

POLICY GUIDE

TEACHING STAFF MEMBERS

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Examination for Cause

3161 EXAMINATION FOR CAUSE

- A. Pursuant to N.J.S.A. 18A:16-2 and N.J.A.C. 6A:32-6.3, the Board of Education may require physical or psychiatric examinations of a teaching staff member whenever, in the judgment of the Board, a teaching staff member shows evidence of deviation from normal physical or mental health, to determine the teaching staff member's physical and mental fitness to perform, with reasonable accommodation, the position the teaching staff member currently holds, or to detect any health risk(s) to students and other employees. When the Board requires a teaching staff member to undergo a physical or psychiatric examination:
1. The Board shall provide the teaching staff member with a written statement of the reasons for the required examination; and
 2. The Board shall provide the teaching staff member with a hearing, if requested.
 - a. Notice of the teaching staff member's right to a hearing shall be provided with the statement of reasons for the required examination;
 - b. The teaching staff member must request the Board hearing, in writing, within five working days of the teaching staff member's receipt of the written statement of reasons:
 - (1) The teaching staff member shall be ordered to submit to the appropriate examination(s) by the physician or institution designated by the Board if the teaching staff member failed to timely request a hearing before the Board;
 - c. The Board hearing shall be conducted in accordance with the provisions of N.J.S.A. 18A:25-7 and will offer the teaching staff member the opportunity to appear before the Board to refute the reason(s) for the required examination(s);



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- d. The teaching staff member shall be ordered to submit to the appropriate examination(s) by the physician or institution designated by the Board if the teaching staff member failed to persuade the Board at the hearing that the teaching staff member should not be required to submit to the appropriate examination(s); and
 - e. The determination of such a hearing shall be appealable to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:4 – Appeals.
 3. The teaching staff member may refuse, without reprisal, to waive their right to protect the confidentiality of medical information, in accordance with P.L. 104-191, Health Insurance Portability and Accountability Act of 1996.
 - B. Pursuant to N.J.S.A. 18A:16-3, the Board shall bear the cost of examinations made by a physician or institution designated by the Board. However, the teaching staff member shall bear the cost if the examination is performed by a physician or institution designated by the teaching staff member with approval of the Board.
 1. If the teaching staff member submits names of physicians or institutions to the Board for consideration to complete the appropriate examination(s), the Board is not required to designate the physician or institution submitted for consideration by the teaching staff member, but shall not act unreasonably in withholding its approval of the physician or institution.
 2. The teaching staff member shall authorize the physician or institution performing the examination to immediately release the examination results to the Superintendent.
 3. All records and reports relating to any such examination shall be the property of the Board, in accordance with N.J.S.A. 18A:16-5.
 - a. Health records of teaching staff members, including computerized records, shall be secured, stored, and maintained separately from other personnel files; and



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- b. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5.
 4. If the results of any such examination indicate mental abnormality or communicable disease, the teaching staff member shall be ineligible for further service until proof of recovery, satisfactory to the Board, is furnished, but if the teaching staff member is under contract or has tenure, they may be granted sick leave with compensation as provided by law and shall, upon satisfactory recovery, be permitted to complete the term of their contract, if they are under contract, or be reemployed with the same tenure as they possessed at the time their services were discontinued, if they have tenure, unless their absence shall exceed a period of two years in accordance with N.J.S.A. 18A:16-4.
- C. In order to return to work, the teaching staff member must submit to an appropriate examination and submit the results of the examination to the Superintendent.
 1. The examination must be conducted by a physician or institution upon which the Board and teaching staff member confer and agree;
 2. If the physician or institution conducting the examination is conducted by the Board's choice, the cost shall be borne by the Board; if the physician or institution conducting the examination is conducted by the teaching staff member's choice, the cost shall be borne by the teaching staff member; and
 3. The teaching staff member shall authorize the physician or institution performing the examination to immediately release the examination results to the Superintendent.



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- D. A teaching staff member who refuses to submit to an examination required by the Board in accordance with this Policy and has exhausted the hearing procedures established by law and this Policy shall be subject to discipline, which may include, but is not limited to, termination or certification of tenure charges to the Commissioner of Education, as applicable.

42 U.S.C.A. 12101

N.J.S.A. 18A:6-10; 18A:16-2; 18A:16-3; 18A:16-4; 18A:16-5
18A:25-7; 18A:28-5; 18A:30-1 et seq.

