

RANDOM TESTING FOR STUDENT ALCOHOL OR OTHER DRUG USE

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The Random Alcohol and Drug Testing Program(Program) of the Board of Education authorizes the random testing of students in grades seven through twelve, pursuant to N.J.S.A. 18A:40A-22et seq., for the use of controlled dangerous substances as defined in N.J.S.A. 2C:35-2and 24:21-2,and as approved by the Board, or alcoholic beverages, as defined in N.J.S.A. 33:1•1.in accordance with Board Policy5536.

A. Definitions

“Adulterant/adulteration” means any attempt to alter the outcome of a urine drug test by adding a substance to the sample, attempting to switch the sample, or otherwise interfere with the detection of illicit or banned substances in the urine, or purposefully over hydrating oneself in an attempt to dilute the urine to decrease possible detection of illicit or banned substances.

“Alcohol” means beer, wine, distilled liquors, and any other liquid containing alcohol.

“Alcohol or other Drug Test” means any collection and testing of alcohol or other drugs in
Accordance with methods in accordance with N.J.S.A. 45:9-42.26et seq. and N.J.A.C. 8:44 and 8:45 as outlined in N.J.A.C. 6A:16-4.4(c).

“Chain - of - Custody” means procedures beginning at the time of collection to account for all
handling, storage, and testing of each specimen.

“Collector” means the person certified and authorized by law to collect specimens for alcohol and other drug testing.

“Confirmed Positive” means a positive test result from an authorized testing laboratory either on- site or off-site of the testing location. Positive test results are reviewed by the MRO who makes the final determination of whether the results constitute appositve test result.



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“Cut-off levels” mean the concentration levels for alcohol and other drugs designated by the Board of Education where the student will be deemed by the Medical Review Officer to be positive under this Policy.

“Contractor” refers to the company authorized by the Board of Education to perform Random Drug and Alcohol testing.

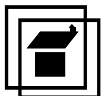
“Designated Official” means the superintendent or the superintendent’s designee.

“Drugs” mean all controlled substances designated and prohibited as stated in the Board’s Substance Abuse Policy #5530 and N.J.S.A. 24:21-2, N.J.S.A. 2C:35.2. and as approved by the Board of Education. For the purpose of this Policy, a drug may include, but is not limited to, alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (a/k/a Ecstasy), methadone, methamphetamine, opiates, oxycodone, PCP, tricyclic anti-depressants or any other substance which is defined as a controlled substance by the New Jersey law or the metabolites. The Board will annually adopt a list of prohibited substances that will be tested and cut-off levels for each substance prior to the school year.

“Extra-curricular activity” means any activity or privilege not required by the New Jersey Department of Education or the Board of Education to achieve graduation. Extra-curricular activity includes but is not limited to all interscholastic athletics, intra-mural athletics, all clubs and organizations sponsored by or granted Board of Education approval and all one or multiple time events and activities sponsored by or granted approval by the Board of Education including but not limited to homecoming events, the prom(s), Mr. Kingsway competition, non-academic class trips, band, school play/musical, the privilege to park a motor vehicle on school grounds, any other activity that the New Jersey Commissioner of Education has determined is a privilege and any activity that is sponsored by or granted approval by the Board of Education that is not offered for credit toward graduation.

“Interscholastic athletic activity” means any practice, game, competition, or activity as a member of a school district team, to include, but not be limited to, sport teams, academic or other extra-curricular club or organization representing the school district.

“Medications” means all medications, including over-the-counter drugs.



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“Medical Review Officer(MRO)”means a licensed physician trained and certified in the process and interpretation of alcohol and other drug testing results.

“Parent” means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. Where parents are separated or divorced, “parent” means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student provided such parental rights have not been terminated by a court of appropriate jurisdiction.

“Parking permit” means documentation (i.e. hangtag, sticker)issued by Kingsway Regional School District allowing students to park a personal vehicle on school property.

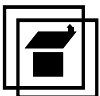
“Superintendent’s designee” means a school district staff person authorized by the Superintendent to conduct certain tasks.

