

Policy

VANDALISM/VIOLENCE

Vandalism

The Township of Union Board of Education views vandalism against school property by students as reprehensible. The causes of such misbehavior often are complex, calling for careful study by parents/guardians, school staff and appropriate community officials.

The board believes that students should respect property and take pride in the schools of this district. Whenever a student has been found to have done willful and malicious damage to property of the board, the principal of the school shall notify the superintendent. The board will hold the student or his/her parents/guardians liable for the damage caused by him/her.

When vandalism is discovered, the administration is directed to take such steps as are necessary to identify the vandals. If students have taken part in the vandalism, the appropriate administrator shall:

- A. Identify the students involved;
- B. Call together persons, including the parents/guardians, needed to study the causes;
- C. Decide upon disciplinary and/or legal action possibly including suspension. Should parents/guardians fail to cooperate in the discussions, the administration may charge the student with being delinquent by a petition stating the offense and requesting appearance in juvenile court;
- D. Take any constructive actions needed to try to guard against further such student misbehavior;
- E. Seek appropriate restitution.

Violence

Physical violence including assault with or without a weapon, against another student, a staff member or board member is prohibited and will result in the disciplinary sanctions included in policies on suspension and expulsion and conduct/discipline. Disruptive behavior that is characterized by violence, even though not directed toward another person, should be reported by the classroom teacher to the school principal, unless instructed otherwise, so that possible program adjustments may be identified.

Any student who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm or any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The superintendent may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board.

Any school employee observing or having direct knowledge from a participant or victim of an act of violence in the district public school(s) should complete the standard report form and submit it to the school principal who is responsible for preparing the official report to the superintendent. Staff will report accurately and not falsify information **all information that he/she has in possession.**

The board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to N.J.S.A. 18A:17-46.

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Two times each year between September 1 and January 1 and between January 1 and June 30, the school board(s) shall hold a public hearing at which the superintendent reports to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

Threats of Violence

The board is committed to promoting healthy relationships and a safe learning environment. Therefore, it shall not tolerate student threats of harm to self or others or other threatening behaviors, including threats to damage school property. Threatening behaviors shall not be tolerated on school property or at activities under the jurisdiction of the board of education.

Students shall inform a teacher, guidance counselor or principal when he/she is in possession of knowledge of such threats. Staff shall immediately notify the principal of any threat or threatening behavior that he/she has knowledge of, has witnessed or received. All such threats shall be promptly reported to the appropriate law enforcement agency.

Students who perpetrate threatening behaviors shall be disciplined in accordance with policy and regulations on suspension and expulsion and conduct/discipline.

Unsafe School Choice Option

The superintendent shall comply with all requirements of the Unsafe School Choice Option policy adopted by the State Board of Education for schools in districts that receive funds under the No Child Left Behind Act of 2001. He/she shall keep the board informed of all state requirements and actions taken to implement the policy.

Particularly, if a school in the district is designated as "persistently dangerous" as defined in the policy, corrective action plans shall be prepared and presented to the board for review. The corrective action plans shall be in the format provided by the Department of Education and shall describe how the schools will reduce the number of incidents of violence as determined by the Electronic Violence and Vandalism Reporting System (EVVRS).

Likewise, if a student while at school or on school grounds becomes a victim of a violent criminal offense as defined by state statute, he/she shall be offered the option of transferring to another safe school within the district.

Parents/Guardians shall be informed according to law and policy.

The board shall be provided with access to a copy of the current statewide Unsafe School Choice Option Policy.

School Violence Awareness Week

This school district shall observe School Violence Awareness Week, the week beginning on the third Monday in October of each year. Organized activities focused on the prevention of school violence will be offered to students, employees and board members. Local law enforcement personnel will be invited to participate.

Violence and Vandalism Reporting

The superintendent will annually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by the board of

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education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

Uniform Memorandum of Agreement

School Administrators shall review annually the reporting requirements under the Uniform Memorandum of Agreement. School Administrators shall report all mandatorily reportable offenses in accordance with the Memorandum.

Implementation

The superintendent shall oversee the development of implementing regulations on all aspects of this policy, including the establishment of procedures for cooperation between school staff and law enforcement officials for all situations involving firearms or other deadly weapons.

