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Random Testing for Student Alcohol or
Other Drug Use

5536 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 participating in extracurricular activities, including interscholastic athletics, and students who possess school parking permits. 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 nine through twelve.

The purposes of this voluntary 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.

Parents and students in grades nine through twelve who participate in the school district's Voluntary Random Drug Testing will be required to sign a Consent Form consenting to the provisions of the Program for twelve months.

The Manasquan Board of Education encourages its pupils to refrain from illegal consumption of controlled dangerous substances and alcohol. In order to promote a drug-free lifestyle, the Board is instituting a voluntary random drug/alcohol testing program for its high school pupils (grade nine through twelve). The program is designed to ensure that:

1. High school pupils are given an opportunity to join, along with their peers, a voluntary drug/alcohol prevention program;
2. Parent(s) or legal guardian(s) are given a vehicle to encourage their children to remain drug and alcohol-free; and
3. Pupils are given the opportunity to unite and take a collective stand against substance abuse.

Each pupil enrolling in the voluntary random drug/alcohol testing program pursuant to this policy shall be subject to random drug/alcohol testing as administered by the Board's program specialist. Said testing shall take place each week throughout the school year, with a random selection of participating pupils tested on randomized dates. Each participating pupil's identification number shall be placed into a pool and shall be randomly selected throughout the year. Procedures governing the



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administration of such tests shall be set forth in regulations developed by the Superintendent and/or his/her designee(s).

Pupils enrolled in the program who test positive for the first time shall not be subject to discipline. However, such pupils shall be: (1) medically excluded from school for up to ten school days and (2) subject to the restrictions on team practice and competition as set forth in their respective high school athletic department training rules (if they participate in athletic extra-curricular activities). Attendance at school shall not resume until a written report, including a non-diluted, negative chemical screening analysis, has been submitted to the parent(s) or legal guardian(s) of the pupil, the Principal and the Superintendent from a physician who has examined the pupil to diagnose alcohol or drug use. The report shall certify that the pupil is chemically free and is physically and mentally able to return to school. In addition to the above, the pupil and his/her parent(s) or legal guardian(s) shall be required to participate in an administrative conference with the Student Assistance Counselor and shall undergo an assessment, if so required by the Student Assistance Counselor, prior to resuming attendance at school. Pupils enrolled in the program who test positive a second time or more shall be subject to: (1) such disciplinary measures and procedures as are set forth in Board policy governing drugs and alcohol and (2) the restrictions on team practice and competition as set forth in their respective high school athletic department training rules (if they participate in athletic extra-curricular activities).

A pupil shall be deemed to have tested positive when:

1. The urine sample submitted to the laboratory returns with a positive test for controlled dangerous substance or alcohol;
2. A urine sample submitted by the pupil has been tampered with, including but not limited to, the use of a masking agent; and
3. A pupil refuses to submit to the urine test.

In order to enroll in the program, pupils and their parent(s) or legal guardian(s) shall jointly sign a contract wherein they agree to abide by the rules of the program. Pupils desiring to discontinue their membership in the program must provide the Board with a written document signed by both the parent(s) or legal guardian(s) and the pupil.

The Board's Program will randomly test up to twenty eligible students per month from September 1 through the last day of school in the program. 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



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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.

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. This meeting is mandatory for all incoming 8th grade students or transfers.

The Program's Policy and procedures outlined in Regulation 5536 will include the following components:

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 ninth through twelfth grade students and their parents at the beginning of each school year that an active written Consent Form will be required from students and parents as participation in the district's voluntary random student alcohol and drug testing program as authorized by N.J.S.A. 18A:40A-22 is required for students to participate in interscholastic athletics, extra-curricular activities, and to possess a student parking permit. The Principal's written notice shall include a list of extra-curricular activities that are included in the Program.



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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 5536 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, extra-curricular activities, and/or disapproval or revocation of the student's parking permit.

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.

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:

