

NORTH HUNTERDON-VOORHEES REGIONAL HIGH SCHOOL DISTRICT

BOARD OF EDUCATION

POLICY #5531

Random Alcohol and Drug-Testing Policy

Statement of Need

This policy is based on the following facts:

Medical studies have established that drug use affects motor skills, learning, memory retention, reasoning ability and coordination.

Except in extreme cases, drug use is difficult for laymen, or even physicians, to detect by casual observation.

No safe level of drug use has been established. Any measurable amount of a mind-altering drug or alcohol in a person's body can cause some degree of impairment, even if that impairment is not readily apparent to the layman.

Community Task Force

The District convened a Task Force which, in part, conducted surveys, solicited public input from the community and parents and obtained law enforcement data. This information was obtained to gain an understanding of the current drug use among students. The District's Task Force found there was enough information of substance use/abuse by students that additional attention is warranted.

State and National Trends

The District's results are consistent with other national and state-wide data. Both New Jersey and the United States as a whole continue to confront both a drug and alcohol problem of significant magnitude in its public schools. According to a recent national survey sponsored by the National Institute on Drug Abuse, although teen drug-use has decreased in recent years it still affects a significant portion of students. Marijuana use among tenth graders remains at thirty percent, with nearly a third of students in that grade report having used the drug. See Press Release, National Institute on Drug Abuse, 2002 *Monitoring the Future Survey Shows Decrease in use of Marijuana, Club Drugs, Cigarettes, and Tobacco*, at 2 (Dec. 16, 2002). In New Jersey, data released in 1999 by then-Attorney General John J. Farmer, Jr., shows "virtually no change in young people's use of alcohol, marijuana, hallucinogens, cocaine, amphetamines and heroin" between 1995 and 1998. See Press Release, New Jersey Department of Law and Public Safety, *State Releases Survey of Substance Abuse Among High School Students*, pg. 1 (Dec. 30, 1999). According to the New Jersey Department of Law and Public Safety, "about four in every five students (78.5%) report the use of alcohol at some time in their lives" that "36.9% (report using marijuana) in the past year(,)" and the most widely used illicit

drugs, other than marijuana, are hallucinogens and amphetamines.” New Jersey Department of Law and Public Safety, *Drug and Alcohol Use Among New Jersey High School Students 1999*, pgs. 17-18. The State’s survey moreover reveals that nearly sixty percent of all responding students indicated that parental disapproval would prevent them from using drugs in the first instance.

The Board of Education recognizes its responsibility for the children entrusted to its care. The Board of Education wishes to deter drug and alcohol use and does not wish to wait for a substantial portion of its students to begin using drugs or alcohol before instituting this Policy. Accordingly, this Policy is a rational attempt by the Board of Education and approving parents to address a documented and substantiated problem of illegal drug and alcohol use affecting a sizeable portion of its student population.

Therefore, it is the policy of The North Hunterdon-Voorhees Regional High School District Board of Education to authorize the Administration to implement a random alcohol and drug testing program for all students engaged in any athletic programs or extra-curricular activities not required by the Board of Education for graduation or who possess a parking permit for on-campus parking (the “Program”). Further, any parent or guardian may elect to have their student participate in the program on a voluntary basis by completing the consent form. Eligibility shall apply to the entire academic school year. Administrative Regulations (R5531) cover the procedures for conducting these tests and appropriate recourse regarding the results. Design of the program should be consistent with the Board of Education’s objectives, which are as follows:

- Promote health and safety;
- Deter drug use, thereby countering peer pressure which may encourage indulgence;
- Encourage students who use alcohol and drugs to participate in rehabilitative programs; and
- Encourage and invite voluntary testing.

Primary emphasis in administering this Program should be directed toward deterrence and remediation rather than punishment of students who test positive for illegal drugs or their metabolites. Sanctions and corrective action should be designed accordingly. This Policy and its implementing Regulations shall be made available annually, at the beginning of the school year, to all school employees, pupils and parents(s) or legal guardians(s).

This Policy is not intended to be disciplinary or punitive in nature. No student shall be expelled or suspended from the curricular program as a sole result of any verified positive test conducted by the school under the random drug testing program.

This policy will apply to all North Hunterdon-Voorhees Regional High School District students in grades 9-12 who participate in any athletics, extra-curricular activities not required by the Board of Education for graduation or who possess a parking permit for on-campus parking.

Definitions:

Drugs – All controlled substances designated and prohibited as stated in North Hunterdon-Voorhees Substance Abuse Policy #5530 and N.J.S.A. 23:21-2, N.J.S.A. 2A170-25.9, N.J.S.A. 2C:35.2 For the purpose of this policy, a drug includes, but is not limited to, phencyclidine

(PCP), marijuana (THC), cocaine, methamphetamine, opiates, alcohol, and anabolic steroids or any other substance which is defined as a controlled substance by New Jersey law or their metabolites.

