

DRUGS, ALCOHOL AND OTHER LEGAL POLICIES

POLICY STATEMENT

The Nutley Board of Education recognizes that substance abuse presents a problem in society, is a violation of law, and presents a danger to the student involved and to other students. It is the Board's responsibility to provide a safe school environment and to help our students reach their potential. To this end, the Board has developed and implemented a proactive substance abuse policy to include clear procedures and a comprehensive student assistance program (SAP). The policy and SAP focus on rewarding positive behaviors and intervening upon the negative effects of alcohol/drug usage.

The following are excerpts from the Board of Education's recently-revised policy and procedure on alcohol, tobacco, and other drug abuse. This is an informational overview and is not intended as full text. For interpretation of the policy and procedures contact: Mrs. Lisa Cassilli, Student Assistance Coordinator, (973) 661-8997.

DISCIPLINE

Students are prohibited from possessing, consuming, or distributing drugs or alcohol in any form while at school, in co-curricular and extra-curricular programs, on school grounds, and when attending a school-related function on or off campus. Students are further prohibited from smoking cigarettes or using other tobacco products in any form in school buildings, on any school grounds, in co-curricular and extra-curricular programs, and when attending a school-related function on or off campus.

In accordance with state and federal laws and regulations, students suspected of being “under the influence” shall be subject to medical examination at the parent/guardian’s expense, suspension and other disciplinary measures as established by this policy.

The Board pledges its full cooperation with law enforcement officials in the conduct of their duties to maintain a drug free school zone in a cooperative agreement between the school district and Nutley Police. Students and their parent(s)/guardian(s) are advised that New Jersey laws may require additional penalties beyond school sanctions for drug-related offenses on and off school grounds in accordance with Drug Free School Zones statute.

The Board intends to use the disciplinary sanctions of this policy as a means of helping students recover from the debilitating effects of substance abuse. It is in this spirit that the development and enforcement of this policy is intended.

STUDENTS VOLUNTARILY SEEKING HELP FOR DRUG, TOBACCO, OR ALCOHOL USE

Students are encouraged to seek help for problems with or related to tobacco, drug and/or alcohol use. Specific staff members and services are provided for direct assistance or confidential referral for students seeking help with a tobacco, alcohol, drug or other problem related to their substance use or use by someone in a close relationship with such students.

1. The Student Assistance Counselors will be allowed to maintain confidentiality of conversations with students meeting the following criteria:
 - a. The student’s health is not in imminent danger;
 - b. The information does not make the staff member accessory to any illegal actions;
 - c. The information does not indicate that the health or safety of the student or another individual is threatened.
 - d. Every effort shall be made to have the student discuss his/her involvement with alcohol and other drugs with the I&RS Team and parent/guardian.

2. Voluntarily seeking help does not prevent the school staff from charging a student with suspicion of being under the influence at another time.

STUDENTS SUSPECTED OF BEING UNDER THE INFLUENCE OF SUBSTANCES

A. In conformance with N.J.A.C. 6A:16-4.3, staff members **must immediately report** to the designated building administrator and the school nurse any student exhibiting behavior, or a pattern of behavior, or whose physical condition is consistent with the signs and symptoms of being under the influence of alcohol or other drugs.

1. When a student is suspected of being under the influence of drugs or alcohol, the steps below will be followed in the order listed:
 - a. The staff member who expresses concern shall **immediately** contact either the building principal or his/her designee, and subsequently complete the Violence, Vandalism and Substance Abuse Incident Report, according to the requirements of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-5.3;
 - b. The administrator will locate the student and escort him/her directly to a confidential and inconspicuous location where the nurse, appropriate administrator, SAC, and/or a representative of the I&RS Team will meet with the student, as soon as possible;
 - c. When a student is in need of immediate medical attention, the building administrator shall take appropriate action to insure that Emergency Medical Services or the Nutley Police transport the student to the nearest hospital emergency room;
 - d. Immediate contact with parent/guardian shall be initiated, except in cases where a student is 18 years old and has not waived his/her rights;
 - e. The parent/guardian shall be directed to take the student for an immediate medical examination by either the Board of Education Physician (to be designated annually), or a physician of their own choosing, which shall then be at the family’s expense instead of being performed at no charge;
 - f. The student shall receive an immediate medical dismissal for the remainder of the school day and picked-up by his/her parent or guardian to receive a medical examination and drug screen **within two hours**;
 - g. If the parent or guardian is **UNAVAILABLE** to have the student tested in the allotted time, the parent may grant a verbal or written release that permits the administrator to accompany the student to the