Adopted: June 1999
 NJSBA Review/Update: April 2012
 Readopted: December 2013

Key Words

Conduct, Discipline, Student Conduct, Vandalism, Violence

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2A:53A-15 Liability of parent or guardian for willful destruction of property by infant under 18
N.J.S.A. 2C:39-5 Unlawful possession of weapons
N.J.S.A. 18A:17-46 Act of violence; report by school employee; notice of action taken; annual report,
 Authority over students
N.J.S.A. 18A:25-2 School Violence Awareness Week
N.J.S.A. 18A:36-5.1 Discipline of Students
N.J.S.A. 18A:37-1 et seq.
 See particularly:
N.J.S.A. 18A:37-2, -2.1
 through -2.5, -3, -7
 through -12
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
 See particularly:
N.J.A.C. 6A:16-1.4, -5.1,
 -5.2, -5.3, -5.5, -5.6, -5.7,
 -6.1

"H.A." v. Warren Hills Regional School District, 1976 S.L.D. 336

See also Commissioners' Decisions indexed under "Students – Punishment of" in Index to N.J. School Law Decisions

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No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003

Possible

<u>Cross References:</u>	*1120	Board of education meetings
	*3250	Income from fees, fines, charges
	3517	Security
	*4131/4131.1	Staff Development, Inservice Education, Visitations, Conferences
	4148/4238	Employee protection
	*5114	Suspension and expulsion
	*5119	Transfers
	*5124	Reporting to parents/guardians
	*5131	Conduct/discipline
	5131.4	Campus disturbances
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	*6114	Emergencies and disaster preparedness
	*6172	Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

DRUGS, ALCOHOL, STEROIDS, TOBACCO
(Substance Abuse)

It is the responsibility of the Township of Union Board of Education to safeguard the health, character, citizenship, and personality development of the students in its schools. The board of education recognizes that the misuse of drugs, alcohol, steroids, and tobacco threatens the positive development of students and the welfare of the entire school community. We, therefore, must maintain that the use of drugs, alcohol, steroids, and tobacco and the unlawful possession of these substances is wrong and harmful. The board of education is committed to utilizing wellness strategies that encourage the prevention, intervention, and cessation of drug, alcohol, steroid, and tobacco abuse.

The Board of Education recognizes that tobacco is a gateway drug and highly addictive and that the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-related or school-sponsored events is detrimental to the health and safety of students, faculty/staff and visitors. The board acknowledges that adult employees and visitors serve as role models for students. The board recognizes that it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use for the students, employees, and visitors on the school campus. Finally, the board recognizes that it has a legal authority and obligation pursuant to P.L. 2005, Chapter 383 New Jersey Smoke-Free Air Act as well as the federal Pro-Children's Act, Title X of Public Law 103-227 and the No Child Left Behind Act, Part C, Environmental Smoke, Section 4303.

Drugs, Alcohol, Steroids

For the purpose of this policy, "drug" includes all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq. and all chemicals that release toxic vapors set forth in N.J.S.A. 2C:35-10.4 et seq.

- A. The board of education prohibits the use, possession and/or distribution of any drug, alcohol, or steroids on school premises, and at any event away from the school provided by the board. Compliance with a drug-free standard of conduct at all school functions is mandatory for all students. Students suspected of being under the influence of drugs, alcohol, or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as student assistance coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners and trained in alcohol and other drug abuse prevention. A student who uses, possesses, or distributes drugs, alcohol, or steroids on school premises or while attending a school-sponsored activity will be subject to discipline that may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Students suspected of involvement with alcohol, drugs or steroids away from school premises will be advised of appropriate treatment and remediation (N.J.S.A. 18A:40A-10). Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as student assistance coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up. Treatment will not be at the board's expense.
- B. The board directs the establishment of a program designed to provide short-term counseling and support services for students who are in care or returning from care for alcohol and other drug dependencies. Pursuant to N.J.S.A. 18A:40A-16 the district shall establish a parent/guardian substance abuse program offered at times and places convenient to the parents/guardians of the district on school premises or other facilities.

SUBSTANCE ABUSE (continued)Enforcement of Drug-Free School Zones

The board of education recognizes its responsibility to ensure continuing cooperation between school staff and law enforcement authorities in all matters relating to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia on school property. The board further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. The board shall, therefore, establish a formal Memorandum of Agreement with the appropriate law enforcement authorities and set forth the following policies and procedures after consultation with the county prosecutor and approval by the executive county superintendent. The Memorandum of Agreement shall be consistent with the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*.