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

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

Activities – Any extra-curricular activities not required by the Board of Education for graduation.

Adopted: May 25, 2004

This Policy will expire effective June 30, 2006.

North Hunterdon-Voorhees Regional High School District Random Drug Testing Regulations #5531

Testing Coordinator

- The Assistant Principal or administrative designee will coordinate and supervise the testing program at both High Schools.

Eligibility For Testing

- North Hunterdon-Voorhees Regional High School District students participating in athletics, extra-curricular activities not required by the Board of Education for graduation, volunteers to the random alcohol and drug testing program, or those students possessing an on campus parking permit will be eligible for random drug testing (the “Testing Pool”).
- Students become eligible upon submission of a consent form. Student athletes must submit a consent form on or before on the first day they participate in a practice. Students involved in extracurricular activities must submit a consent form by no later than their attendance at a second meeting and students with parking permits for on-campus parking will submit a consent form before the first day of parking.
- Students remain eligible for random drug testing from the date the consent form is turned in throughout the remainder of the school year whether or not they have been previously tested or are currently participating in athletics or extra-curricular activity at the time they might be randomly selected for a drug test. In the event that a student eligible for random alcohol and drug testing ceases to participate or withdraws from an athletic team, extra-curricular activity, or student parking, he or she has the opportunity to submit to the Assistant Principal or administrative designee an Activity Drop Form. In order for a student’s withdrawal to be effective and thereby remove him or her from the Testing Pool, the student’s Activity Drop Form must be signed by both the student and a parent/guardian.
- The District will test no more than 10% of the total number of students in the Testing Pool annually.

For what Substances will Students be Tested?

- In administering the Program, the District will test for the presence of certain substances that may include, but not limited to, the following substances or their metabolites: alcohol, marijuana (THC), opiates, cocaine, methamphetamines, anabolic steroids and phencyclidine (a/k/a PCP), MDMA (a/k/a Ecstasy), and/or any other substance defined as a “controlled substance” by either New Jersey or Federal law.

Selection of Students for Testing

- A confidential testing schedule will be created by the administrations of the High Schools prior to the initiation of the Program to ensure that 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 Testing Coordinator or designee will assign a number to each student eligible for testing.
 - The Testing Coordinator or designee will receive a list of numbers to be tested.
 - The Assistant Principal or administrative designee will notify the individual(s) selected for testing (the “Participant”) (in person) and escort the Participant to the location designated by his or her respective High School as the location for testing (the “Testing Site”).
 - The Testing Site will be at the Participant’s respective High School in an area that has a secured bathroom which will maximize privacy of the Participant.
 - Alternate student selections will be made in the event of student absence.
 - The names and/or any other personally identifiable information of the Participants will remain confidential.

Administering The Test

- All aspects of the Program, including the taking of specimens, will be conducted so as to safeguard any and all the personal and/or privacy rights of the Participant to the maximum extent possible. The Policy treats a Participant’s test result as a confidential health record pursuant to both federal and state regulations. 42C.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 42C.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 will not share Participants’ individual test results with law enforcement authorities.
- Any information transmitted to an approved outside collection agency for testing or processing will not contain any personally identifiable information of the Participant. The approved outside collection agency will oversee the collection of specimens in accordance with federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards.
- The approved outside agency will collect specimens from the selected students and forward the specimens to a licensed laboratory for testing. Any information transmitted from an approved outside collection agency to a licensed laboratory for testing or processing will not contain any personally identifiable information of the Participant. The agency may conduct an initial on-site test on the specimen before sending the specimen to the laboratory.
- The Participant 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 for each Participant.

- The Participant shall submit a saliva, urine and/or breath specimen according the North Hunterdon-Voorhees Regional High School District Random Alcohol and Drug Testing Written Consent Form.
- Specimens will be kept by the testing facility for at least ninety (90) days pending a request for retesting of a specimen, if any.
- Any Participant unable to produce an adequate specimen during the collection period will be recalled for testing.
- Any attempt by a Participant to tamper with the specimen collection process will deem and constitute the specimen as positive.
- All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of Participants. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors.

