

POLICY #5535

PUPILS

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Breath Alcohol Testing

5535– BREATH ALCOHOL TESTING

The Board of Education recognizes that a pupil's abuse of harmful substances seriously impedes that pupil's education and threatens the welfare of the entire school community. The Board is committed to the prevention of substance abuse and the rehabilitation of substance abusers by educational means, but will take additional necessary and appropriate steps to protect the school community from harm and from exposure to harmful substances.

In keeping with its commitment to protect all pupils and the school community from the harm of alcohol use, the Board of Education authorizes the use of a passive breath alcohol sensor device (PBASD) in certain circumstances. A PBASD enables school district staff to check an approximate alcohol level quickly and efficiently without requiring the pupil's active participation. A PBASD may be used in certain circumstances as defined in this Policy and as determined by the Building Principal or designee or the staff member(s) in charge of a school related or school sponsored event or activity. The purpose for using a PBASD is to protect pupils who may be under the influence of alcohol, other pupils, staff, and community members attending such events and to deter the use of alcohol by pupils.

The Board authorizes PBASD screening before, during, and after school activities/events including, but not limited to: dances, athletic events, proms, class trips, drama productions, graduation ceremonies, or school assemblies when the Building Principal or designee has reason to believe the use of alcohol by pupils may be present. When it is determined a PBASD will be used, every pupil or pupil participating in such event will be screened or the Building Principal or designee may determine to have pupils screened on a random basis (i.e. every fourth pupil entering an event.)

If the PBASD screening indicates the presence of alcohol on a pupil, a second screening will be conducted. If the second screening indicates the presence of alcohol on a pupil, the matter shall be reported to the Building Principal or designee and the certified or noncertified school nurse, or the school physician according to the reporting, notification, and examination requirements of N.J.S.A. 18A:40A-12, N.J.A.C. 6A:16-4.3, and Policy and Regulation 5530 - Substance Abuse or Policy 5530.1 Random Drug Testing as appropriate to the situation.

In addition, a PBASD may be used to screen a pupil upon a report to the Building Principal or designee certified or noncertified school nurse, or the school physician if an educational staff member or other professional believes a pupil may be currently under the influence of alcohol on school property or at a school function provided an adult pupil and/or the pupil's parent/legal guardian consents to such screening. Notwithstanding the results of the PBASD screening under these circumstances, the Building Principal or designee must comply with the reporting, notification, and examination procedures of N.J.A.C. 6A:16-4.3 and Policy and Regulation 5530 - Substance Abuse. A PBASD will only be used in accordance with the guidelines of this Policy. The Building Principal or designee shall be responsible for the proper training of school staff members in the use of the PBASD in accordance with the manufacturer's specifications.

School Sponsored Events - Regulation

Each student entering a school-sponsored activity may be required to submit to a PBASD test as a condition of admission. The administration will determine at which school-sponsored events the PBASD test procedures will be used. These events will include, but are not limited to, proms, dances, concerts, overnight activities, optional field trips, athletic events, etc.

1. The administration will determine the manner by which the students will be tested: entire group, pre-determined random selection, or based on individualized reasonable suspicion. For purposes of this policy, indications of reasonable suspicion may include, but are not limited to, such characteristics as alcohol odor, slurred speech, unsteady gait, lack of coordination, presence of an alcohol container, bloodshot or glazed eyes or other similar information.
2. The trained administrator or trained staff member present at such events has the authority to test and retest any individual suspected of being under the influence of alcohol even if the student has a negative test upon entering the event. Students attending these school sponsored events may be required to take a PBASD test administered by a trained member of the staff or administration prior to entering the event, during the course of the event, or upon leaving the event.
3. The PBASD will be administered by a trained staff member in the presence of a school administrator. All administrators and staff members to be responsible for the use of a PBASD test will be trained in the use of the PBASD machine.
4. There must always be two people present when the observation checklist is completed or the PBASD is administered (either another school administrator or a school staff member).
5. Any student who tests positive will be given a second test with an active device after a waiting period of twenty (20) minutes.
6. If this test is also positive, the student will be denied entrance to the event, detained by school officials until parents/guardians arrive and an investigation is conducted. The student will be subject to disciplinary procedures for using alcohol at a school sponsored event pursuant to Board policy (See #10 below).
7. Students who refuse the test will be denied entrance to the event and detained until parents/guardians arrive to remove them. The student will be subject to disciplinary procedures for using alcohol at a school sponsored event pursuant to Board policy (See #10 below).
8. A student already in attendance at a school-sponsored event who is suspected of being under the influence will be tested or retested.
9. Students who test positive for alcohol or refuse to take the PBASD test upon determination that there is reasonable cause to suspect that they have consumed alcohol will be subject to all school rules relating to the use and/or possession of alcohol pursuant to Board policy (See #10 below).
10. Students who test positive for alcohol as a result of suspicion-based testing will be subject to the Board's Policy 5530.

N.J.S.A. 40A-12

N.J.A.C. 6A:16-4.1 et seq.