Law Enforcement Liaison

In order to ensure that such cooperation continues, the board directs the superintendent to designate a school district liaison(s) to law enforcement agencies and to prescribe the roles and responsibilities of the school liaison(s). Such assignment shall be in accordance with the district's collective bargaining agreement, if applicable.

Undercover Operations

The board hereby recognizes that the superintendent may request that law enforcement authorities conduct an undercover operation in the school if he/she has reason to believe that drug use and/or drug trafficking is occurring in the school and that a less intrusive means of law enforcement intervention would be ineffective. The board hereby authorizes the superintendent to request such intervention under these circumstances. The board recognizes that the superintendent is not permitted to ask the board's approval for his/her action and is not permitted to discuss any aspect of the undercover operation until authorized to do so by law enforcement authorities.

The board recognizes that law enforcement authorities may contact the superintendent to request that an undercover operation be established in a district school. The board recognizes that the superintendent is prohibited from discussing the request with the board. The board hereby authorizes the superintendent to act upon any such request in the manner that he/she determines is in conformity with the law and the Attorney General's Executive Directive 1988-1 and that is in the best interests of the students and the school district.

The board directs the superintendent and school principal to cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The superintendent, principal, or any other school staff or district board member who may have been informed about the undercover operation is required to immediately communicate information to the county prosecutor or designee if the integrity of the undercover school operation has been compromised in any way.

At the completion of an undercover operation in a school, and with the consent of the appropriate law enforcement authority, the superintendent shall report to the board regarding the nature of the operation, the result of the operation, and any serious problems encountered during the operation.

Summoning Law Enforcement Authorities onto School Property for the Purpose of Conducting Investigations, Searches, Seizures, and Arrests

Any school employee who has reason to believe a student(s) or a staff member(s) is using or distributing controlled dangerous substances, including anabolic steroids, or drug paraphernalia on school premises shall bring that information to the school principal **or vice principal** who, in turn, shall report same to the superintendent. The superintendent **principal or vice principal** shall immediately report that information to the appropriate law enforcement agency. If, after consultation with the law enforcement official, it is determined that further investigation is necessary, the superintendent, **principal and the vice principal**

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will cooperate with the law enforcement authorities in accordance with the law and administrative code. He/she will provide the officials with a room in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the superintendent may continue the investigation to determine if any school rules have been broken and whether any school discipline is appropriate.

If an arrest is necessary, and no exigent circumstances exist, the superintendent and staff will cooperate with the law enforcement officials and provide them access to the office of a school administrator or some other area away from the general student population. Every effort shall be made to enable law enforcement personnel to carry out the arrest in a manner that is least disruptive to the educational environment. The superintendent or the principal shall immediately notify the student's parent/guardian whenever a student is arrested for violating any laws prohibiting the possession, use, sale, or distribution of any controlled substance or drug paraphernalia.

Whenever the police have been summoned to a school building by the superintendent, the superintendent shall report the reason the police were summoned and any pertinent information to the board at its next regular meeting. If confidentiality is required, the report shall be made in executive session.

Student Searches and Securing Physical Evidence

The principal or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in State in re T.L.O. 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O. 569 U.S. 325 (1985) and the New Jersey School Search Policy Manual.

If, as a result of the search, a controlled dangerous substance or drug paraphernalia is found, or if a controlled dangerous substance or drug paraphernalia is by any means found on school property, the individual discovering the item or substance shall immediately notify the building principal; the principal shall immediately notify the superintendent ~~who shall immediately, in turn, notify the~~ **and** appropriate law enforcement agency. The principal shall ensure that the controlled or dangerous substance and/or drug paraphernalia is labeled and secured in a locked cabinet or desk until law enforcement officials pick it up. The principal shall then contact the student's parents/guardians to inform them of the occurrence.

Whenever law enforcement officials have been called into the school, and a search of a student's person or belongings is necessary, or an interrogation is to be conducted, the superintendent shall request that the law enforcement officials conduct the search, seizure, or interrogation.

Police Presence at Extracurricular Activities

The superintendent is hereby authorized to contact the appropriate law enforcement agency and arrange for the presence of an officer(s) in the event of an emergency or when the superintendent believes that uniformed police presence is necessary to deter illegal drug use or trafficking or to maintain order or crowd or traffic control at a school function.

