

# POLICY

## NUTLEY BOARD OF EDUCATION

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STUDENT RANDOM ALCOHOL AND DRUG-TESTING

### STUDENT RANDOM ALCOHOL AND DRUG-TESTING

#### POLICY STATEMENT

It is the responsibility of the Nutley Board of Education to safeguard the safety of the pupils in the schools and promote an orderly learning environment. We, therefore, must maintain that the use of drugs and unlawful possession and use of alcohol is wrong and harmful. The Board recognizes that the misuse of drugs, alcohol 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 drug, alcohol and steroid abuse.

The Nutley Board of Education convened a Task Force which, in part, conducted a survey, solicited public input from the community and parents and obtained law enforcement data. This information was obtained to gain an understanding of the current drug use among students. The Board's Task Force found there was enough information of substance use/abuse by students that additional attention is warranted.

The Nutley Board of Education recognizes that the problem of illegal drugs and alcohol 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 and extra-curricular activities in a safe and secure environment requires a clear policy and supportive programs relating to the deterrence of substance use by pupils involved in athletics and extra-curricular activities.

Participation in athletics and extra-curricular activities is a privilege. Pupil participants, by virtue of their voluntary decision to participate in these extra-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 drug and alcohol free. The district is committed to being proactive in ensuring the safety of all pupils participating in athletics and extra-curricular activities.

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, extra-curricular activities, 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 his/her designee shall oversee the Policy and Procedure.



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Design of the program shall be consistent with the Nutley Board of Education's objectives, which are as follows:

- Promote safety;
- Deter drug use, thereby countering 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 implementing 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 Nutley School District students in grades 9-12 who participate in any athletics or extra-curricular activities. This Policy shall also apply to all Nutley School District students in grades 9 to 12 who voluntarily elect to participate in the program with parental consent or who have violated the district substance abuse policy.

### DEFINITIONS OF TERMS USED:

**Drugs** - All controlled substances designated and prohibited as stated in the Nutley School District's Substance Abuse Policy 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 or their metabolites.

**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.



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Extra-curricular activity - Any activity sponsored or approved by the Nutley Board of Education but not required for graduation.

Non-Negative - A drug screen that indicates the presence of metabolites and needs to be sent to the laboratory for confirmatory testing.

Confirmed Positive - A positive result from confirmatory testing at the laboratory.

### **STUDENT RANDOM ALCOHOL AND DRUG TESTING REGULATIONS**

#### **TESTING COORDINATOR**

- The High School Principal or the designees will coordinate and supervise the Random Drug and Alcohol Testing Program for students.

#### **ELIGIBILITY FOR TESTING – NUTLEY HIGH SCHOOL**

- All students in Nutley High School who participate in any athletics, extra-curricular activities, or school clubs, have violated the district substance abuse policy and students who elect to participate in the Random Drug and Alcohol Testing Program (Program) with parental consent will be eligible for the random drug testing pool (Testing Pool).
- For the High School, the Consent to Test Form must be completed and submitted to the appropriate coach, advisor, or testing coordinator for volunteers of the program.
- Student athletes at the high school must submit Consent to Test Forms on or before the first day they participate in practice. Failure to do so will result in ineligibility for athletic participation until the form is submitted. The Director of Athletics will oversee the collection of Consent to Test Forms by coaches.
- Students involved in extra-curricular activities or school clubs must submit the Consent to Test Form no later than their attendance at a second meeting of the club or activity. Failure to do so will result in ineligibility for participating in the club or activity.
- Students who have violated the District Substance Abuse 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 student being deemed in violation of the District Substance Abuse Policy.
- Students who volunteer to participate in the Program shall be allowed to enter the Testing Pool at any time once they submit a Consent to Test Form.



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- Students remain eligible for random drug testing from the date the Consent to Test Form is turned in through an entire calendar year, whether or not they have been previously tested or are currently participating in athletics or extra-curricular activities at the time they might be randomly selected for a drug test. In the event that a student eligible for random alcohol and drug testing ceases to participate or withdraws from all athletics, extra-curricular activities or school clubs, he or she has the opportunity to submit to the Principal or administrative designee an Activity Drop Form. This Activity Drop Form shall remain in effect for a minimum of one calendar year, with a built-in fifteen (15) day grace period for reconsideration. In order for a student's withdrawal to be effective and thereby remove him or her from the Testing Pool, the Activity Drop Form must be signed by both the student and a parent/guardian.
- Students who volunteer to be part of the testing pool may opt out of the program by submitting a drop form signed by the student and parent(s)/guardian(s).
- The district will test a minimum of **20%** of the total number of students in the Testing Pool annually.

#### TESTING PROCEDURES

- A confidential testing schedule will be created by the administration prior to the initiation of the program to ensure that the testing of eligible students is conducted in a manner that is random.
- Testing will only occur on student contact days during the academic year.
- Selection of eligible students for testing will be conducted in a purely and entirely random basis, which will be carried out as follows:
  - The students eligible for testing will be assigned random identification numbers in order to maintain confidentiality and to ensure the integrity of the randomness of the testing program.
  - Periodically, the testing coordinator will arrange for the random selection of ID tags assigned to members of the Testing Pool.
  - The testing coordinator or designee will notify the individuals selected for testing (participants) and escort the participants to a secure testing site in the Nurse's Office or other bathroom facility in the building.