“Refusal to test” means any student who fails to provide an adequate test sample and/or leaves school ground and is found to not have an excused absence.

“Specimen” means a urine sample in an adequate amount to be split into two samples and be tested using appropriate and approved testing equipment. A “specimen” may also be a hair, breath, or other sample obtained through non-invasive means.

B. Distribution and Collection of Written Consent Forms

1. The Designated Official shall distribute and collect the School District’s Random Alcohol and Drug Testing Policy Consent Form (Consent Form) from all students who participate in an interscholastic athletic program, extra-curricular activity and/or receive a parking permit to park a personal vehicle on school property.
2. The Consent Form shall include an acknowledgement that the parent and the student received a copy of the school district’s Random Testing of Student Alcohol or Other Drug Use Policy and Regulation and the Board approved list of prohibited substances and cut off levels before signing the Consent Form.



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3. The Consent Form will be distributed to all students interested in participating in an interscholastic athletic activity or extra-curricular activity. The Consent Form must be completed and submitted to the coach or the activity advisor prior to the interscholastic athletic activity registration date or the extracurricular activity's first meeting or activity. If the extra-curricular activity is a one-time event, such as a prom, dance, or extra-curricular trip (onetime event), the student must submit the completed Consent Form prior to attend dance or participation in the one-time event.

A student must submit a completed Consent Form with their application for a student parking permit on school property. A parking permit will not be issued without a completed Consent Form.

A student electing to voluntarily participate in the Program shall submit a completed Consent Form to the Superintendent or designee.

4. All Consent Forms shall be in effect for the duration of my child's enrollment at Kingsway Regional School District.
5. All completed Consent Forms shall be maintained by the Superintendent or designee for the time period in accordance with the standards established by the New Jersey Division of Archives and Records Management.

C. Procedures for Random Selecting Students for Alcohol and Other Drug Testing

1. The Designated Official shall maintain a current list of all students eligible (Eligibility List) to be tested under the Program. The Eligibility List shall be updated by the Superintendent or designee every month.
2. The selection, collection, and testing of participating students will be coordinated by the Contractor contracted by the Board of Education. The Contractor will meet the requirements as set forth below as required by the N.J.A.C. 6A:16-4.4
 - a. The Contractor will be supplied a list of eligible students to include Last Name, First Name, Student ID, Grade, and Gender. Participating students will be uploaded to the Contractor's software program specifically designed for management of



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random drug testing programs. The business day prior to testing, the Contractor will initiate the selection as required by the school's policy. The random selection will be performed with a certified algorithm, provided by the software manufacturer. The selected test records will be digitally stamped to highlight that it was done by the computer and not manually. The list of selected students will be sent to the school's designated official to verify consent and coordinate a collection protocol. A student with an excused absence the day of testing will be tested at the next scheduled time. A student who leaves the school grounds and is found to not have an excused absence will be considered a refusal to test and treated as a positive result.

- b. The Contractor is responsible to utilize proper drug testing custody and control forms that satisfy the needs of the school's policy and the testing laboratory. The student ID number will be used for laboratory identification with the student's name only appearing on the copies that go to the donor, MRO, and Designated Official.

D. Procedures for Acquisition and Management of Student's Alcohol and Drug Test Specimens

1. The Designated Official, on the day the students have been selected to be tested, shall have the students report to the school nurse's office or other appropriate location (testing site) for alcohol or other drug testing.
2. The Designated Official will arrange for the reporting of all students designated to be tested to the testing site where each student will provide a specimen for testing. Each student reporting to the testing site will be required to sign into the testing site.
3. The Designated Official will remain at the testing site to monitor the students to be tested and to confirm the students to be tested provide a specimen.
4. The testing site will have a secure rest room to maximize the student's privacy (specimen collection area). Any water supply sources at the specimen collection area will be secured and unusable and any toilet water will be treated to avoid and prevent adulteration of the specimen to be provided.



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5. No purses, bags or containers may be taken into the collection area with the student. All extra coats, vests, jackets, sweaters, etc., are to be removed before entering the collection area.
6. Prior to the giving of any sample, the Collector will add a bluing agent (food coloring) to the water in the urinal or toilet.
7. The student will be directed to rinse and dry their hands. If no water is easily accessible, a non-alcoholic wipe may be used instead.
8. The drug testing custody and control form will be started by the student and the Collector.
9. The student will be told to urinate directly into the provided container and should provide a sufficient amount of urine (at least 45ml) in one attempt.
10. The student will enter a private area to provide a specimen and hand the container of urine to the Collector.
11. The Collector will check the volume, read and record the temperature within four minutes of collection, and look for evidence of tampering.
12. If the collector suspects tampering may have occurred, a second specimen will be requested. A second suspected tampered specimen will be considered refusal to test and the Designated Official will be so notified.
13. With the student watching, the Collector will pour the specimen into the two specimen bottles and cap the specimen bottles tightly.
14. The Collector will take the specimen bottle seals and place them over the caps and sides of the specimen bottles. The student will be directed to date and initial the specimen bottles.
15. The sealed specimen bottles will be placed inside the requisition pouch by the Collector.
16. The top lab copy of the drug testing custody and control form will be folded with the top portion visible to the outside and placed in there question pouch by the Collector. The transport bag and requisition pouch



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will be sealed by the Collector. The student will be directed to complete the Custody and Control Form and will be given the donor copy of the form by the Collector. The donor copy will serve as the notification to a parent that a test has been completed.

17. The student will then be permitted to wash their hands and will be sent back to class.
 18. The Collector will seal all the specimens in the transport bag with a tamper proof evident seal. The specimens will be shipped by overnight courier. If shipping is unavailable, the Collector will arrange that the specimens are stored in a secure, appropriate location. The specimens will be shipped at the next available business day.
 19. The Designated Official will be notified immediately of any student who refuses to provide a urine sample or is suspected of tampering with or adulterating the specimen container and/or the specimen or intentional failure to follow directions relating to the testing procedure.
- E. Laboratory Testing
1. All specimens will be tested for alcohol and drugs in accordance with one of more of the methods set forth in N.J.S.A. 45:9•42.26et seq. and N.J.A.C. 8:44 and 8:45. Tests certified as positive by the laboratory will be reported immediately to the Medical Review Officer. Negative specimens will be destroyed by the laboratory after 5 business days. Non-negative specimens will be stored by the laboratory for six months and disposed of according to statutory and regulatory requirements.
- F. Medical Review Officer(MRO)Responsibilities
1. The MRO will review all test results.
 2. The MRO will determine if any discrepancies have occurred in the Chain of Custody.
 3. The Medical Review Officer will notify the parent of any student whose test results are positive. The Medical Review Officer will contact the parent to review the results and to discuss with the parent if there is any medical explanation or reason for positive test results and to obtain information prior to making a final determination on the test results.



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- a. The MRO will consider information provided by the parent to the Medical Review Officer and then will confirm or excuse the test results.
 - b. In the event the Medical Review Officer is unable to have a consultation with the parent within forty eight(48)hours of the MRO's receipt of the results, the Medical Review Officer will make the determination of test result based upon the information then available to the MRO.
 - c. The Medical Review Officer will inform the Designated Official of the final determination regarding positive test results.
 - d. The Designated Official upon consultation with the Medical Review Officer will inform the parent of any student who had a consultation with the Medical Review Officer of the final determination.
- G. Confidentiality and Scope of Authorized Disclosure of Alcohol or Other Drug Testing Information
1. The identity of the students that were tested will only be known by the Designated Official and identified Contractor.
 2. All positive test results will be reported to the Designated Official.
 3. The Test Result Report will indicate which, if any, specimens tested positive for alcohol and/or controlled dangerous substances.
- H. Parent Appeal of Test Results
1. In the event the parent is informed by the Designated Official that the test results have been confirmed to be positive by the Medical Review Officer, the parent will have twenty four (24) hours to inform the Designated Official in writing if the parent seeks to appeal a positive determination.
 2. In the event the parent appeals this determination the parent shall authorize a laboratory, approved by the Board, to test the split specimen provided by the student (the split specimen test). The parent will be responsible for any costs associated with the split specimen test. If the parent selects a laboratory other than the laboratory used by the



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Contractor for the initial test, the specimen will be forwarded from the Contractor's laboratory to the Board approved laboratory selected by the parent with chain of custody maintained.

a. The parent must authorize delivery of the split specimen test results directly from the laboratory performing the split specimen test to the Designated Official in order for the split specimen test results to be considered by the Medical Review Officer. In addition, the parent will receive a copy of the split specimen test results.

3. The filing of an appeal shall not stay the exclusion from interscholastic athletic activities, extra-curricular activities, revocation and/or disqualification from obtaining a parking permit or the immediate statutorily required medical examination.
4. In the event the test results from the split specimen test are different than the test results determined by the Medical Review Officer, the Designated Official will forward the split specimen test results to the Medical Review Officer for review and determination by the MRO.
5. The Medical Review Officer may, or may not, in the exercise of the MRO's professional discretion discuss the split specimen test results with the parent before making a final determination confirming or excusing the initial test results.
6. The Medical Review Officer will inform the Designated Official of a final determination of the first and the split specimen test results. If the Medical Review Officer determines after review of the split specimen test result that the test is a negative result, the student will be immediately restored to full activities.

I. Remedial Measures for Confirmed Test Results

1. The remedial measures outlined below will be applicable for a student who tests positive for alcohol or drugs during their time enrolled in grades seven through twelve in the school district. Remedial measures will result from a confirmed positive alcohol or drug test, a student's refusal to test when selected and/or tampering with or adulterating the specimen collection process.



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2. Remedial Measures for a Confirmed Positive Alcohol or Drug Test—First Offense
 - a. A first positive alcohol or drug test while the student is enrolled in Grades 7 – 12 in the School District will lead to an action plan being developed for the student by the Superintendent and Student Assistance Counselor (SAC). The action plan shall encourage continued involvement by the student while participating in a minimum of three (3) counseling sessions with the SAC. The student will not be excluded from participation in all events (games, performances, club meeting/activity, etc.) for a first offense unless student fails to participate and/or complete the prescribed minimum counseling sessions within one (1)-week. If student fails to participate in the minimum counseling sessions prescribed by the SAC within one (1) - week, then the student will be excluded from all athletics, activities and parking for a period of fourteen (14) consecutive school days.
 - b. Student is reported to school nurse for suspicion for being under the influence of alcohol or controlled dangerous substance to monitor student’s vital signs and general health status for emergent issues and take appropriate action pending the medical examination pursuant to N.J.A.C. 6A:16-4.3.
 - c. The Designated Official will contact and meet with the the parent to remove the student from school and make arrangements for the immediate mandatory medical examination pursuant to N.J.A.C. 18A:40A-12 and N.J.A.C. 6A:16-4.3. The physician shall provide a written verification to the District within 24 hours of the referral of the student that substance use no longer interferes with the student’s mental or physical ability to perform in school.
 - c. The student will be required to have a minimum of three (3) counseling sessions with the Student Assistance Counselor (SAC), as scheduled by the SAC, one of which will occur within the week immediately following the confirmed positive test. Further treatment, if deemed necessary, will be recommended at the conclusion of the counseling sessions.
 - d. The parent and the student will meet with the Designated Official to ensure their understanding of remedial measures for this and



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any subsequent positive tests and will be required to consent to three (3) subsequent alcohol and drug tests (the subsequent tests) during the student's enrollment in the school district during the next twelve (12) months after an initial positive test. Any positive test results or refusal to provide a specimen for the subsequent tests shall be considered a separate offense. The timing of the subsequent tests will be determined by the Superintendent or designee.

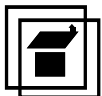
3. Remedial measures for a Confirmed Positive Alcohol or Drug Test – Second Offense
 - a. In addition to the remedial measures outlined for a confirmed positive alcohol or drug test for the first offense, the following remedial measures will apply:
 - i. The student will be disqualified from athletics, activities and parking privileges for a period of fourteen (14) consecutive school days. In the event, the period of loss of privilege is not satisfied before the last day of school for student attendance of an academic year, the balance of the days of the loss of privilege will be completed in the following academic year beginning on the first day of school for student attendance.
 - ii. The student will be required to have a minimum of six (6) counseling sessions with the Student Assistance Counselor (SAC), as scheduled by the SAC, one of which will occur within the week immediately following the confirmed positive test. Further treatment, if deemed necessary, will be recommended at the conclusion of the counseling sessions.
 - iii. The parent and the student will meet with the Designated Official to ensure their understanding of remedial measures for this and any subsequent positive tests and will be required to consent to four (4) subsequent alcohol and drug tests (the subsequent tests) during the student's enrollment in the school district during the next twelve (12) months after an initial positive test. Any positive test results or refusal to



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provide a specimen for the subsequent tests shall be considered a separate offense. The timing of the subsequent tests will be determined by the Superintendent or designee.

4. Remedial measures for a Confirmed Positive Alcohol or Drug Test –Third Offense
 - b. In addition to the remedial measures outlined for a confirmed positive alcohol or drug test for the first and second offenses, the following remedial measures will apply:
 - i. The student will be disqualified from athletics, activities and parking privileges for a period of thirty (30) consecutive school days. In the event, the period of loss of privilege is not satisfied before the last day of school for student attendance of an academic year, the balance of the days of the loss of privilege will be completed in the following academic year beginning on the first day of school for student attendance.
 - ii. The student will be required to have a minimum of six (6) counseling sessions with the Student Assistance Counselor (SAC), as scheduled by the SAC, one of which will occur within the week immediately following the confirmed positive test. Further treatment, if deemed necessary, will be recommended at the conclusion of the counseling sessions.
 - iii. The parent and the student will meet with the Designated Official to ensure their understanding of remedial measures for this and any subsequent positive tests and will be required to consent to four (4) subsequent alcohol and drug tests (the subsequent tests) during the student's enrollment in the school district during the next twelve (12) months after an initial positive test. Any positive test results or refusal to provide a specimen for the subsequent tests shall be considered a separate offense. The timing of the



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subsequent tests will be determined by the Superintendent or designee.

- iv. The student will attend an appropriately recognized and certified prevention/education program or a drug/alcohol rehabilitation program,(either or both), recommended by the Student Assistance Counselor. Attendance in the prevention/education program or rehabilitation program must be initiated within seven (7) calendar days of the confirmed second positive test result. The parent and student must provide an information release form from the program authorizing the Substance Awareness Coordinator access to all information relative to the student's program. The parent is responsible for the cost of the treatment program.

J. Non-Punitive Nature of Policy

1. No student will be penalized academically for testing positive for alcohol or other drugs under the school district's random testing of student alcohol or other drug use. Any actions taken concerning any student who tests positive for alcohol or other drug use shall be limited to removal from or prohibition against participation in extra-curricular activities, including interscholastic athletics and revocation or denial of a student's parking permit.
2. The results of drug tests pursuant to this Policy will not be documented in any student's academic records or discipline file. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the Board of Education will not solicit. In the event of service of any such subpoena or legal process, the student and the student's parent will be notified at least seventy-two (72) hours before response is made by the Board of Education to the extent permitted by such subpoena or legal process. The Contractor will only provide the identity and results of those tested to the Designated Official.
3. The invoice provided by the Contractor will not list any specific names of students tested, only the date of service and the number of students completed. This invoice will be provided to the Designated Official to



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verify against the final report and then approved for payment by the Board of Education.

4. The Contractor will supply progress reports as requested by the Designated Official as well as an annual summary and analysis of the testing program. The Contractor is not authorized to release this information to anyone but the district administration unless authorized in writing by the Board of Education.
- K. Consequences for Violation of Confidentiality and Disclosure Standards
1. The consequences for violation of confidentiality and disclosure standards by a member of the staff of the Kingsway Regional School District pursuant to N.J.A.C. 6A:16-4.4 may include, but not be limited to reprimand, suspension, withholding of increments, termination, or certification of tenure charges.

Adoption: 25 May 2017

Revised: 23 May 2019

