

REGULATION

VERNON TOWNSHIP
BOARD OF EDUCATION

R5530.1 - Student Random Alcohol and Drug Testing
PUPILS
Dec 08
June 18

R5530.1 STUDENT RANDOM DRUG TESTING

Procedures for student testing:

Testing Coordinator

The Principal, and Security Coordinator will coordinate and supervise the Random Drug and Alcohol Testing Program for students.

Eligibility for Testing – Vernon Township High School

All students in Vernon Township High School who participate in any athletics, extracurricular activities or social clubs, or have been granted parking permits for on-campus parking, and students who elect to participate in the Random Alcohol and Drug Testing Program (Program) with parental consent will be eligible for the random drug testing pool (Testing Pool).

For the high school, the Consent to Test Form must be submitted to the appropriate coach, advisor, or testing coordinator for parking permits and volunteers for the program.

Student athletes at the high school must submit the 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 Director of Athletics will oversee the collection of Consent to Test Forms by coaches.

Students involved in extracurricular 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. An assistant Principal will oversee the collection of forms by Advisors.

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. The Security Coordinator will oversee the collection of forms.

Students remain eligible for random testing from the date the Consent to Test Form is turned in through an entire school year, whether or not they have been previously tested or are currently participating in athletics or extracurricular activities at the time they might be randomly selected

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for a drug test. In the event that a student eligible for random drug and alcohol testing ceases to participate or withdraws from all athletics, extracurricular activities or school clubs, or student parking, he or she has the opportunity to submit to the Principal or administrative designee an Activity Drop Form. This Activity Drop Form shall remain in effect for a minimum of one calendar 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 Testing Pool, the Activity Drop Form must be signed by both the student and a parent/guardian.

Students who volunteer to participate in the Program shall be allowed to enter the Testing Pool at any time once they submit a Consent to Test Form.

Students who volunteer to be part of the testing pool may opt out of the program by submitting a Drop Form signed by the student and parent(s)/guardian(s).

The district will test a minimum of 20% of the total number of students in the Testing Pool annually.

Testing Procedure

A confidential testing schedule will be created by the administration prior to the initiation of the program to ensure that the testing of eligible students is conducted in a manner that is random.

Testing will occur on student contact days during the academic year on days when there are two nurses scheduled to be in the building.

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. These numbers will be changed periodically to further ensure randomness.
- The testing coordinator will utilize a random number generator to select random numbers for each testing day. The coordinator will select a sufficient number of students to ensure that an adequate number of tests can be performed on that testing day. This accounts for student absences from school or other contingencies.
- The testing coordinator or designee will notify the individuals selected for testing (Participants) and escort the Participants to a secure testing site in the Nurse's Office or

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other bathroom facility in the building. The Testing 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.
- Every effort will be made to minimize the disruption to the academic progress of classes and to maintain the confidentiality of student selected for testing.

Collection of Testing Samples

All aspects of the Program, including the taking of specimens, will be conducted so as to safeguard any and 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 CFR, 2.1 and 2.2; NJAC 6A:16-1.4. 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 CFR – 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.

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.

In administering the Program, the district will test for the presence of certain substances that may include, but are not limited to the following substances or their metabolites: alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (a/k/a/ Ecstasy), antidepressants, and/or any other substance defined as a "controlled substance" by either New Jersey or Federal Law.

The Participant shall submit a urine and/or saliva screen according to the Consent to Test Form.

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The Participant shall complete a specimen control form that bears the assigned identification number. Only designated school personnel shall know the assigned identification number. Only designated school personnel shall know the assigned number for each participant.

The Test Administrator will collect specimens from the selected student and conduct an initial on-site test on the specimen. If the specimen produced is determined to be a “non-negative”, the specimen will be forwarded to a 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.

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.

Notification of Testing and Testing Results

Parent(s) /guardian(s) of students selected for testing will receive a phone call or message following a participant’s completion of the testing process with information concerning the preliminary results. Parent(s)/guardian(s) will be notified if the screen is negative. If the screen is non-negative the parents will be informed that the sample is being sent for further evaluation.

Where a Participant’s test is confirmed positive, the Participant’s parent(s) or guardian(s) will be contacted directly by an administrator or the Security Coordinator to conduct a consultation. The consultation will address the reasons for the positive test and a decision will be made by a Medical Review Officer (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 an MRO will be provided to the designated personnel within twenty-four (24) hours of the MRO’s consultation with the Participant and his/her parent(s)guardian(s).

Participant’s test results will be kept in confidential files separate and apart from his/her other educational records, and shall be disclosed only to those personnel who have a need to be

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informed regarding the result of the test in order to implement or oversee implementation of the Program or the consequences of 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. NJAC 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 parent(s) or guardian(s) of the student and the SAC (Student Assistance Counselor). All records and subsequent actions shall be kept 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 CFR – Part II.

