

# POLICY

## Upper Freehold Regional Board of Education

Section: Pupils

### 5530.1. STUDENT RANDOM ALCOHOL AND OTHER ILLEGAL DRUG TESTING POLICY

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### 5530.1- STUDENT RANDOM ALCOHOL AND OTHER ILLEGAL DRUG TESTING POLICY

It is the responsibility of the Board of Education to safeguard the safety of the pupils in the schools and to promote an orderly learning environment. We recognize that the use and unlawful possession of alcohol and other illegal drugs is dangerous and harmful. As such, the Board maintains that the misuse of alcohol, other illegal drugs or steroids 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 alcohol, other illegal drugs and steroid abuse.

The Board of Education recognizes that the problem of alcohol and other illegal drug use presents a continuing challenge in its schools and a clear danger to the pupil 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 pupils involved in these school sponsored activities.

The district is committed to being proactive in ensuring the safety of all pupils participating in athletics, extracurricular and co-curricular activities, and parking. Participation in athletics, extracurricular and co-curricular activities and parking on campus are privileges. Pupil 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 pupil participants in athletics, extracurricular and 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 Principals shall oversee the Policy and Procedure.

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 peer 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, 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 Random Drug Testing Program.

This policy shall apply to all Upper Freehold Regional 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 Upper Freehold Regional 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.

**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 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.

**Confirmed Positive** – A positive result from confirmatory testing at 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 Allentown High School (AHS) 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.

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.

### **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 a contracted drug testing provider (located in Ohio) will randomly draw the names of a minimum of 10 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 AHS 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 AHS Random Drug Testing Policy.

### **Confidentiality**

The District respects the privacy of its students and shall maintain confidentiality regarding any drug testing. 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 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.

### **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 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 picks up 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 substance awareness coordinator (SAC).

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

If determined appropriate by the substance awareness coordinator, 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 substance awareness

coordinator. 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 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 Division of Youth and Family Services for investigation.

### **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 picks up 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 substance awareness coordinator (SAC).

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

If determined appropriate by the substance awareness coordinator, 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 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 substance awareness coordinator. 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 ~~60~~ 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 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 Division of **Child Protection and Permanency Youth and Family Services** 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. 18A40A-12. If a parent elects to use the school contracted medical services, the district picks up 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 10 counseling sessions with the substance awareness coordinator (SAC).

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

If determined appropriate by the substance awareness coordinator, 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 substance awareness coordinator. 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 365 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 Division of **Child Protection and Permanency Youth and Family Services** 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 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 picks up 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 substance awareness coordinator, 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 Division of **Child Protection and Permanency Youth and Family Services** for investigation if deemed appropriate by the administration.

The student will be suspended from participation on any team/activity/parking for 365 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.

# Student Random Alcohol and Other Illegal Drug Testing 5530.1

Approved by the Upper Freehold Board of Education, June 18, 2008, revised July 2010.

## **PROCEDURES:**

### **A. Consent Form**

All students wishing to participate in any extracurricular, co-curricular or athletic activity, 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 Upper Freehold Board of Education Random Drug Testing Policy. Written consent must be provided on the drug testing consent form. The drug testing consent form will be mailed home annually over the summer and must be returned to the school's main office prior to participation in any of the above stated activities. Additional copies of the drug testing consent form are available in the main office or on the school's website. Only students with signed consent forms will be able to participate in the above noted activities.

A student database of participating students will be created and activity advisors, coaches and the athletic director will have access to this database. Activity advisors and coaches must make certain all students enrolled in any activity, including parking, have the signed form on file. The school administration will provide the selected testing services company with a list of Student ID numbers.

The consent form will be in effect throughout the student's enrollment at Allentown High School or until the submission of a written request from a parent/guardian to withdraw the original consent. If a student withdraws during the school year, he/she must wait 365 days to re-enroll in random drug testing and participate in activities.

### **B. Testing Procedures**

On a periodic basis throughout the school year, ID numbers of all participating students will be placed in a pool from which the Board contracted drug-testing provider will randomly and annually select a minimum of ten to twenty percent of students in the pool. Students selected for testing will follow the procedures listed below:

1. Students will be taken to the testing location by the principal/vice principals. The testing location will be the team room in the new gym.
2. A building administrator, principal or vice principal, will remain in the testing location throughout the procedure.
3. Those students selected for testing shall be notified and tested the same day.
4. The clinician will explain the process to the student. Students will complete the

specimen control form, which bears an assigned identification number. The identification number shall be the means by which the specimens are identified by all laboratory personnel. Only the principal/vice principals and the Medical Review Officer (MRO) from the contracted testing company shall know the assigned number and name for each student selected for testing.

