avoids testing, whose test indicates any masking agents, or has a positive test result will be in violation of the RHS Random Drug Testing Policy.

Collection of Testing Samples

The student selected for testing shall complete a specimen control form, which bears an assigned identification number. This identification number shall be the means for identifying the specimens by all laboratory personnel. Only the designated school personnel shall know the assigned number and name for each student selected for testing.

The student shall submit a urine sample according to the RHS Random Drug Testing Policy.

Confidentiality

The District respects the privacy of its students and shall maintain confidentiality regarding any drug testing. The District personnel will not release records of drug 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.

Furthermore, any records of test results and any possible subsequent consequences will not become part of the official student record which might be released for college or job applications. Any such records will be kept in a locked file under the supervision of the Student Assistance Coordinator (SAC), separate from the student's regular file.

Response for Positive Test Findings:

Note: These offenses are cumulative throughout the four years of high school.

First Infraction

Given that the RDT policy's emphasis is deterrence and remediation, if a student is found to have a non-negative test and confirmation is made by the MRO, the student will not be removed from any parking or extracurricular or co-curricular activity this first time, but will be contacted by the high school administration and SAC regarding assistance that can be provided to the family to address the needs of that student. If a positive result occurs a second time, second infraction requirements will be enforced.

The principal or vice principal will contact the parents to remove the student from school and make arrangements for the mandatory medical examination pursuant to the statute N.J.S.A. 18A:40A-12. If a parent elects to use the school contracted medical services, the district will pay the cost. If on the other hand, parents choose to use a family physician, the exam will be at the family's expense.

The student will complete a minimum of 5 counseling sessions with the Student Assistance Counselor (SAC).

The SAC will conduct an evaluation with the student and parent to determine the appropriate level of treatment.

If determined appropriate by the SAC, the student may attend a prevention/education program at a licensed substance abuse treatment agency or sign into and complete a substance abuse in-patient rehabilitation program. The student will continue in the recommended aftercare program as well as meet regularly with the SAC. Attendance in the rehabilitation program should begin within one week of the offense. An information release form must be made available to the substance awareness coordinator. The parent/guardian(s) is/are responsible for the cost of the treatment program.

The student will provide a minimum of three (3) subsequent random drug tests after his/her initial positive test. The student will be tested on each random testing date until three (3) consecutive substance free tests have been provided. Any test result indicating a relapse during this consecutive testing period will be considered a second infraction.

Failure to comply with the guidelines stated above may result in intervention on behalf of the student's safety and well-being. This may include intervention meetings with the student, parent/guardian, SAC and administration, as well as referral to the Department of Child Protection and Permanency (DCP&P).

Second Infraction

If a student is found to have a second non-negative test and confirmation is made by the MRO, the principal or vice principal will contact the parents to remove the student from school and make arrangements for the mandatory medical examination pursuant to the statute N.J.S.A. 18A40A-12. If a parent elects to use the school contracted medical services, the district will pay the cost. If parents choose to use a family physician, the exam will be at the family's expense.

The student will complete a minimum of 10 counseling sessions with the Student Assistance Counselor (SAC).

The SAC will conduct an evaluation with the student, parent, and others deemed necessary to determine the appropriate level of treatment.

If determined appropriate by the SAC, the student may attend a prevention/education program at a licensed substance abuse treatment agency or sign into and complete a substance abuse in-patient rehabilitation program. The student will continue in the recommended aftercare program as well as meet regularly with the Student Assistance Counselor. Attendance in the rehabilitation program should begin within one week of the positive drug test. An information release form must be made available to the SAC. The parent/guardian(s) is/are responsible for the cost of the treatment program.

The student will be suspended from participation on the team/activity/parking for a period of 45 calendar days. This suspension will also include all Board of Education sponsored activities such as, but not limited to: attending athletic or fund-raising events; dances; senior trip; Prom and graduation activities. In the event that the recommended treatment extends beyond the suspension period, the student may resume participation as long as he/she maintains required treatment attendance.