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- The Testing Site will have a secured bathroom that will maximize the privacy of the participant and ensure the integrity of the sample collection process. Water sources shall be turned off and toilet water will be blue to prevent adulteration of test specimens.
- In the event of a student absence, an alternate selection will be made from the testing pool.
- The names and/or any other personally identifiable information of the participant will remain confidential.

### COLLECTION OF SAMPLES

- All aspects of the Program, including the taking of specimens, will be conducted so as to safeguard any and all personal and/or privacy rights of the participant to the maximum extent possible. The Policy treats a participant'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 participant 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 participant will be used to initiate or substantiate any criminal charges against a participant or to conduct any investigation of him or her, and the district shall not share participant's individual test results with law enforcement authorities.
- Any information transmitted to an approved outside agency for testing or processing will not contain any personally identifiable information of the participant. The approved outside agency will consult with and guide the school nurse in the collection of specimens in accordance with federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards.
- 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, MDMA (a/k/a Ecstasy), 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.



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- The participant shall submit a urine and/or saliva screen according to the Consent to Test Form.
- The participant shall complete a specimen control form that bears the assigned identification number. Only designated school personnel shall know the assigned number for each participant.
- The school nurse will collect specimens from the selected student and conduct an initial on-site test on the specimen. If the specimen produced is determined to be a “non-negative”, the specimen will be forwarded to a licensed laboratory for confirmatory testing. Any information transmitted to a licensed laboratory for testing or processing will not contain any personally identifiable information of the participant.
- **Any attempt by a participant to tamper with the specimen collection process will deem and constitute the specimen as positive.**
- **Refusal of a participant to provide a sample will be interpreted as a positive result.**
- All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of participants. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors.

### NOTIFICATION OF TESTING AND TESTING RESULTS

- A courtesy call will be made to contact the parent(s) or guardian(s) of students selected for testing prior to the testing procedure.
- The parent(s) or guardian(s) of students selected for testing will receive a phone call or message following a participant's completion of the Testing Process with information concerning the preliminary results.
- Where a participant's test is confirmed positive, the participant's parent(s) or 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 participant's test confirmed by the MRO will be provided to the designated personnel within twenty-four (24) hours of the MRO's consultation with the participant and his or her parent(s) or guardian(s).



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- Participants' 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 oversee implementation of the Program or the consequences of violating the policy. Student 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 students and shall maintain confidentiality regarding any alcohol and drug testing for this Program. The results will only be released to parent(s) or guardian(s) of the student and the SAC (Student Assistance Counselor). 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 and alcohol tests or any resulting action to anyone other than the pupil and/or his/her parent/guardian without the written authorization from the pupil and/or his/her parent/guardian, 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.
- Students will be ineligible for participation in any athletics, extra-curricular activities, or school clubs, unless they complete the Random Drug and Alcohol Testing Program: Consent to Test Form.

### CONSEQUENCES OF A CONFIRMED POSITIVE – NUTLEY HIGH SCHOOL

- The Principal or designee will contact the parent(s) or guardian(s) to remove the student from school and make arrangements for the mandatory medical examination pursuant to N.J.A.C. 18A:40A-12 and N.J.A.C. 6A:16-4.3.
- The Participant will be removed from any athletics, extra-curricular activities, or school clubs for a minimum period of one (1) week.



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- The participant shall have a minimum of six (6) visits with the Student Assistance Counselor (SAC), one of which must occur within the week immediately following the confirmed positive test.
- The participant shall attend and complete an Early Intervention Program. If one is not available in school, the participant shall attend at an agency approved by the Department of Health and Senior Services as an appropriate substance abuse treatment center. The participant must enter an approved program within one (1) week of the receipt of the confirmed positive test result. Parent(s)/guardian(s) must sign a Release of Confidential Information for the school and treatment agency to communicate about the participant's compliance.
- The parent(s)/guardian(s) are responsible for the cost of the treatment program.
- In accordance with N.J.A.C. 18A:40A-12 and N.J.A.C. 6A:16-4.3, the participant must be evaluated by a physician before returning to school and a written report must be furnished to the school district certifying that substance use no longer interferes with the student's mental or physical ability to participate in school.
- The participant must submit a negative drug test prior to returning to any athletics, extra-curricular activities, or school clubs.
- If the participant submits a confirmed positive drug test a second time, the participant will forfeit the privilege of participation in any athletics, extra-curricular activities, or school clubs for a minimum of thirty (30) consecutive school days.
- A participant 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 or Department of Education as an appropriate substance abuse treatment provider. Parent(s)/guardian(s) must sign a Release of Confidential Information for the school and treatment agency to communicate about the participant's compliance.
- If the participant submits a confirmed positive drug test a third time, the participant will forfeit the privilege of participation in any athletics, extra-curricular activities, or school clubs for a minimum period of one (1) calendar year.
- A participant 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





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evaluation must be performed by a substance abuse professional approved by the Department of Health and Senior Services or Department of Education as an appropriate substance abuse treatment provider. Parent(s)/guardian(s) must sign a Release of Confidential Information for the school and treatment agency to communicate about the participant's compliance.

- **Failure to follow through on procedures as set forth herein will result in participant being deemed ineligible for any athletics, extra-curricular activities or school clubs.**

Adopted: 3 May 2004

Revised: 24 July 2006