When a student graduates or permanently withdraws from the school district, all records for that student which pertain to the Random Drug Testing Program will be destroyed.

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 any athletics, extracurricular activities or school clubs, or parking on campus unless they complete the Random Drug and Alcohol Testing Program: Consent to Test Form.

Consequences of a Confirmed Positive – Vernon Township High School

First Confirmed Positive:

- The Participant shall have a minimum of six (6) visits with the Student Assistance Counselor (SAC), one of which must occur within the week immediately following the confirmed positive test.

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- The Board highly recommends a support-team be created, including but not limited to the student, parent(s)/guardian(s), SAC, and mentors in the school (e.g., teachers, coaches, advisors, etc.)
- The Participant shall attend an Early Intervention Program. If one is not available in school, the Participant shall attend at an agency approved by the Department of Health and Senior Services as an appropriate substance abuse treatment center. The Participant must enter an approved program within one (1) week of receipt of the confirmed positive test result.
 - The parent(s)/guardian(s) are responsible for the cost of the treatment program.
- For the safety of the student, his/her parking permit will be revoked for the duration of the treatment program.

Second Confirmed Positive:

- The Participant shall have a minimum of six (6) visits with the Student Assistance Counselor (SAC), one of which must occur within the week immediately following the confirmed positive test.
 - The Board highly recommends a support-team be created, including but not limited to the student, parent(s)/guardian(s), SAC, and mentors in the school (e.g., teachers, coaches, advisors, etc.)
- For second confirmed-positives, the Participant will be removed from any athletics, extra-curricular activities, or school clubs for a minimum period of thirty (30) consecutive calendar days. The student must receive written clearance to return to their activities by the Student Assistance Counselor.
 - Any previously identified ineligible Participant must submit a negative drug test prior to returning to any athletics, extra-curricular activities, or school clubs as well as before having his/her parking permit reinstated. This follow-up drug test may be performed at school using the approved urine screen upon agreement between the parent(s)/guardian(s) and the administration/SAC. Should this re-screen be a “non-negative” the sample shall be sent for confirmatory testing and MRP analysis as described above.

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- A participant who submits a confirmed positive drug test a second-time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Department of Health and Senior Services or Department Education as an appropriate substance treatment provider.
 - The parent(s)/guardian(s) are responsible for the cost of the treatment program.
- For the safety of the student, his/her parking permit will be revoked for the duration of the treatment program.

Third and Subsequent Confirmed Positives:

- The Participant shall have a minimum of six (6) visits with the Student Assistance Counselor (SAC), one of which must occur within the week immediately following the confirmed positive test.
 - Any previously identified ineligible Participant must submit a negative drug test prior to returning to any athletics, extra-curricular activities, or school clubs as well as before having his/her parking permit reinstated. The follow-up drug test may be performed at school using the approved urine screen upon agreement between the parent(s)/guardian(s) and the administration/SAC. Should this re-screen be a “non-negative” the sample shall be sent for confirmatory testing and MRO analysis as described above.
- A participant who submits a confirmed positive drug test a third or subsequent time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluator must be performed by a substance abuse professional approved by the Department of Health and Senior Services or Department of Education as an appropriate substance treatment provider.
 - The parent(s)/guardian(s) are responsible for the cost of the treatment program.
- For the safety of the student, his/her parking permit will be revoked for one calendar year.

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Records of a positive test will be carried over each year. The District will maintain records until the student is no longer attending VTHS.

Failure to follow through on procedures as set forth herein will result in Participant being deemed ineligible for any athletics, extracurricular activities or school clubs, or parking on campus. The administration reserves the right to apply consequences beyond the denial of participation should the student/parents continue to ignore the deadlines for compliance regarding follow-up testing, SAC evaluation, and/or attendance in an Early Intervention Program.

Appeal Procedure

A Participant or his/her parent(s)/guardian(s) may retest of his/her specimen at his/her own expense at a laboratory approved by the district and which follows federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards concerning drug testing protocols and procedures. Written requests must be received by the school administration within forty-eight (48) hours of receiving the results of their drug test. The specimen previously submitted will be forwarded to the approved lab in cooperation with the district-approved outside agency responsible for confirmatory testing. If the results of the re-test made on appeal are positive, then the consequences of the policy will be implemented. If the results of the re-test on appeal are negative, the test will be considered negative.

Policy Review

The Board will annually review the effectiveness of Policy and Regulation 5530.1 on Random Drug and Alcohol Testing. The Board shall solicit parent(s) or legal guardian(s), pupil and community input, as well as input from the SAC, Security Coordinator, Principal, coaches, advisors or others involved with students eligible for participation in the Random Drug Testing Program.

Adopted: December 08
Revised: June 2018