The student will provide a minimum of three (3) random drug tests after his/her initial positive test. The student will be tested on the random testing date until three (3) consecutive substance free tests have been provided. Any test result indicating a relapse during this consecutive testing period will be considered an additional infraction and may require administration and/or Board of Education Intervention according to the interests of the student.

Failure to comply with the guidelines stated above may result in intervention such as:

- 1) Meetings with the student, parent/guardian, SAC and administration;
- 2) Referral to the Board of Education for determination;
- 3) And referral to the Department of Child Protection and Permanency (DCP&P) for investigation.

Third Infraction

If a student is found to have a third non-negative test and confirmation is made by the MRO, the principal or vice principal will contact the parents to remove the student from school and make arrangements for the mandatory medical examination pursuant to the statute N.J.S.A. 18A:40A-12. If a parent elects to use the school contracted medical services, the district will pay the cost. If on the other hand, parents choose to use a family physician, the exam will be at the family's expense.

The student will complete a minimum of 15 counseling sessions with the Student Assistance Counselor (SAC).

The SAC will conduct an evaluation with the student, parent and others deemed necessary to determine the appropriate level of treatment.

If determined appropriate by the SAC, the student may attend a prevention/education program at a licensed substance abuse treatment agency or sign into and complete a drug/alcohol in-patient rehabilitation program. The student will continue in the recommended aftercare program as well as meet regularly with the substance awareness coordinator. Attendance in the rehabilitation program should begin within one week of the positive drug test.

An information release form must be made available to the SAC. The parent/guardian(s) is/are responsible for the cost of the treatment program.

The student will be suspended from participation on the team/activity/parking for a period of **90** calendar days. This suspension will also include all Board of Education sponsored activities such as, but not limited to: attending athletic or fund-raising events; dances; senior trip; Prom and graduation activities.

In the event that the recommended treatment extends beyond the suspension period, the student may resume participation as long as he/she maintains required treatment attendance.

The student will provide a minimum of three (3) random drug tests after his/her initial positive test. The student will be tested on the random testing date until three (3) consecutive substance free tests have been provided. Any test result indicating a relapse during this consecutive testing period will be considered an additional infraction and may require administrative intervention according to the best interests of the student.

Failure to comply with the guidelines stated above may result in intervention such as:

- 1) Meetings with the student, parent/guardian, SAC and administration;
- 2) Referral to the Board of Education for determination;
- 3) And referral to the Department of Child Protection and Permanency (DCP&P) for investigation.

Fourth And Additional Infractions

If a student is found to have a fourth non-negative test and confirmation is made by the MRO, the principal or vice principal will contact the parents to remove the student from school and make arrangement for the mandatory medical examination pursuant to the statute N.J.S.A. 18A:40A-12. If a parent elects to use the school contracted medical services, the district will pay the cost. If on the other hand, parents choose to use a family physician, the exam will be conducted at the family's expense.

The student will complete a minimum of 20 counseling sessions with the substance awareness coordinator (SAC).

The substance awareness coordinator will make recommendations for extensive treatment at the expense of the parents. If determined appropriate by the SAC, the student may attend a prevention/education program at a licensed substance abuse treatment agency or sign into and complete a drug/alcohol in-patient rehabilitation program. An information release form must be made available to the Administration and SAC.

The student will be referred to the Child Study Team, the Board of Education, and a referral may be made to the Department of Child Protection and Permanency for investigation if deemed appropriate by the administration.

The student will be suspended from participation on any team/activity/parking for **180** calendar days. This suspension will also include all Board of Education sponsored activities such as, but not limited to: attending athletic events, dances, senior activities, prom, and graduation. Each suspension from activities will begin on the date of the latest non-negative Random Drug Test.

The student will provide a minimum of three (3) random drug tests after the last positive test. The students will be tested until three (3) consecutive substance free tests have been provided. Any test result indicating a relapse during this consecutive testing period will be considered an additional infraction and may require administrative intervention according to the best interests of the student.

Adopted: