

R 5531 RANDOM DRUG TESTING

PUPIL RANDOM DRUG AND ALCOHOL TESTING REGULATION

Testing Coordinator:

A Vice Principal or designee will coordinate and supervise the Pupil Random Drug and Alcohol Testing Program.

Eligibility for Testing:

All pupils in Bayonne High School who participate in any athletics, co-curricular activities, and school clubs or have violated the district substance abuse policy and pupils who elect to participate in the Random Drug and Alcohol Testing Program with parental consent will be eligible for the random drug testing pool.

Pupils become eligible once they complete a "Random Drug and Alcohol Testing Program: Pupil Consent to Test Form"

The Consent to Test Form must be submitted to the appropriate coach, advisor, or testing coordinator.

Pupil athletes must submit Consent to Test Form on or before the first day they participate in practice. Failure to do so will result in ineligibility for participation in athletics until the form is submitted.

Pupils involved in co-curricular activities or school clubs must submit the Consent to Test Form no later than their attendance at a second meeting. Failure to do so will result in ineligibility for participation in the activity or club.

Pupils who have violated the District Under the Influence in School Policy will be required to submit a Consent to Test Form prior to their return to school following suspension. Failure to do so will result in the pupil being deemed in violation of the district substance abuse policy.

Pupil volunteers for the Program shall be allowed to enter the Testing Pool at any time once they submit a Consent to Test Form.

Pupils remain eligible for random drug testing from the date the Consent to Test Form is turned in through their high school career, whether or not they have been previously tested or are currently participating in athletics or co-curricular activities at the time they might be randomly selected for a drug test. In the event that a pupil eligible for random alcohol and drug testing ceases to participate or withdraws from all athletics co-curricular activities or school clubs he or she has the opportunity to submit to the Testing Coordinator, Coach or Club Advisor an Activity Drop Form. This Activity Drop Form shall remain in effect for a minimum of one calendar year,

with a built in fifteen day grace period for reconsideration. In order for a pupil's withdrawal to be effective and thereby remove him or her from the Testing Pool, the pupil's Activity Drop Form must be signed by both the pupil and a parent/guardian.

Pupils, who are in the Random Testing Pool due to a violation of the district's substance abuse policy, are not eligible to drop from the Testing Pool.

Pupils should be aware that if they drop from the Testing Pool they may not participate in athletics, co-curricular activities, or school clubs for one calendar year.

The district will test no less than 10% of the total number of pupils in the Testing Pool.

RANDOM DRUG TESTING PROCEDURE

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

" Testing will only occur on pupil contact days during the academic year.

" Selection of eligible pupils for testing will be conducted in a purely and entirely random basis, which will be carried out as follows:

a. The pupils eligible for testing will be identified by their pupil ID number, not their name, in order to maintain confidentiality and to maintain the integrity of the program.

b. The testing coordinator or designee will notify the individual(s) selected for testing(health office).

c. The testing site will have a secured bathroom which will maximize the privacy of the pupil when a urine specimen is required.

d. Alternate pupil selection(s) will be made in the event of pupil absence.

e. The names and/or any other personally identifiable information of the pupil will remain confidential.

f. A staff member will be present with the Nurse at the time of testing.

Collection of Samples:

" All aspects of the program, including the taking of specimens, will be conducted so as to safeguard any and all the personal and/or privacy rights of the pupil to the maximum extent

possible. The Policy treats a pupil's test results as a confidential health record pursuant to both federal and state regulations 42 C.F.R. 2.1 and 2.2: N.J.A.C. 6A:16-1.5.

" As such, any information obtained by the Program which would identify the pupil as a drug or alcohol user may be disclosed only for those purposes and under those conditions permitted by federal regulations in accordance with 42 C.F.R.-Part II. No testing record of any pupil will be used to initiate or substantiate any criminal charges against a pupil or to conduct any investigation of him or her, and the district will not share the pupils' individual test results with law enforcement authorities.

In administering the Program, the District will test for the presence of certain substances that may include, but are not limited to, the following substances or their metabolites: alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, methamphetamines, opiates, oxycodone, PCP, anabolic steroids, tricyclic anti-depressants and/or any other substance defined as a "controlled substance" by either New Jersey or Federal law.

" The school nurse shall submit a saliva or urine specimen according to the Consent to Test Form.

" A school nurse will collect the specimen from the selected pupil and conduct an initial on-site test on the specimen. If the specimen is determined to be "non negative", a specimen will be forwarded to a licensed laboratory for confirmatory testing.

" The pupil shall complete a specimen control form which bears an assigned identification number. This identification number shall be the means for identifying the specimen by all laboratory personnel. Only the designated school personnel shall know the assigned number for each pupil

" Specimens will be kept by the testing facility for at least ninety days pending a request for retesting of a specimen, if an appeal occurs.

" Any attempt by a pupil to tamper with the specimen collection process will deem and constitute the specimen as positive.

" All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of pupils. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors.

Notification of Testing and Testing Results:

" All pupils in Bayonne High School who participate in any athletics, co-curricular activities, school clubs or pupils who have violated the district substance abuse policy and pupils who elect to participate in the Random Drug and Alcohol Testing Program with parental consent will be required to complete a Consent to Test form.

" The parent(s) or guardian(s) of pupils selected for testing will receive a phone call or message from the SAC, testing coordinator, or nurse following the pupil's completion of the Testing Process with information concerning the preliminary results. If the parent(s) or guardian(s) cannot be reached, a message may be left with a phone number for the parent/guardian to call for the test results.

" When a pupil's test is confirmed positive by an approved laboratory, the pupil's parent(s)/guardian(s) will be contacted directly by a Medical Review Officer (MRO) to conduct a consultation. The consultation will address the reasons for the positive test and a decision will be made by the MRO regarding the legitimacy, validity, or accuracy of a positive test. The MRO will determine if that substance has been taken pursuant to a legal prescription.

" Results of the pupil's test confirmed by the MRO will be provided to the designated personnel (SAC) immediately following the MRO's consultation with the pupil and his or her parent(s)/guardian(s).

" Pupil's test results will be kept in confidential files separate and apart from his or her other educational records, and shall be disclosed only to those personnel who have a need to be informed regarding the result of the test in order to implement or to oversee implementation of the Program or the consequences for violating the policy. Pupil drug testing information resulting from the Program will not be turned over to any law enforcement authorities except under circumstances in which the district is legally compelled to surrender or disclose such test results (N.J.A.C. 6A:16-3.2).

" The district respects the privacy of its pupils and shall maintain confidentiality regarding any alcohol and drug testing for this Program. The results will only be released to parents of the student and the SAC (Substance Awareness Coordinator). All records and subsequent actions shall be kept in a file separate from the pupil's cumulative file. The district personnel will not release records of drug and alcohol tests or any resulting action to anyone other than the pupil and/or his/her parent(s)/guardian(s) without written authorization from the pupil and/or his/her parent(s)/guardian(s) in accordance with 42 C.F.R. Part II.

Consequences:

Consequences will result from the following:

- a confirmed positive alcohol or drug test
- refusal to participate in testing when selected;and/or
- tampering with the specimen collection process

Pupils will ineligible for participation in any athletics, co-curricular activities or school clubs unless they complete the Random Drug and Alcohol Testing Program: Pupil Consent to Test form.

Consequences of a Confirmed Positive:

" The SAC will contact the parent(s) or guardian(s) to remove the pupil from school and make arrangements for the mandatory medical examination pursuant to N.J.S.A. 18A: 40A-12 and N.J.L.A.C. 6A:16-4-3.

" The pupil will be removed from any athletics, co-curricular activities or school clubs for a minimum period of one week.

" The pupil shall have a minimum of two visits with the SAC, one of which must occur within the week immediately following the confirmed positive test.

" The pupil shall attend an Early Intervention Program. If one is not available in school, the pupil shall attend the program at an agency approved by the Department of Health and Senior Services as an appropriate substance abuse treatment center. The pupil must enter into an approved program within one week of the receipt of the confirmed positive result.

" The parent(s)/guardian(s) is/are responsible for the cost of the rehabilitation program.

" In accordance with N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3, the pupil must be evaluated by a physician before returning to school and a written report must be furnished to the district certifying that substance use no longer interferes with the pupil's mental or physical ability to participate in school.

" The pupil must submit either a negative drug test and/or declining drug levels prior to returning to any athletics, co-curricular activities or school clubs.

" If a pupil submits a confirmed positive drug test a second time, the pupil will forfeit the privilege of participation in any athletics, co-curricular activities or school clubs for a minimum period of thirty consecutive school days.

" A pupil who submits a confirmed positive drug test a second time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Department of Health and Senior Services as an appropriate substance abuse treatment provider.

" A pupil who submits a confirmed positive drug test a third time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Department of Health and Senior Services as an appropriate substance abuse treatment provider. The pupil will forfeit the privilege of participation in any athletics, co-curricular activities or school clubs for a minimum of one calendar year.

" Failure to follow through on procedures as set forth will result in pupil being deemed ineligible for any athletics, co-curricular activities or school clubs.

Appeal Procedure:

A pupil or his or her parent(s) or guardian(s) may request a retest of his/her specimen at his/her own expense at a laboratory approved by the district and which follows federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards concerning drug testing protocols and procedures. Requests must be made within twenty-four hours of receiving the results of their drug test. The specimen previously submitted will be forwarded to the approved lab in cooperation with the District approved outside agency responsible for confirmatory testing.

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