Resolving Disputes Concerning Law Enforcement Activities

The board authorizes the superintendent to contact the chief executive officer of the law enforcement agency involved with any dispute or objection to any proposed or ongoing law enforcement operation or activity on school property. If for any reason the dispute or objection is not satisfactorily resolved with the chief executive officer of the agency, the superintendent shall work in conjunction with the county prosecutor and, where appropriate, the division of criminal justice to take appropriate steps to resolve the matter. Any dispute that cannot be resolved at the county level shall be reported to the board and shall be resolved by the attorney

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general whose decision will be binding.

Confidentiality of Student Involvement in Intervention and Treatment Programs

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance-abuse counseling or treatment program including, but not limited to, the school district's own substance abuse programs. All information concerning a student's or staff member's involvement in a school intervention or treatment program shall be kept confidential. See 42 CFR 2 and N.J.A.C. 6A:16-6.5.

Tobacco

Tobacco use is now recognized as a chronic disease and public health hazard. Tobacco use is associated with conditions such as heart disease, emphysema, asthma, high blood pressure, diabetes, and many other chronic diseases. The most effective strategy for discouraging tobacco use by young people is a wellness strategy that supports prevention, intervention, and cessation.

A. Tobacco Use and Possession

1. No student, faculty/staff member or school visitor is permitted to use any tobacco product:
 - a. In any building, facility, or vehicle owned, leased, rented or chartered by the district;
 - b. On any school grounds and property – including athletic fields and parking lots – owned, leased, rented, utilized (e.g., adjacent parking lots) or chartered by the board of education;
 - c. At any school-sponsored or school-related event on-campus or off-campus (e.g., field trips, proms, sport events off campus, etc).
2. In addition, school district employees, school volunteers, contractors or other persons performing services on behalf of the school district (e.g., bus drivers) also are prohibited from using tobacco products at any time while on duty in accordance with their contracts or in the presence of students, either on or off school grounds.
3. Further, no student is permitted to possess a tobacco product while in any school building, while on school grounds or property or at any school-sponsored or school-related event, or at any other time that students are under the authority of school personnel.

B. Definition of Tobacco Products and Tobacco Use

For the purposes of this policy, "tobacco product" is defined to include but not limited to **electronic cigarettes**, cigarettes, cigars, blunts, bidis, pipes, chewing tobacco and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products (excluding quit products). "Tobacco use" includes smoking, chewing, dipping, or any other use of tobacco products.

C. Signage

Signs will be posted in a manner and location that adequately notify students, faculty/staff and visitors about the comprehensive tobacco-free school policy.

D. Compliance for Students

In recognition that tobacco use is a public health issue and that tobacco is a gateway drug and highly addictive, the board of education recognizes that intervention rather than punishment is the most effective way to address violations of this policy. Students who violate the school district's tobacco-use policy will be referred to the student assistance counselor (SAC), guidance- school counselor, a school nurse, or other

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health or counseling services for all offenses for health information, counseling, and referral. Administration will consult with appropriate health organizations in order to provide student violators with access to an Alternative-to-Suspension (ATS) program. The ATS program will provide up-to-date information on the many consequences of tobacco use, offer techniques that students can use to stop tobacco use at school, and provide referrals to local youth tobacco cessation programs.

Parents/guardians will be notified of all violations and actions taken by the school. Schools may also use community service as part of the consequences. Ordinarily, and consistent with a wellness strategy, suspension will only be used after a student has three or more prior violations or refused to participate in other outlined measures.

E. Compliance for Faculty, Staff, and Visitors

As with students, intervention rather than punishment is the most effective way to address adult violations of this policy. Faculty or staff who violate the school district's tobacco-use policy will be referred to the Employee Assistance Program (EAP) or a tobacco cessation program. Employees who repeatedly violate the policy or do not comply with intervention or cessation referrals may be subject to consequences in accordance with district policy and their contract. Visitors using tobacco products will be informed about the policy and asked to refrain while on school property. Visitors who continue to violate the policy will then be asked to leave the premises. Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing if the person refuses to leave the school property.