N.J.A.C. 6A:32-6.2; 6A:32-6.3

Adopted: November 21, 2005

Revised: August 18, 2022

Revised:



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4161 EXAMINATION FOR CAUSE

- A. Pursuant to N.J.S.A. 18A:16-2 and N.J.A.C. 6A:32-6.3, the Board of Education may require physical or psychiatric examinations of a support staff member whenever, in the judgment of the Board, a support staff member shows evidence of deviation from normal physical or mental health, to determine the support staff member's physical and mental fitness to perform, with reasonable accommodation, the position the support staff member currently holds, or to detect any health risk(s) to students and other employees. When the Board requires a support staff member to undergo a physical or psychiatric examination:
1. The Board shall provide the support staff member with a written statement of the reasons for the required examination; and
 2. The Board shall provide the support staff member with a hearing, if requested.
 - a. Notice of the support staff member's right to a hearing shall be provided with the statement of reasons for the required examination;
 - b. The support staff member must request the Board hearing, in writing, within five working days of the support staff member's receipt of the written statement of reasons:
 - (1) The support staff member shall be ordered to submit to the appropriate examination(s) by the physician or institution designated by the Board if the support staff member failed to timely request a hearing before the Board;
 - c. The Board hearing shall be conducted in accordance with the provisions of N.J.S.A. 18A:25-7 and will offer the support staff member the opportunity to appear before the Board to refute the reason(s) for the required examination(s);



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- d. The support staff member shall be ordered to submit to the appropriate examination(s) by the physician or institution designated by the Board if the support staff member failed to persuade the Board at the hearing that the support staff member should not be required to submit to the appropriate examination(s); and
 - e. The determination of such a hearing shall be appealable to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:4 - Appeals.
 3. The support staff member may, without reprisal, refuse to waive their right to protect the confidentiality of medical information, in accordance with P.L. 104-191, Health Insurance Portability and Accountability Act of 1996.
 - B. Pursuant to N.J.S.A. 18A:16-3, the Board shall bear the cost of examinations made by a physician or institution designated by the Board. However, the support staff member shall bear the cost if the examination is performed by a physician or institution designated by the support staff member with approval of the Board.
 1. If the support staff member submits names of physicians or institutions to the Board for consideration to complete the appropriate examination(s), the Board is not required to designate the physician or institution submitted for consideration by the support staff member, but shall not act unreasonably in withholding its approval of the physician or institution.
 2. The support staff member shall authorize the physician or institution performing the examination to immediately release the examination results to the Superintendent.
 3. All records and reports relating to any such examination shall be the property of the Board, in accordance with N.J.S.A. 18A:16-5.
 - a. Health records of support staff members, including computerized records, shall be secured, stored, and maintained separately from other personnel files; and



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- b. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5.
 4. If the results of any such examination indicate mental abnormality or communicable disease, the support staff member shall be ineligible for further service until proof of recovery, satisfactory to the Board, is furnished, but if the support staff member is under contract or has tenure, they may be granted sick leave with compensation as provided by law and shall, upon satisfactory recovery, be permitted to complete the term of their contract, if they are under contract, or be reemployed with the same tenure as they possessed at the time their services were discontinued, if they have tenure, unless their absence shall exceed a period of two years in accordance with N.J.S.A. 18A:16-4.
- C. In order to return to work, the support staff member must submit to an appropriate examination and submit the results of the examination to the Superintendent.
 1. The examination must be conducted by a physician or institution upon which the Board and support staff member confer and agree;
 2. If the physician or institution conducting the examination is conducted by the Board's choice, the cost shall be borne by the Board; if the physician or institution conducting the examination is conducted by the support staff member's choice, the cost shall be borne by the support staff member; and
 3. The support staff member shall authorize the physician or institution performing the examination to immediately release the examination results to the Superintendent.



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- D. A support staff member who refuses to submit to the examination required by the Board in accordance with this Policy and has exhausted the hearing procedures established by law and this Policy shall be subject to discipline, which may include, but is not limited to, termination or certification of tenure charges to the Commissioner of Education, as applicable.

42 U.S.C.A. 12101

N.J.S.A. 18A:6-10; 18A:16-2; 18A:16-3; 18A:16-4; 18A:16-5

18A:25-7; 18A:28-5; 18A:30-1 et seq.