5. The student shall submit a urine sample according to the Upper Freehold Board of Education Random Drug Testing Policy.
6. A phone call will be made that day to the student's parents/guardian notifying them that their son/daughter was tested.
7. Any student who refuses to be tested, deliberately avoids testing, has a test that indicates any masking agents or has a positive test result, will be in violation of the UFRSD Random Drug Testing Policy

### **C. Confidentiality**

The school administration respects the privacy of all students and will maintain confidentiality regarding random drug/alcohol testing. All records and subsequent actions will be kept in a separate file maintained by the principal/vice principals. No one other than the principal/vice principals will have access to this information. The Administration will not release records of drug tests or any resulting action to anyone other than the student and his/her parents/guardian without written authorization from the student and his/her parent/guardian. If the result of a random test is positive, in addition to the principal/vice principal, only the Student Assistance Coordinator (SAC) will be made aware of the results and will implement the policy mandated counseling sessions. If a student has a subsequent positive test result and is removed from any athletic or extracurricular activity, the staff member in charge of that activity will not be told the reason for the temporary removal.

### **D. Consequences**

#### **1. First Infraction**

- The Medical Review Officer will inform the high school principal/vice principals 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 arrangements 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 US Health Works at 441 Route 130, 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 1<sup>st</sup> 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 the parents/guardians.
- The Memorandum of Understanding will include:
  - Review of the driving guidelines for parking on campus.
  - Acknowledgement of the three subsequent random drug tests 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.
  - At this point in the meeting, the vice principal 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 plans will not be shared with anyone other than those noted in these procedures (student, parent, Vice Principal, SAC).

## **2. Second Infraction**

- The Medical Review Officer will inform the high school principal/vice principals 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 arrangements 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 US Health Works at 441 Route 130, 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 Agreement will be discussed and signed by the high school administration, the student, and the parents/guardians.
- The Memorandum of Agreement will include:
  - Review of the driving guidelines for parking on campus.

- Acknowledgement of the three subsequent random drug tests 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 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 campus for 45 60 days..
- The information regarding the RDT results, parent meeting, and treatment plans will not be shared with anyone other than those noted in these procedures.

### **3. Third Infraction**

- The Medical Review Officer will inform the high school principal/vice principals 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 arrangements 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 US Health Works at 441 Route 130, 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 Agreement will be discussed and signed by the high school administration, the student, and the parents/guardians.
- The Memorandum of Agreement will include:
  - Review of the driving guidelines for parking on campus.
  - Acknowledgement of the three subsequent random drug tests 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 ten mandatory counseling sessions with the student and his/her parents/guardians.

- Acknowledgement that the student will be removed from all activities and parking on campus for 365 days.
- At the end of the ten counseling sessions, the SAC will share the recommendations for treatment with the parents/guardians, student and the administration (Principal or Vice Principal).
- The information regarding the RDT results, parent meeting and treatment plans 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) meetings 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 Permancy Youth and Family Services** for investigation.

#### **4. Fourth and Additional Infractions**

- The Medical Review Officer will inform the high school principal/vice principals 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 arrangements 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 US Health Works at 441 Route 130, 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 4<sup>th</sup> 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 Agreement will be discussed and signed by the high school administration, the student, and the parents/guardians.
- The Memorandum of Agreement will include:
  - Parent will be informed of the referral to the Child Study Team
  - Parents will be informed if there was notification to the Division **Child Protection and Permancy of Youth and Family Services**
  - 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 tests 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 campus for 365 days
- At the end of the twenty counseling sessions, the SAC will share the recommendations for treatment with the parents/guardians, student and the administration.
- The information regarding the RDT results, parent meeting and treatment plans will not be shared with anyone other than those noted in these procedures.

#### Appeal Process

If a student receives a ~~45~~ ~~60~~ day 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 for a ~~45~~ ~~60~~ day suspension and 120 days for a 365 day suspension. The student's parents must provide written proof of attendance from the program.
- The student must have two negative drug tests.

The Superintendent may require additional drug testing or other service and counseling during this appeal process.

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