Notification of Testing & Testing Results

- Students participating in District athletic programs, extra-curricular activities not required by the Board for graduation, volunteers to the random alcohol and drug testing program, or students who possess a District parking permit for on-campus parking are required to complete the North Hunterdon-Voorhees Regional High School District Random Drug Testing Program Consent Form (the “Consent Form”).
- The parent(s) or guardian(s) of students selected for testing will be notified (via phone call or message) on the day of testing.
- Where a Participant tests 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 student tests confirmed by the MRO will be provided to the Superintendent or designee within twenty-four (24) hours of the MRO’s consultation with the Participant and his or her parent(s) or guardian(s).
- Participant test results will be kept in confidential files separate and apart from his or her other educational records, and shall be disclosed only to those personnel who have a need to be informed regarding the result of the test in order to implement or to oversee implementation of the Program or the consequences for violating the Policy. Student drug testing information resulting from the Program will not be turned over to any law enforcement authorities except under circumstances in which the District is legally compelled to surrender or disclose such test results. N.J.A.C. 6A:16-3.2
- The District respects the privacy of its students and shall maintain confidentiality regarding any alcohol and drug testing for this Program. The results will only be released to designated district personnel. 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 student and/or his/her parent/guardian without written authorization from the student and/or his/her parent/guardian. In accordance with 42C.F.R. – Part II.

Consequences

- Consequences will result from the following:
 - A confirmed positive alcohol or drug test;
 - Refusal to participate in testing when selected; and/or
 - Tampering with the specimen collection process
- Students will be ineligible for participation in a district athletics program, District extra-curricular activity or parking on-campus unless they complete the North Hunterdon-Voorhees Regional High School District Random Alcohol and Drug Testing Program Consent Form.

When a Random Alcohol or Drug Test is Positive:

- The Assistant Principal will contact the parent(s) or guardian(s) 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.
- The Participant will be removed from the athletics program and/or extracurricular activity as well as have his or her District parking permit revoked for a minimum period of two (2) weeks.
- The Participant shall have a minimum of five (5) visits with the (Student Assistant Counselor) SAC.
- The Participant shall attend four (4) out of five (5) prevention/education sessions.
- In accordance with N.J.S.A. 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 District certifying that substance use no longer interferes with the student's mental or physical ability to participate in school.
- The Participant must submit a negative drug test prior to the returning to the athletics program and/or extra-curricular activity and prior to reinstatement of his or her District parking permit and privileges associated therewith.

Appeal Procedure

- A Participant or his or her parent(s) or guardian(s) may request a retest of their specimen at their own expense at a laboratory approved by the District. Request must be made within forty-eight (48) hours of receiving the results of their drug test.

NORTH HUNTERDON-VOORHEES REGIONAL HIGH SCHOOL DISTRICT

STUDENT RANDOM ALCOHOL AND DRUG CONSENT TO TEST FORM

I understand fully that my performance as a participant and the reputation of my school are dependent, in part, on my conduct as an individual. I hereby agree to accept and abide by the standards, rules and regulations set forth by the North Hunterdon-Voorhees Regional High School District Board of Education and the sponsors for the activity in which I participate.

I authorize the North Hunterdon-Voorhees Regional High School District to conduct a test on saliva, urine and/or breath which I provide on-site to test for alcohol and/or drug use if my name is drawn from the random pool. Pursuant to the Regulations for Policy #5531, I also authorize the release of information concerning the results of such tests to the Superintendent or administrative designee.

I understand that I may also be randomly drug tested throughout the remainder of the school year.

(Student Name – Please Print)

(Student ID Number)

(Student Signature)

(Date)

(Parent/Guardian Signature)

(Parent/Guardian Name – Print)

(Date)

(Parent/Guardian Home Phone)

(Parent/Guardian Work Phone)

(Parent/Guardian Cell Phone)

- I plan to participate in the one of the following:
 - Athletic Program
 - Extra-curricular Activity
 - On-campus Parking
- I am volunteering to be placed in the testing pool.

NORTH HUNTERDON-VOORHEES REGIONAL HIGH SCHOOL DISTRICT

ACTIVITY/ATHLETIC PROGRAM/PARKING PERMIT DROP FORM

I, _____ wish to withdraw from _____

If withdrawing from parking, please insert decal number here: _____

I will submit this form to the advisor or coach of said activity or athletic program. My name will be withdrawn the testing pool on the date this is received by the Assistant Principal or designee. Completing this form will pertain to all extra-curricular activities not required for graduation, athletic programs and/or on-campus parking permit. I understand, by withdrawing, I can no longer participate in any extra-curricular activities not required for graduation, athletic program or on-campus parking and I may not receive recognition as a member of these activities or athletic programs. I may re-enter the testing pool by filling out a new consent form

(Student Signature)

(Print Name)

(Date)

(Parent/Guardian Signature)

(Print Name)

(Date)

(Advisor Signature)

(Print Name)

(Date)

(Assistant Principal Signature)

(Print Name)

(Date)