Board of Education Physician or other appropriate facility along with a release for the facility to perform a medical examination and administer the chemical screen. If, in the opinion of the nurse, it is inadvisable for the administrator to accompany the student, 911 will be called to escort the student to the nearest emergency room or approved medical facility;

- h. If the parent or guardian is **UNWILLING** to have the student tested in the allotted time, 911 will be called to escort the student to the nearest emergency room;
 - i. **IN ALL CIRCUMSTANCES, IF A TEST IS NOT ADMINISTERED WITHIN TWO (2) HOURS, AN EVALUATION BY AN AGENCY OR CLINICIAN APPROPRIATELY LICENSED AND CERTIFIED TO PROVIDE SUBSTANCE ABUSE TREATMENT SHALL BE MANDATED;**
 - j. During the physician's examination, a monitored urine sample shall be collected and appropriate chain of custody will be documented;
 - k. Upon a parent or guardian picking up his/her child from school, failure to comply with the requirements to complete a medical examination and laboratory tests within 2 hours will be considered a positive diagnosis resulting in an immediate suspension.
2. Reinstatement will occur only upon submission to the Principal of Evidence that an evaluation has been initiated within 5 school days from this incident.

B. Temporary Admission Pending Results

1. Return to school is prohibited until the student can present:
- a. Physician's Assessment Form and a Re-entry Note (pending the results of any lab work within 24 hours) including the date and time from the examining physician stating that the student is free from alcohol or other drugs and is able to return to school;
 - b. Evidence that a urine screen for drugs has been collected within the appropriate time frame (two hours) and is being processed by a lab.
 - c. Meeting the above criteria, the student will be re-admitted the next school day without suspension pending the results of the physician's completed examination including the date and time.
2. Positive Diagnosis – A positive diagnosis will cause the student to be suspended immediately for a duration of not more than **21 calendar days**, not to exceed the second monthly meeting of the Board of Education without informing the Superintendent in writing with return prohibited until:

- a. Evidence of a negative urine screen has been provided. The Board of Education will be responsible for the initial urine screening but subsequent urine tests shall be at the parents or guardians expense;
- b. Parents/guardians and the student present have signed Release of Confidential Information (appended) from an agency or clinician appropriately licensed and certified to provide substance abuse treatment indicating that an evaluation is in progress in order for the school and treatment program to communicate about the student's progress without breaching confidentiality;
- c. Results of an evaluation from an agency or clinician licensed and certified to provide substance abuse treatment received within 5 school days. Nothing in these procedures shall prevent a parent/guardian from seeking a second opinion from an approved program at their own expense;
- d. The selection of a treatment or evaluation facility shall be done by the parent/guardian who shall be informed by the referring staff member that this will be "at the parent/guardian's expense";
- e. Meeting the above criteria may result in the reduction in the length of suspension.
 - i. Students enrolled in an approved out patient treatment program may continue to attend school only as long as participation can be documented.
 - ii. Parents/guardians who fail to comply with the assessing program's recommendation will result in the school's filing a report of alleged child neglect filed with the Division of Youth and Family Services as well as the option of filing a formal complaint in municipal court.
 - iii. Participation in all extra-curricular and/or co-curricular activities including athletics, proms, and other school activities will be denied until the student takes the necessary steps to be in compliance with state law and this policy.

C. Second Offense – Being under the influence of alcohol and/or other drugs:

- 1. Completion of all procedures outlined under first offense;
- 2. Medical confirmation of being under the influence will require the student to complete, at the parent or guardian's expense, a residential treatment program or, if acceptable to the I&RS Team, participation in an intensive outpatient alcohol or drug treatment program. Formal release from treatment at the program's recommendation will be the only reason accepted for termination.

D. Third Offense – Being under the influence of drugs or alcohol:

1. Completion of all procedures outlined in the first and second offense;
 2. The Administration, in conjunction with the I&RS Team and Student Assistance Counselor(s) retain the option to recommend expulsion to the board of Education for any chronic violator of this Policy. Third Offenders will automatically be presented to the Board for an expulsion hearing as a danger to him/herself, and others.
- E. Students suspected of, or admitting to the use of steroids will be subject to the same procedures outlined for other alcohol or drug violations, with the following exceptions in accordance with N.J.A.C. 6A:16.**

STUDENTS RETURNING FROM TREATMENT: VOLUNTARY & POLICY ORDERED

Any student who attends treatment following an alcohol or drug suspension must comply with the re-admission criteria described in Part II.

1. Students attending a treatment program causing an extended absence will be readmitted only upon receipt of a written recommendation from the treatment program.
2. The absences will be considered in the same manner as other “chronically ill” students.

SEARCH AND SEIZURE

Lockers are school property and may be subject to search at the direction of school administration at any time.

1. Searches conducted of students’ possessions must be warranted by “reasonable suspicion” in compliance with standards established by state and federal law.
2. These searches shall include the following guidelines:
 - a. “Reasonable suspicion” shall mean suspicion based on statements of concern by staff or students, and physical condition and behavior of a suspicious nature that indicates possible substance use or possession.
 - b. Searches of a “cursory” nature may be conducted, including a visual inspection and request that students empty pockets, purses, and other belongings.
3. Students refusing to cooperate in searches will have their parent/guardian contacted to inform them of the student’s refusal to cooperate, stressing possible police involvement in the incident.

POSSESSION OR DISTRIBUTION OF ALCOHOL AND/OR OTHER DRUGS

- A.** When a student is found to be in possession of any quantity of illegal substances, drugs, or alcohol on school grounds or at a school activity or on a school-provided mode of transportation or school-related trip, the administrator in charge will contact the Nutley Police or other agency to investigate.
1. When illegal substances are found, it shall be the responsibility of the police to complete their normal reporting procedures, and any other legal actions, such as complaints, depending on the quantity of substances.
- B.** Students found “in possession” will follow the same criteria as outlined in Part II of this procedure.
1. However, the Board of Education maintains the right to conduct a suspension or expulsion hearing on any student found selling, possessing or distributing illegal substances, as outlined in this Policy.
 2. Students who are charged with distribution or intent to distribute drugs, or students who are neither treatment appropriate nor who test positive on a urine screen, will receive the following additional disciplinary measures:
 - a. Out-of-School suspension for a maximum of 21 days, not to exceed the second monthly Board of Education meeting without Board action;
 - b. Appear at an automatic expulsion hearing before the Board of Education;
 - c. If reinstated, a monitoring program and monthly reports to the Board of Education shall be developed by the I&RS Team in consultation with the Student Assistance Counselor;
 - d. Failure to comply with established guidelines, or a determination that the student is a risk to the school community, will result in extended Alternative Instruction until the Board of Education is satisfied.
- C.** Upon the second, and any subsequent offenses, or those involving actions by the Court due to the quantity of substances involved, an expulsion hearing by the Board of Education shall be held.
- D.** Students arrested for non-school related drug or alcohol violations shall be permitted to attend school unless it is demonstrated that the student is a danger to him/herself, or to other students in the school. Based on reports from local police, if the school building principal, in consultation with the I&RS Team, determines that the student’s continued attendance

presents danger to the health and safety of other students in the building, the offending student shall:

1. Be suspended immediately for a number of days not to exceed the second monthly Board of Education meeting;
2. Have Alternative Instruction immediately;
3. Have written recommendations, or a program designed by the I&RS Team and the Student Assistance Counselor;
- E. Return to school will be conditional upon meeting criteria established by the I&RS Team and the building principal.

ROLE OF THE CHILD STUDY TEAM

The Child Study Team shall not accept referrals of new cases where the cause for evaluation indicates possible use of alcohol or other drugs until the I&RS and/or Student Assistance Counselor(s) have been consulted.

STUDENT USE OR SUSPECTED USE OF SUBSTANCES OFF-CAMPUS

The Nutley School District must identify and assist students whose drug or alcohol use or other behavior is of concern, **regardless of when it occurs.**

1. Any expression of concern about parties or substance-related incidents involving students will be handled in the following manner:
 - a. The staff member will ensure that any information deemed reliable will be passed on to the building administrator and the SAC whose expertise may facilitate parent cooperation in a manner which ensures the confidentiality of each student and/or family;
 - b. A member of the I&RS Team may call a student in to express concern about “use” when a parent/guardian or fellow student issues a “statement of concern”, or to discuss parent/guardian chemical dependency. The contents of this meeting will remain **confidential**; however, this will not protect the student from future sanctions under existing procedures of this Policy.
2. The I&RS Team may conduct a Confidential Behavioral Health Assessment of the student in order to determine to what extent chemical use may be affecting performance or behavior.

CHILDREN OF ALCOHOLICS AND FROM CHEMICALLY DEPENDENT FAMILIES

Children of parents, guardians or family members with active alcoholism, substance abuse, or chemical dependency, or a history of such difficulties, shall have available to them support services in the form of individual or group counseling, referral to community services, and “self-help” programs available within the school district and community.

CONFIDENTIAL CONSULTATION WITH PARENTS WITHOUT A STUDENT’S KNOWLEDGE

Parents/guardians may receive confidential voluntary consultation from professional staff for concerns about their child’s possible substance abuse without informing the student of such a meeting.

The information obtained by the staff member during this meeting shall remain confidential with the I&RS Team and shall not be used for disciplinary action against the student.

TOBACCO USE

- A. The Nutley Board of Education’s Smoking Policy is strictly enforced by district employees. For the purpose of this policy, “smoking means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco.” Chewing tobacco is also specifically prohibited.
- B. Smoking or the use of tobacco products by students within all school buildings and on school grounds is prohibited. Additionally, the use of tobacco is prohibited on any school-provided transportation or on any school-related trip, including school field trips, athletic events, competitions, camps, etc. Students may be subject to appropriate discipline as determined by the building administrator.

STEROID PREVENTION PROGRAM

- A. As a requirement for participation in interscholastic sports, all parents/guardians are required to give permission for the school physician or medical practitioner of their choosing to perform an examination and possible testing for steroid use.
- B. Steroid identification and testing during the individual sport season will follow the following steps:
 1. Coaching and medical staff shall become educated on the signs/symptoms of steroid use and shall closely observe student athletes while participating in the individual sport or during medical examinations.
 - a. Coaches will identify players who display physical manifestations or behavior consistent with symptoms of steroid use and report candidates for possible testing to the Director of Athletics and/or the Student Assistance Counselor.
 2. Random urine samples may be collected from athletes, students engaging in extra-curricular activities, clubs, or other organizations sponsored by the school district. Any random urine collection/tests shall be performed in accordance with state and federal law.

- a. Failure to submit a sample will result in the student being declared ineligible to participate in ANY extra-curricular activity, sport, club, etc., until a sample has been submitted and reviewed.
- 3. Students testing positive will be treated under the same procedures as outlined in this policy with the following additional sanctions:
 - a. First offense – ineligibility to participate in interscholastic sports for one calendar year from the date of the offense;
 - b. A second offense shall declare the student ineligible for the student’s remaining career in the Nutley Public Schools.

STUDENT RANDOM ALCOHOL AND DRUG-TESTING POLICY

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.

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
- 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.

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

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

- All students in Nutley High School who participate in any athletics, extra-curricular activities, or school clubs, have violated the district substance abuse policy or 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 participation 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.
- 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 removal 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.
 - 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 blueed 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.
- 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. Any information transmitted to a licensed laboratory for testing or processing will not contain any personally identifiable information of the participant.
- 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.

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.

NOTIFICATION OF TESTING AND TESTING RESULTS

- 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.
- 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).
- 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
- 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

- 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.
- 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 Counseling Program. The participant shall attend this program at an agency or with a clinician that is appropriately licensed and certified to provide substance abuse treatment. 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. The evaluation must be performed by an agency or with a clinician that is appropriately licensed and certified to provide substance abuse treatment. 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 evaluation must be performed by an agency or with a clinician that is licensed and certified to provide substance abuse treatment. 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.