N.J.A.C. 6A:32-6.2; 6A:32-6.3

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LACEY TOWNSHIP BOARD OF EDUCATION

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MIDDLE SCHOOL VOLUNTARY RANDOM TESTING FOR STUDENT ALCOHOL OR OTHER DRUG USE

5537 MIDDLE SCHOOL VOLUNTARY 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. 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 six, seven, and eight. Consistent with the goals and intent of the New Jersey statutes, the Lacey Board of Education authorizes a voluntary random testing program for alcohol and other drug use for any sixth, seventh, and eighth grade student who, with the consent of their parent chooses to opt into the program.

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.

Students in grades six, seven, and eight are provided the option to participate in the Random Drug Testing Program. If parents and students choose to participate, they will be required to sign a Consent Form consenting to the provisions of the Program for twelve months.

The Board's Program may randomly test eligible students each month from September 1 through the last day of school in the program. The number of students tested will be based on the pool size. The district will effectively test 3% of the students who have completed a consent form. The maximum number of students to be tested each month will not exceed 20 students. 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



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suspension from or prohibition against participation in interscholastic athletics, and extra-curricular activities.

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 5537 will include the following components:



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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 sixth, seventh and eighth grade students and their parents at the beginning of each school year that an active written Consent Form will be optional from students and parents as participation in the district's Middle School random student alcohol and drug testing program as authorized by N.J.S.A. 18A:40A-22.

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 5537 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, and extra-curricular activities.

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.



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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

Adopted: August 15, 2016
Revised: October 17, 2016
Revised:



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MIDDLE SCHOOL RANDOM TESTING FOR STUDENT ALCOHOL OR
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R 5537 MIDDLE SCHOOL RANDOM TESTING FOR STUDENT ALCOHOL OR OTHER DRUG USE

The Random Alcohol and Drug Testing Program (Program) of the Board of Education authorizes the random testing of students in grades six, seven, and eight, pursuant to N.J.S.A. 18A:40A-22 et seq., for the use of controlled dangerous substances as defined in N.J.S.A. 2C:35-2 and 24:21-2, and as approved by the Board, or alcoholic beverages, as defined in N.J.S.A. 33:1-1. in accordance with Board Policy 5537.

Students in grades six, seven, and eight who participate in the school district's interscholastic athletic program and participate in the school district's extra-curricular program are provided the option to participate in the Random Drug Testing Program. If parents and students choose to participate, they will be required to sign a Consent Form consenting to the provisions of the Program for twelve months.

A. Definitions

"Adulterant/adulteration" means any attempt to alter the outcome of a urine drug test by adding a substance to the sample, attempting to switch the sample, or otherwise interfere with the detection of illicit or banned substances in the urine, or purposefully over hydrating oneself in an attempt to dilute the urine to decrease possible detection of illicit or banned substances.

"Alcohol" means beer, wine, distilled liquors, and any other liquid containing alcohol.

"Alcohol or other Drug Test" means any collection and testing of alcohol or other drugs in accordance with methods in accordance with N.J.S.A. 45:9-42.26 et seq. and N.J.A.C. 8:44 and 8:45 as outlined in N.J.A.C. 6A:16-4.4(c).

"Chain-of-Custody" means procedures beginning at the time of collection to account for all handling, storage, and testing of each specimen.

"Collector" means the person certified and authorized by law to collect specimens for alcohol and other drug testing.

"Confirmed Positive" means a positive test result from an authorized testing laboratory either on-site or off-site of the testing location. Positive test results are reviewed by the MRO who makes the final determination of whether the results constitute a positive test result.



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“Cut-off levels” mean the concentration levels for alcohol and other drugs designated by the Board of Education where the student will be deemed by the Medical Review Officer to be positive under this Policy.

“Contractor” refers to the company authorized by the Board of Education to perform Random Drug and Alcohol testing.

“Designated Official” means the principal or the principal’s designee.

“Drugs” mean all controlled substances designated and prohibited as stated in the Board’s Substance Abuse Policy #5530 and N.J.S.A. 24:21-2, N.J.S.A. 2C:35.2. and as approved by the Board of Education. For the purpose of this Policy, a drug may include, but is not limited to, alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (a/k/a Ecstasy), methadone, methamphetamine, opiates, oxycodone, PCP, tricyclic anti-depressants or any other substance which is defined as a controlled substance by the New Jersey law or their metabolites. The Board will annually adopt a list of prohibited substances that will be tested and cut-off levels for each substance prior to the school year.

“Extra-curricular activity” means any activity or privilege not required by the New Jersey Department of Education or the Board of Education to achieve graduation. Extra-curricular activity includes but is not limited to all interscholastic athletics, intra-mural athletics, all clubs and organizations sponsored by or granted Board of Education approval and all one or multiple time events and activities sponsored by or granted approval by the Board of Education including but not limited to dances, participation in the promotion ceremony, non-academic class trips, band, school play, any other activity that the New Jersey Commissioner of Education has determined is a privilege and any activity that is sponsored by or granted approval by the Board of Education that is not offered for credit toward graduation.

“Interscholastic athletic activity” means any practice, game, competition, or activity as a member of a school district team, to include, but not be limited to, sport teams, academic or other extra-curricular club or organization representing the school district.

“Medications” means all medications, including over-the-counter drugs.

“Medical Review Officer (MRO)” means a licensed physician trained and certified in the process and interpretation of alcohol and other drug testing results.



“Parent” means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a pupil. Where parents are separated or divorced, “parent” means the person or agency who has legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil provided such parental rights have not been terminated by a court of appropriate jurisdiction.

“Principal’s designee” means a school district staff person authorized by the Principal to conduct certain tasks.

“Refusal to test” means any student who fails to provide an adequate test sample and/or leaves school grounds and is found to not have an excused absence.

“Specimen” means a urine sample in an adequate amount to be split into two samples and be tested using appropriate and approved testing equipment. A “specimen” may also be a hair, breath, or other sample obtained through non-invasive means.

B. Distribution and Collection of Written Consent Forms

1. The Designated Official shall distribute and collect the School District’s Random Alcohol and Drug Testing Policy Consent Form (Consent Form) from all students who participate in an interscholastic athletic program, extra-curricular activity.
2. The Consent Form shall include an acknowledgement that the parent and the student received a copy of the school district’s Random Testing of Student Alcohol or Other Drug Use Policy and Regulation and the Board approved list of prohibited substances and cut off levels before signing the Consent Form.
3. The Consent Form will be distributed to all students interested in participating in an interscholastic athletic activity or extra-curricular activity. The Consent Form must be completed and submitted to the coach or the activity advisor prior to the interscholastic athletic activity registration date or the extracurricular activity’s first meeting or activity. If the extra-curricular activity is a one-time event, such as a dance, or extra-curricular trip (one-time event), the student must submit the completed Consent Form prior to attendance or participation in the one-time event. A student electing to voluntarily participate in the Program shall submit a completed Consent Form to the Principal or designee.
4. All Consent Forms shall be in effect for a period of twelve (12) months from the date the signed Consent Form is received by the school. At the end of the one-



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- year expiration date, the parent and student will be required to submit a new Consent Form to continue participation in an interscholastic athletic activity and an extracurricular activity. A student is not permitted to continue such participation without submitting an updated Consent Form.
5. All completed Consent Forms shall be maintained by the Principal or designee for the time period in accordance with the standards established by the New Jersey Division of Archives and Records Management.
- C. Procedures for Random Selecting Students for Alcohol and other Drug Testing
1. The Designated Official shall maintain a current list of all students eligible (Eligibility List) to be tested under the Program. The Eligibility List shall be updated by the Principal or designee every two weeks.
 2. The selection, collection, and testing of participating students will be coordinated by the Contractor contracted by the Board of Education. The Contractor will meet the requirements as set forth below as required by the N.J.A.C. 6A:16-4.4.
 - a. The Contractor will be supplied a list of eligible students to include Last Name, First Name, Student ID, Grade, and Gender. Participating students will be uploaded to the Contractor's software program specifically designed for management of random drug testing programs. The business day prior to testing, the Contractor will initiate the selection as required by the school's policy. The random selection will be performed with a certified algorithm, provided by the software manufacturer. The selected test records will be digitally stamped to highlight that it was done by the computer and not manually. The list of selected students will be sent to the school's designated official to verify consent and coordinate a collection protocol. A student with an excused absence the day of testing will be tested at the next scheduled time. A student who leaves the school grounds and is found to not have an excused absence will be considered a refusal to test and treated as a positive result.
 - b. The Contractor is responsible to utilize proper drug testing custody and control forms that satisfy the needs of the school's policy and the testing laboratory. The student ID number will be used for laboratory identification with the student's name only appearing on the copies that go to the donor, MRO, and Designated Official.



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D. Procedures for Acquisition and Management of Student's Alcohol and Drug Test Specimens

1. The Designated Official, on the day the students have been selected to be tested, shall have the students report to the school nurse's office or other appropriate location (testing site) for alcohol or other drug testing.
2. The Designated Official will arrange for the reporting of all students designated to be tested to the testing site where each student will provide a specimen for testing. Each student reporting to the testing site will be required to sign into the testing site.
3. The Designated Official will remain at the testing site to monitor the students to be tested and to confirm the students to be tested provide a specimen.
4. The testing site will have a secure restroom to maximize the student's privacy (specimen collection area). Any water supply sources at the specimen collection area will be secured and unusable and any toilet water will be treated to avoid and prevent adulteration of the specimen to be provided.
5. No purses, bags or containers may be taken into the collection area with the student. All extra coats, vests, jackets, sweaters, etc., are to be removed before entering the collection area.
6. Prior to the giving of any sample, the Collector will add a bluing agent (food coloring) to the water in the urinal or toilet.
7. The student will be directed to rinse and dry their hands. If no water is easily accessible, a non-alcoholic wipe may be used instead.
8. The drug testing custody and control form will be started by the student and the Collector.
9. The student will be told to urinate directly into the provided container and should provide a sufficient amount of urine (at least 45ml) in one attempt.
10. The student will enter a private area to provide a specimen and hand the container of urine to the Collector.



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11. The Collector will check the volume, read and record the temperature within four minutes of collection, and look for evidence of tampering.
12. If the collector suspects tampering may have occurred, a second specimen will be requested. A second suspected tampered specimen will be considered *refusal to test* and the Designated Official will be so notified.
13. With the student watching, the Collector will pour the specimen into the two specimen bottles and cap the specimen bottles tightly.
14. The Collector will take the specimen bottle seals and place them over the caps and sides of the specimen bottles. The student will be directed to date and initial the specimen bottles.
15. The sealed specimen bottles will be placed inside the requisition pouch by the Collector.
16. The top lab copy of the drug testing custody and control form will be folded with the top portion visible to the outside and placed in the requisition pouch by the Collector. The transport bag and requisition pouch will be sealed by the Collector. The student will be directed to complete the Custody and Control Form and will be given the donor copy of the form by the Collector. The donor copy will serve as the notification to a parent that a test has been completed.
17. The student will then be permitted to wash their hands and will be sent back to class.
18. The Collector will seal all the specimens in the transport bag with a tamper proof evident seal. The specimens will be shipped by overnight courier. If shipping is unavailable, the Collector will arrange that the specimens are stored in a secure, appropriate location. The specimens will be shipped at the next available business day.
19. The Designated Official will be notified immediately of any student who refuses to provide a urine sample or is suspected of tampering with or adulterating the specimen container and/or the specimen or intentional failure to follow directions relating to the testing procedure.

E. Laboratory Testing



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All specimens will be tested for alcohol and drugs in accordance with one of more of the methods set forth in N.J.S.A. 45:9-42.26 et seq. and N.J.A.C. 8:44 and 8:45. Tests certified as positive by the laboratory will be reported immediately to the Medical Review Officer. Negative specimens will be destroyed by the laboratory after 5 business days. Non-negative specimens will be stored by the laboratory for six months and disposed of according to statutory and regulatory requirements.

F. Medical Review Officer (MRO) Responsibilities

1. The MRO will review all test results.
2. The MRO will determine if any discrepancies have occurred in the Chain of Custody.
3. The Medical Review Officer will notify the parent of any student whose test results are positive. The Medical Review Officer will contact the parent to review the results and to discuss with the parent if there is any medical explanation or reason for positive test results and to obtain information prior to making a final determination on the test results.
 - a. The MRO will consider information provided by the parent to the Medical Review Officer and then will confirm or excuse the test results.
 - b. In the event the Medical Review Officer is unable to have a consultation with the parent within forty-eight (48) hours of the MRO's receipt of the results, the Medical Review Officer will make the determination of test result based upon the information then available to the MRO.
 - c. The Medical Review Officer will inform the Designated Official of the final determination regarding positive test results.
 - d. The Designated Official, upon consultation with the Medical Review Officer, will inform the parent of any student who had a consultation with the Medical Review Officer of the final determination.

G. Confidentiality and Scope of Authorized Disclosure of Alcohol or Other Drug Testing Information

1. The identity of the students that were tested will only be known by the Designated Official and identified Contractor.



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2. All positive test results will be reported to the Designated Official.
3. The Test Result Report will indicate which, if any, specimens tested positive for alcohol and/or controlled dangerous substances.

H. Parent Appeal of Test Results

1. In the event the parent is informed by the Designated Official that the test results have been confirmed to be positive by the Medical Review Officer, the parent will have twenty-four (24) hours to inform the Designated Official in writing if the parent seeks to appeal a positive determination.
2. In the event the parent appeals this determination the parent shall authorize a laboratory, approved by the Board, to test the split specimen provided by the student (the split specimen test). The parent will be responsible for any costs associated with the split specimen test. If the parent selects a laboratory other than the laboratory used by the Contractor for the initial test, the specimen will be forwarded from the Contractor's laboratory to the Board approved laboratory selected by the parent with chain of custody maintained.
 - a. The parent must authorize delivery of the split specimen test results directly from the laboratory performing the split specimen test to the Designated Official in order for the split specimen test results to be considered by the Medical Review Officer. In addition, the parent will receive a copy of the split specimen test results.
3. The filing of an appeal shall not stay the exclusion from interscholastic athletic activities, extra-curricular activities, or the immediate statutorily required medical examination.
4. In the event the test results from the split specimen test are different than the test results determined by the Medical Review Officer, the Designated Official will forward the split specimen test results to the Medical Review Officer for a review and determination by the MRO.
5. The Medical Review Officer may, or may not, in the exercise of the MRO's professional discretion discuss the split specimen test results with the parent before making a final determination confirming or excusing the initial test results.



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6. The Medical Review Officer will inform the Designated Official of a final determination of the first and the split specimen test results. If the Medical Review Officer determines after review of the split specimen test result that the test is a negative result, the student will be immediately restored to full activities.

I. Consequences and Remedial Measures for Confirmed Test Results

1. The consequences and remedial measures outlined below will be applicable for a student who tests positive for alcohol or drugs during their time enrolled in **six**, **seven**, and **eight** in the school district. Consequences and remedial measures will result from a confirmed positive alcohol or drug test, a student's refusal to test when selected and/or tampering with or adulterating the specimen collection process.
2. Consequences for a Confirmed Positive Alcohol or Drug Test – First Offense
 - a. A first positive alcohol or drug test while the pupil is enrolled in Grades 7-8 in the School District may result in the student not participating in or attending any interscholastic athletic activity, extra-curricular activity for a period of ten (10) consecutive calendar days during the period within the first day of school through the last day of school for students in any particular academic year. In the event, the period of loss of privilege is not satisfied before the last day of school for student attendance of an academic year, the balance of the days of the loss of privilege will be completed in the following academic year beginning on the first day of school for student attendance.
 - b. The Designated Official will contact the parent to remove the student from school and make arrangements for the immediate mandatory medical examination pursuant to N.J.A.C. 18A:40A-12 and N.J.A.C. 6A:16-4.3., which will be the first day of exclusion from interscholastic athletic activity, and extra-curricular activity. The physician shall provide a written verification to the District that substance use no longer interferes with the student's mental or physical ability to perform in school.
 - c. The student will be required to have a minimum of four (4) counseling sessions with the Substance Awareness Coordinator (SAC), as scheduled by the SAC, one of which will occur within the week immediately following the confirmed positive test.



