

POLICY

Kinnelon Public Schools Board of Education

5530.1- Voluntary Student Random Alcohol and Drug-Testing Policy

It is the responsibility of the Board of Education to safeguard the safety of the pupils in the schools and promote an orderly learning environment. We, therefore, maintain that the use of drugs, anabolic steroids and the unlawful possession and use of alcohol is harmful and threatens the safety of the pupils and the orderly learning environment of the entire school community. The Board of Education is committed to the prevention of drug, alcohol and anabolic steroid use.

The Board of Education convened a forum and solicited public input from the community and parents, which included a panel of educators and substance abuse counselors as well as other people who have had experience on the subject of random testing of students. Additionally the Board of Education conducted an on-line survey that was helpful in understanding the concerns of those who had reservations about a program of random drug and alcohol testing. These concerns are reflected and included within this policy.

The Board of Education recognizes that the problem of illegal drugs, anabolic steroid and alcohol use presents a continuing challenge in our schools and a clear danger to the pupil population as a whole. With this in mind, the Board of Education is committed to provide a safe and secure environment whenever possible. This requires a clear policy and supportive programs relating to the deterrence of substance use by pupils.

Although the mandatory aspect of this policy applies to those students who participate in athletics, co-curricular activities and on-campus parking the Kinnelon Board of Education is committed to being proactive in ensuring the safety of all pupils and encourages voluntary participation by those students who may not be part of activities requiring random alcohol and drug testing.

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 alcohol and drug testing of pupil participants in athletics, co-curricular activities, pupils granted parking permits for on-campus parking, pupils who have violated the district substance abuse policy, and pupils who voluntarily elect to participate in the program with parental consent. Eligibility shall apply to the entire academic year. The Principal or Vice Principal shall oversee the Policy and Procedure.

In accordance with NJAC 6A:16-4.4, prior to implementation of Policy 5530.1, the Kinnelon Board of Education will:

Hold a public hearing prior to the adoption of the alcohol or other drug testing policies and procedures, provide notice of the public hearing which will specifically identify the proposed alcohol or other drug testing policies and procedures as an agenda item for the hearing and provide copies of the proposed alcohol or other drug testing policies and procedures made available upon request prior to the public hearing.

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

- Deter substance/alcohol abuse and the use of anabolic steroids
- Promote safety
- 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 implementing regulations shall be made available at initial implementation and thereafter at the beginning of the school year, to all school employees, pupils 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 Voluntary Random Drug/Alcohol Testing Program.

This Policy shall apply to all Kinnelon School District students in grades 9-12 who participate in any athletics, co-curricular activities, or who possess on-campus parking permit. This Policy shall also apply to all Kinnelon School District students in grades -9-12 who voluntarily elect to participate in the program with parental consent.

Definitions:

Alcohol– Includes beer, wine, distilled liquors and any other liquid containing alcohol. The presence of alcohol metabolites will be determined through an Etg urine test.

Drugs – This list represents the substances currently tested. Depending on need it may be modified in accordance with statute to accommodate changes in technology or circumstance. Should such a change occur students affected by this policy will be notified.

a. Amphetamines	100	nanograms
b. Ecstasy	5	nanograms
c. Barbiturates	5	nanograms
d. Benzodiazepine	100	nanograms
e. THC (pot)	5	nanograms
f. Cocaine	5	nanograms
g. Opiates	100	nanograms

Medications – All medications, including over the counter drugs, must be properly registered with the school nurse. N.J.S.A. 18A:40-12.4.

Non-Negative (Positive) – A drug screen that indicates the presence of metabolites as reported from a laboratory after confirmatory testing.

Participant- Eligible student with a current Consent to Test Form on file. For students younger than 18 years of age both the student and parent/guardian must sign and all information is provided to the parent/guardian. For students 18 years of age and older the Consent to Test Form requires their signature only and information is provided to the student and those authorized by the student to receive it.

Random Drug Testing- Defined under Board Policy #5530 for students who have tested positive through suspicion testing. Participation in this random drug testing program is mandatory for these students.

Suspicion Testing- Defined under Board Policy #5530 is a program of testing students whose actions and behaviors fit the criteria for someone who may be under the influence of a controlled substance or alcohol.

Testing Pool- Students who have submitted a current Consent To Test form and are assigned a number for the random selection process.

Voluntary Activities – All athletics, co-curricular, clubs, and student parking where participation is voluntary and not part of graduation requirements.

Voluntary Random Drug Testing- Defined under Board Policy #5530.1 is a mandatory program for students who wish to participate in “voluntary activities”. It is termed voluntary because the policy applies only to programs that students “volunteer” to participate in and are

not part of their right to a Free and Appropriate Education.

STUDENT RANDOM ALCOHOL AND DRUG TESTING REGULATIONS

The School Principal/Vice Principal will coordinate and supervise the Random Drug and Alcohol Testing Program for students. The school nurse will gather testing specimens and follow all standards relating to confidentiality and accuracy of the collection process as outlined in the District Substance Abuse Policy #5530.

Eligibility for Testing – Kinnelon High School

- All students in Kinnelon High School who participate in any “voluntary activity” and any other student who elects to participate are eligible for inclusion in the Voluntary Random Alcohol and Drug Testing Program.
- Students who volunteer to participate in the program must submit their Consent to Test Form.
- Student athletes at the high school must submit Consent to Test Forms on or before the first day, they participate in practice. Failure to do so will result in ineligibility for athletic participation until the form is submitted. The Vice Principal for Athletics and Student Activities will oversee the collection of Consent to Test Forms by coaches.
- Students involved in co-curricular activities or school clubs must submit the Consent to Test Form no later than their attendance at a second meeting of the club or activity. Failure to do so will result in ineligibility for participation in the club or activity until the form is submitted. The Vice Principal for Athletics and Student Activities will oversee the collection of Consent to Test Forms.
- Students 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 until the form is submitted.
- Students who volunteer to participate in the Voluntary Random Drug/Alcohol Testing Program shall be allowed to participate at any time once they submit Consent to Test Form.
- It will be the responsibility of the Vice Principal for Athletics and Student Activities and the coach/advisor to insure that all students on the roster for that activity have submitted the Consent to Test form. A student must submit Consent to Test form for each athletic season which remains in effect for the duration of that athletic activity. Regardless of the amount of activities a student may participate in he/she will be assigned one number as part of the testing pool.

- In the event that a student eligible for Voluntary Random Alcohol and Drug 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 an Activity Drop Form. This Activity Drop Form shall remain in effect for the remainder of the school year, with a built-in fifteen (15) day grace period for reconsideration. In order for a student's withdrawal to be effective and thereby remove him or her from the program, both the student and a parent/guardian must sign the Activity Drop Form when applicable.
- Students who volunteer to be part of the testing pool and are not participating in athletics, co-curricular activities or on-campus parking may opt out of the program by submitting an Activity Drop Form signed by the student and parent(s)/guardian(s).
- For the first year this policy is in effect the district will test a minimum 10% of the total number of students in the Testing Pool annually. For the second year and thereafter the district will test approximately 20% of the total number of students in the Testing Pool annually. Students whose number is drawn and test negative remain in the Testing Pool.

Testing Procedures

- A confidential testing schedule will be created prior to the initiation of the program to ensure that the testing of eligible students is conducted in a manner that is random.
- Testing will only occur on student contact days during the academic year.
- Selection of eligible students for testing will be conducted in a purely and entirely random basis, which will be carried out as follows:
 - The students eligible for testing will be assigned random identification numbers in order to maintain confidentiality and to ensure the integrity of the randomness of the testing program.
 - Periodically, the Substance Abuse Counselor will arrange for the random selection of ID numbers assigned to members of the Testing Pool. Random numbers will be generated anonymously with the selected number then matched with a list of names held by the Substance Abuse Counselor. The Substance Abuse Counselor will then provide the name(s) to administration to initiate the process.
 - Upon selection the Substance Abuse Counselor and the school nurse will insure, without exception, that the student assigned to the selected ID number is tested. A school administrator will escort Participants to a secure collection site in the Nurse's Office or another bathroom facility in the building.
- The Collection Site will have a secured bathroom that will maximize the privacy of the participant and ensure the integrity of the sample collection process. Water sources shall be turned off and toilet water will be blued to prevent adulteration of test specimens.

- In the event of a student absence, an alternate selection will be made from the testing pool. The student who was absent will be tested as soon as possible upon return to school.
- The names and/or any other personally identifiable information of the Participant will remain confidential.

Collection of Samples

All aspects of the Program, including the taking of specimens, will be conducted to safeguard all personal and/or privacy rights of the Participant to the maximum extent possible. The Policy treats a participant'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 Participant 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 Participant will be used to initiate or substantiate any criminal charges against a Participant or to conduct any investigation of him or her, and the district shall not share Participant's individual test results with law enforcement authorities. The records are not considered part of the Open Public Records Act. All information required for the Random Drug and Alcohol testing program in digital format will be stored separately from the district network on a computer dedicated for that purpose only. Access to these files will be secured with a password assigned only to the Substance Abuse Counselor.

In order to meet the requirements of NJAC 6A:16-4.4 the Kinnelon Board of Education will secure a license to operate the school district's own collection station for the collection of specimens and contract with a licensed clinical laboratory for the transportation and testing of alcohol or other drug testing specimens.

