

5536 RANDOM TESTING FOR STUDENT ALCOHOL OR OTHER DRUG USE

The New Jersey Legislature found there are many school districts within the State with a growing problem of drug abuse among their students. Federal and State Courts have held it may be appropriate for school districts to combat this problem through the random drug testing of students participating in extracurricular activities, including interscholastic athletics, and students who possess school parking permits. The New Jersey Legislature passed legislation that is consistent with the New Jersey and United States Constitution, for the random testing of school district students in grades nine through twelve who participate in the school district's interscholastic athletic program, participate in the school district's extra-curricular program, and receive a school district authorized parking permit to park a personal vehicle on school district property.

The purposes of this random drug testing program is to have a positive effect on attaining the important objectives of deterring drug use and providing a means for the early detection of students with drug problems so that referral for evaluation or referral for treatment, pursuant to N.J.A.C. 6A:16-4.4(b)10 and N.J.A.C. 6A:16-1.3 and 4.1, or other appropriate assistance may be offered.

Parents and students in grades nine through twelve who participate in the school district's interscholastic athletic program, participate in the school district's extra-curricular program, and receive a school district authorized parking permit to park a personal vehicle on school district property (eligible students) will be required to sign a Consent Form consenting to the provisions of the Program for twelve months.

The Board's Program will randomly test up to forty eligible students per month from September 1 through the last day of school in the program. In accordance with the provisions of N.J.S.A. 18A:40A-23, the district's random drug and alcohol testing program (Program) will test for the use of controlled dangerous substances as defined in N.J.S.A. 2C:35-2 and alcohol. The Board of Education will annually adopt a list of prohibited substances to be tested and the cut-off levels for each substance that determines a positive test before the beginning of each school year. This information will be provided to each parent and student with the Consent Form.



Any disciplinary action taken against a student who tests positive for prohibited use or who refuses to consent to testing shall be limited to the student's suspension from or prohibition against participation in interscholastic athletics, extra-curricular activities, and/or revocation of the student's parking permit.

In accordance with the provisions of N.J.S.A. 18A:40A-24 and N.J.A.C. 6A:16-4.4(a), the Board of Education, prior to adopting this Policy and the procedures outlined in the corresponding Regulation, held a public hearing on the proposed Policy and Regulation. The notice of the public hearing specifically identified the proposed Policy and Regulation as an agenda item for the hearing and copies of the proposed Policy and Regulation were made available at the meeting and upon request from the public prior to the public hearing.

The collection of specimens for the program shall be limited to the following persons in a State-licensed collection station or clinical laboratory, as designated by the Board, in accordance with N.J.S.A. 45:9-42.26 et seq., N.J.A.C. 8:44 and 8:45, and N.J.A.C. 6A:16-4.4(c):

1. The school physician;
2. A physician, other than the school physician, licensed to practice medicine or osteopathy;
3. The certified school nurse or noncertified nurse, pursuant to N.J.A.C. 6A:9-13.3 and 13.4; or
4. The staff of a State-licensed clinical laboratory or a health care facility, in accordance with N.J.A.C. 6A:16-4.4(c), as designated by the Board of Education.

The Board of Education shall be responsible for all costs of the alcohol or other drug testing, including any costs associated with the transportation of students. The Board's Program, as authorized by N.J.S.A. 18A:40A-23, is separate and distinct from any other alcohol or other drug testing that might be administered in the school district, including the required medical examination of students

currently suspected of being under the influence of alcohol or other drugs, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3.



The Program's Policy and procedures outlined in Regulation 5536 will include the following components:

1. A description of the procedures for randomly selecting students to be tested in accordance with the procedures outlined in N.J.A.C. 6A:16-4.4(b)2.;
2. A description of the procedures for the acquisition and management of student's alcohol and other drug test specimens as outlined in N.J.A.C. 6A:16-4.4(b)3.; and
3. The standards for ensuring the confidentiality and scope of authorized disclosure of alcohol or other drug testing information as outlined in N.J.A.C. 6A:16-4.4(b)4 and a description of the consequences for violating the confidentiality and disclosure standards;

The Principal or designee shall provide written notice to all ninth through twelfth grade students and their parents at the beginning of each school year that an active written Consent Form will be required from students and parents as participation in the district's random student alcohol and drug testing program as authorized by N.J.S.A. 18A:40A-22 is required for students to participate in interscholastic athletics, extra-curricular activities, and to possess a student parking permit. The Principal's written notice shall include a list of extra-curricular activities that are included in the Program.

A parent providing consent to the Program shall be notified in a confidential manner each time his/her child has been tested under the Program. The Board of Education will ensure the method used for the collection and transport of alcohol and other drug specimens is in accordance with those outlined in N.J.A.C.

6A:16-4.4(c). A student who refuses to consent to the alcohol or other drug test upon being randomly selected shall be considered in violation of the Policy and subject to such consequences as if the student tested positive for alcohol and drugs.

The Board of Education will approve in Regulation 5536 any consequences for a student who tests positive for alcohol or drug use under this Program. The consequences shall be limited to removal from or prohibition against participation in interscholastic sports, extra-curricular activities, and/or disapproval or revocation of the student's parking permit.



The Board will also adopt procedures for students or their parents to challenge a positive result from the alcohol or other drug tests. The Board will also adopt guidelines for referral for evaluation or referral for treatment, pursuant to N.J.A.C. 6A:16-1.3, 4.1, and 4.4 or the provision of other appropriate assistance for students who test positive for alcohol or other drug use.

A copy of this Policy and Regulation will be available to parents and students and a parent and student will be required to acknowledge their receipt of this Policy and Regulation in their Consent Form.

N.J.S.A. 18A:40A-23; 18A:40A-24
N.J.A.C. 6A:16-4.3; 6A:16-4.4

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