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- d. The parent and the student will be required to consent to four subsequent alcohol and drug tests (the subsequent tests) during the student's enrollment in the school district during the next twelve (12) months after an initial positive test. Any positive test results or refusal to provide a specimen for the subsequent tests shall be considered a second offense. The timing of the subsequent tests will be determined by the Principal or designee.
3. Consequences for a Confirmed Positive Alcohol or Drug Test - Second Offense
 - a. A second positive alcohol or drug test while the pupil is enrolled in Grades 6-8 in the School District will result in the student not participating in or attending any interscholastic athletic activity and extra-curricular activity for a period of forty-five (45) consecutive calendar days during the period within the first day of school through the last day of school for students in any particular academic year. In the event, the period of loss of privilege is not satisfied before the last day of school for student attendance of an academic year, the balance of the days of the loss of privilege will be completed in the following academic year beginning on the first day of school for student attendance.
 - b. The Designated Official will contact the parent to remove the student from school and make arrangements for the immediate mandatory medical examination pursuant to N.J.A.C. 18A:40A-12 and N.J.A.C. 6A:16-4.3., which will be the first day of exclusion from interscholastic athletic activity and extra-curricular activity. The physician shall provide a written verification to the District that substance use no longer interferes with the student's mental or physical ability to perform in school.
 - c. The student will be required to have a minimum of eight (8) counseling sessions with the Substance Awareness Coordinator as scheduled by the SAC.
 - d. The Substance Awareness Coordinator may conduct an evaluation with the pupil, parent, and others deemed necessary to determine the appropriate level of treatment.
 - e. The student will attend an appropriately recognized and certified prevention/education program or a drug/alcohol rehabilitation program, (either or both), recommended by the Substance Awareness Coordinator.



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Attendance in the prevention/education program or rehabilitation program must be initiated within seven (7) calendar days of the confirmed second positive test result. The parent and student must provide an information release form from the program authorizing the Substance Awareness Coordinator access to all information relative to the student's program. The parent is responsible for the cost of the treatment program.

- f. The parent and the student will be required to consent to four subsequent alcohol and drug tests during the student's enrollment in the school district during the next twelve (12) months after a second positive test. Any positive test results or refusal to provide a specimen for these tests shall be considered a third offense.

4. Consequences for a Confirmed Positive Alcohol or Drug Test - Third Offense

- a. A third positive alcohol or drug test while the pupil is enrolled in Grades 6-8 in the School District will result in the student not participating in or attending any interscholastic athletic activity, extra-curricular activity from the date of the positive test result, inclusive of the summer recess.
- b. The Designated Official will contact the parent to remove the student from school and make arrangements for the immediate mandatory medical examination pursuant to N.J.A.C.18A:40A-12 and N.J.A.C. 6A:16-4.3., which will be the first day of exclusion from interscholastic athletic activity and extra-curricular activity. The physician shall provide a written verification to the District that substance use no longer interferes with the student's mental or physical ability to perform in school.
- c. The student will attend a drug/alcohol rehabilitation program. Attendance in the rehabilitation program must be initiated within one week of the offense. An information release form must be available to the Substance Awareness Coordinator. The parent is responsible for the cost of the treatment program.
- d. The parent and the student will be required to consent to four subsequent alcohol and drug tests during the student's enrollment in the school district during the next twelve (12) months after the date of the third positive test result. Any positive test results or refusal to provide a specimen for these tests shall be considered a separate offense.



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J. Non-Punitive Nature of Policy

1. No student will be penalized academically for testing positive for alcohol or other drugs under the school district's random testing of student alcohol or other drug use. Any actions taken concerning any student who tests positive for alcohol or other drug use shall be limited to removal from or prohibition against participation in extra-curricular activities including interscholastic athletics.
2. The results of drug tests pursuant to this Policy will not be documented in any student's academic records or discipline file. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the Board of Education will not solicit. In the event of service of any such subpoena or legal process, the student and the student's parent will be notified at least seventy-two (72) hours before response is made by the Board of Education to the extent permitted by such subpoena or legal process. The Contractor will only provide the identity and results of those tested to the Designated Official.
3. The invoice provided by the Contractor will not list any specific names of students tested, only the date of service and the number of students completed. This invoice will be provided to the Designated Official to verify against the final report and then approved for payment by the Board of Education.
4. The Contractor will supply progress reports as requested by the Designated Official as well as an annual summary and analysis of the testing program. The Contractor is not authorized to release this information to anyone but the district administration unless authorized in writing by the Board of Education.

K. Consequences for Violation of Confidentiality and Disclosure Standards

1. The consequences for violation of confidentiality and disclosure standards by a member of the staff of the Lacey Township School District pursuant to N.J.A.C. 6A:16-4.4 may include, but not be limited to reprimand, suspension, withholding of increments, termination, or certification of tenure charges.

Adopted: August 15, 2016

