

REGULATION

Somerset Hills School District

Section: Students

5131. STUDENT RANDOM DRUG TESTING

Date Created: March, 2018

Date Edited: March, 2018

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5131 Student Random Drug Testing

Testing Coordinator

The Assistant Principal or administrative designee will coordinate and supervise the testing program at the respective schools.

Eligibility for Testing

Somerset Hills School District students in grades 9-12, participating in athletics, extra-curricular activities not required by the Board of Education for graduation and/or those students possessing an on-campus parking permit will be eligible for random drug testing, as well as those students whose parent has voluntarily consented to random testing for the student (the "Testing Pool").

Students become eligible upon submission of a consent form, signed by both the student and their parent/guardian. Student athletes must submit a consent form on or before on the first day they participate in a practice. Students involved in extracurricular activities must submit a consent form by no later than their attendance at a second meeting and students with parking permits for on-campus parking must submit a consent form before the first day of parking.

Students remain eligible for random drug testing from the date the consent form is turned in throughout the remainder of the school year whether or not they have been previously tested or are currently participating in athletics or extra-curricular activity 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 an athletic team, extra-curricular activity, and/or student parking, he or she has the opportunity to submit to the Assistant Principal or administrative designee an Activity Drop Form. In order for a student's withdrawal to be effective and thereby remove him or her from the Testing Pool, the student's Activity Drop Form must be signed by both the student and a parent/guardian. The 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.

The District will test no less than 10% but no more than 35% of the total number of students in the Testing Pool annually.

For what Substances will Students be tested?

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, marijuana (THC), opiates, cocaine, methamphetamines, anabolic steroids and phencyclidine (a/k/a PCP), MDMA (a/k/a Ecstasy, and/or any other substance defined as a "controlled substance" by either New Jersey or Federal law.

Selection of Students for Testing

A confidential testing schedule will be created by the administrations of the school prior to the initiation of the Program to ensure that 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:

1. The Testing Coordinator or designee will assign a number to each student eligible for testing.

2. The Testing Coordinator or designee will receive a list of numbers to be tested. These numbers will be a set number of students, based on the number of eligible students in the testing pool, who are randomly selected through a computer program designed for this purpose.
3. The Assistant Principal or administrative designee will notify the individual(s) selected for testing (the "Participant") (in person) and escort the Participant to the designated "Testing Site".
4. The Testing Site will be at the Participant's respective school in an area that has a secured bathroom which will maximize privacy of the Participant.
5. Alternate student selections will be made in the event of student absence.
6. The names and/or any other personally identifiable information of the Participants will remain confidential.

Administering the Test

The testing shall be conducted by the school physician, school nurse or a physician, laboratory or health care facility designated by the Board of Education ("approved outside agency"). 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 Participant to the maximum extent possible. The Policy treats a Participant's test result 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 will not share Participants' individual test results with law enforcement authorities.

Any information transmitted to an approved outside collection agency for testing or processing will not contain any personally identifiable information of the Participant. The approved outside collection agency will oversee the collection of specimens in accordance with federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards.

The approved outside agency will collect specimens from the selected students and forward the specimens to a licensed laboratory for testing. Any information transmitted from an approved outside collection agency to a licensed laboratory for testing or processing will not contain any personally identifiable information of the Participant. The agency may conduct an initial on-site test on the specimen before sending the specimen to the laboratory.

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

The Participant shall submit a saliva, urine and/or breath specimen according the Somerset Hills School District Random Alcohol and Drug Testing Written Consent Form.

Specimens will be kept by the testing facility for at least ninety (90) days pending a request for retesting of a specimen, if any.

Any Participant unable to produce an adequate specimen during the collection period will be recalled for testing.

Any attempt by a Participant 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 Participants. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors.

Notification of Testing & Testing Results

1. Students participating in District athletic programs, extra-curricular activities not required by the Board for graduation, volunteers to the random drug testing program, or students who possess a District parking permit for on-campus parking are required to complete the Somerset Hills School District Random Drug Testing Program Consent Form (the "Consent Form").
2. The parent(s) or guardian(s) of students selected for testing will be notified (via phone call or message) on the day of testing.
3. Where a Participant tests 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.
4. Results of student tests confirmed by the MRO will be provided to the Superintendent or designee within twenty-four (24) hours of the MRO's consultation with the Participant and his or her parent(s) or guardian(s).
5. Participant 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. 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
6. 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 designated district personnel. 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 student and/or his/her parent/guardian, except under circumstances in which the District is legally compelled to surrender or disclose this information, without written authorization from the student and/or his/her parent/guardian. In accordance with 42 C.F.R. - Part II.

Consequences

Consequences will result from the following:

1. A confirmed positive alcohol or drug test;
2. Refusal to participate in testing when selected; and/or
3. Tampering with the specimen collection process.
4. Students will be ineligible for participation in a district athletics program, District extra-curricular activity or parking on-campus unless they complete the Somerset Hills School District Random Alcohol and Drug Testing Program Consent Form.

When a Random Alcohol or Drug Test is Positive:

1. FIRST INFRACTION

The assistant principal will contact the parents to remove the student from school and make arrangements for the mandatory medical examination pursuant to the statute, N.J.S.A. 18A:40A-12.

Student will be removed from participation on the team/activity for a minimum of 30 calendar days and parking for 30 calendar days. Prior to their return of privileges, students will:

- Complete a drug/alcohol evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.
- Submit a drug and alcohol test free of alcohol and/or any controlled dangerous substance.

- Meet with the Student Assistance Counselor once a week for 30 calendar days.

A signed information release form must be available to the student assistance counselor.

Students must complete the evaluation and recommended program as required or will be considered to be non-compliant with this policy and ineligible to continue participation in athletics, extracurricular activities, and/or parking. Students who are in violation of this policy, while out of season, or not currently participating in an extracurricular activity, will be required to submit a drug and alcohol test free of alcohol and/or any controlled dangerous substance prior to beginning the next activity or sport season.

2. SECOND INFRACTION

The assistant principal will contact the parents to remove the student from school and make arrangements for the mandatory medical examination pursuant to the statute, N.J.S.A. 18A:40A-12. Student will be removed from participation on the team/activity for a minimum of 60 calendar days and parking for the remainder of the school year. Prior to their return to activities or athletics, students will:

- Complete a drug/alcohol evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.
- Submit a drug and alcohol test free of alcohol and/or any controlled dangerous substance.
- Meet with the Student Assistance Counselor once a week for 60 calendar days.

A signed information release form must be available to the student assistance counselor. The parent(s) is/are responsible for the cost of the evaluation, any recommended program, or any further required drug tests. Students with documented financial hardship will be provided assistance through the Student Assistance Counselor.

Students must complete the evaluation and recommended program as required or will be considered to be non-compliant with this policy and ineligible to continue participation in athletics and/or extracurricular activities. Students who are in violation of this policy, while out of season, or not currently participating in an extracurricular activity, will be required to submit a drug and alcohol test free of alcohol and/or any controlled dangerous substance prior to beginning the next activity or sport season.

3. THIRD AND SUBSEQUENT INFRACTIONS

At the discretion of the principal, permanent removal from all athletic and extra-curricular activities may be imposed.

Complete a drug/alcohol evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.

The student will be subjected to required periodic drug testing.

Meet with the Student Assistance Counselor weekly for a period of three months.

Appeal Procedure

A Participant or his or her parent(s) or guardian(s) may request a retest of their specimen at their own expense at a laboratory approved by the District. Request must be made within forty-eight (48) hours of receiving the results of their drug test.

March 26, 2018

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