- Any information transmitted to an approved outside agency for testing or processing will not contain any personally identifiable information of the Participant. 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.
- The Participant shall submit a urine/saliva specimen according to the Consent to Test Form.
- The Participant shall complete a specimen control form that bears the assigned identification number. Only the Substance Abuse Counselor shall know the assigned number for each participant.
- The school nurse will collect and forward the specimen to a licensed laboratory. The school nurse will follow the prescribed protocol for the acquisition and handling of the

student's specimen, the chain of custody of the student's specimen, the testing and analysis of the student's specimen, the storage of the student's specimen and maintaining the standards that ensure the confidentiality and scope of the authorized disclosure of testing information that protect the identity of the student and the results of the alcohol/drug test.

- If a specimen is determined to be a “non-negative”, the specimen will be further reviewed by the 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 Participant unless there is a need for the MRO to contact the parents and or student for clarification of the results.
- Any attempt by a Participant to tamper with the specimen collection process will deem and constitute the specimen as positive.
- Refusal of a Participant to provide a sample will be interpreted as a positive result.
- All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of Participants. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors. Only one student at a time will be called down for testing.

Notification of Testing and Testing Results

- A courtesy call will be made to contact the parent(s) or guardian(s) of students selected for random testing prior to the collection procedure.
- The parent(s) or guardian(s) of students selected for testing will receive a phone call following a Participant's completion of the Testing Process with information concerning the preliminary results when they become available.
- Where a Participant's test is confirmed positive, the Participant's parent(s) or guardian(s) will be contacted directly by a Medical Review Officer (MRO) to conduct a consultation. The consultation will address the reasons for the positive test and a decision will be made by the MRO regarding the legitimacy, validity, or accuracy of a positive test. The MRO will determine if that substance has been taken pursuant to a legal prescription.
- Results of the Participant's test confirmed by the MRO will be provided to the Substance Abuse Counselor within twenty-four (24) hours of the MRO's consultation with the Participant and his or her parent(s) or guardian(s). The Substance Abuse Counselor will contact the parents and or student to discuss the results.
- Participants' 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 oversee implementation of the Policy or the consequences of violating the policy. Student drug testing information resulting from the Policy 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.

- Student drug testing information resulting from the Program is not considered a part of a student's permanent record or cumulative folder and will be destroyed upon their graduation or transfer from the Kinnelon Public Schools.
- The district respects the privacy of its students and shall maintain confidentiality regarding any alcohol and drug testing for this Program. The written results will only be released to parent(s) or guardian(s) of the student and the SAC (Substance Abuse Counselor). All records and subsequent actions shall be kept in a file separate from the student'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 the written authorization from the pupil and/or his/her parent/guardian in accordance with 42. C.F.R. – Part II.

Procedure when there is a Confirmed Positive -

- Consistent with the philosophy of the Kinnelon Board of Education that this policy provides the maximum opportunity for opening a portal of assistance for our students as well as encouraging voluntary participation, any student, whether they participate in the random or voluntary testing program on the first confirmed positive will be not be suspended from school or the co-curricular/extra curricular activity provided there is strict adherence to the district substance abuse policy and procedure. However in accordance With N.J.A.C. 18A:40A-12 and N.J.A.C. 6A:16-4.3, the Participant must be evaluated by a physician before returning to school and a written report must be furnished to the school district certifying that substance use no longer interferes with the student's mental or physical ability to participate in school or the activity. This report must be received prior to resumption of the activity.
- The ability to continue in the activity, subject to medical clearance, applies only to those participating in the Voluntary Random Alcohol/Drug program.
- Students who have tested positive through the Voluntary Random Alcohol/Drug program must provide medical clearance and meet with the Substance Abuse Counselor. Failure to do so will result in exclusion from school until the medical clearance is achieved. Every effort will be made to minimize the amount of time a student is not able to participate in athletics or co-curricular activities. If, within a reasonable time, the meeting with the Substance Abuse Counselor or the recommendations of the Substance Abuse Counselor has not been achieved, participation in those activities will be curtailed. Students who are excluded from school longer than 5 days will be provided with homebound instruction until the required medical clearance is achieved. A student who has a confirmed positive test through the Voluntary Random Alcohol/Drug Testing Program may be subject to further random testing as outlined in the assessment/treatment plan required for readmission to school and the activity and will be included in the Random Suspicion Testing Pool.

- Students with a parking permit and a first time confirmed positive test under the Voluntary Random Drug/Alcohol testing program will have this privilege revoked for 20 school days.
- Should junior parking be in effect the suspension of the parking permit will carry over into the next school year.

Nothing in this policy shall prevent school district officials from testing students based on individualized suspicion. Nothing in this policy shall interfere with the Board's policies regarding the use, possession, or distribution of illegal substances on school premises as defined in Policy #5330.

Policy adopted:

This policy must be reviewed by the Board of Education prior to June 30, 2009