F. Opportunities for Cessation

The administration will consult with the county health department and other appropriate health organizations (e.g., American Lung Association, American Cancer Society, etc.) to provide students and employees with information and access to support systems, programs and services (e.g., NJDHSS Quitline 1 866 NJSTOPS (657-8677) and njquitline.org) to encourage them to abstain from the use of tobacco products.

G. Prevention Education

The administration will consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean and inviting school environment.

H. Procedures for Implementation

The administration will develop a plan for communicating the policy that may include information in student and employee handbooks, announcements at school-sponsored or school-related events, and appropriate signage in buildings and around campus. A process that identifies intervention and referrals for students, faculty/staff, and visitors who violate the policy will be created and communicated to all students, faculty/staff and parents.

Ongoing Implementation of this Policy

A. Prevention Education for Students

The board will enforce the laws of New Jersey requiring a program of drug, alcohol, steroid, and tobacco education. The superintendent shall prepare and submit to the board for its approval a comprehensive curriculum for such instruction in grades seven through 12 offering a minimum of 10 clock hours per school year of alcohol and other drug education in accordance with department of education chemical health guidelines, pursuant to N.J.S.A. 18A:40A-1 et seq. Drug, alcohol, steroid, and tobacco education shall be integrated with the health curriculum

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B. Faculty Education and Inservice Training

All district personnel shall be alert to signs of alcohol, drug, steroid, and tobacco use by students and shall respond to those signs in accordance with procedures established by the superintendent. The board of education will provide inservice training to assist teaching staff members in identifying the student who uses drugs, alcohol, steroids, and/or tobacco and in helping students with drug-, alcohol-, steroid-, and tobacco-related problems in a program of rehabilitation. The superintendent will ensure that all district employees receive annual inservice training to make them aware of their responsibilities in accordance with board policies and N.J.A.C. 6A:16-3.1.

C. Annual Review and Distribution of Policy

The board will review annually the effectiveness of these policies and the Memorandum of Agreement entered into with the appropriate law enforcement agency. As part of this review, the board will consult with the executive county superintendent, local community members, and the county prosecutor's office.

In accordance with N.J.S.A. 18A:40A-10, copies of the policy statement shall be distributed to students and their parents/guardians at the beginning of each school year.

D. Administrative Regulations

The superintendent may develop administrative regulations for:

1. A comprehensive program of drug, alcohol, steroid, and tobacco education;
2. The identification and remediation of students involved with drugs, alcohol, steroids, and tobacco;
3. The examination and treatment of students suspected of being under the influence of drugs, alcohol, steroids, or tobacco to determine the extent of the student's use or dependency;
4. The treatment of students who use, possess or distribute drugs, alcohol, steroids, and tobacco in violation of law or this policy through referral to an appropriate drug/alcohol/tobacco abuse program as recommended by the department of health; and
5. The readmission to school and treatment of students who have been convicted of drug, alcohol, steroid, or tobacco offenses.

E. Reporting and Liability

The superintendent will annually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

At an annual hearing the superintendent shall report to the board all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year.

Any staff member who reports a student to the principal or his/her designee in compliance with the provisions of this policy shall not be liable in civil damages as a result of making such a report as provided for under N.J.S.A. 18A:40A-1 et seq.

F. Confidentiality Requirements

All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.

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G. Parental Compliance

Substance abuse in the district is considered a health risk. It is the expressed position of the district that when school rules have been violated, and when a student's health is at risk, we must notify the student's parents/guardians and attempt to involve the family in the rehabilitation plan subject to the confidentiality restrictions of 42 CFR Part II.

Random Urinalysis Testing for Athletes Participating in Union Township Schools ("UTS") Interscholastic Sports

Exclusive testing for interscholastic athletes only.

A. Policy statement

Drug and alcohol problems in our nation's schools are a serious matter. Some student athletes may have used alcohol and have experimented with "street drugs" such as marijuana and cocaine, or may do so during their middle or high school years. State and national athletic associations encourage their members to undertake their own programs to test for the possible use of "street drugs" and "performance enhancing drugs." The specific purpose of this policy is to establish procedures to test for the possible use of "street drugs" and "performance enhancing drugs" by those students participating in interscholastic sports in this school district.

B. Rationale or Purpose

The purposes of the program established pursuant to this policy ("the program") are educational, diagnostic and preventative, as opposed to punitive or disciplinary. The program is intended to involve all participants in interscholastic sports teams, both male and female, as well as members of cheerleading teams, all of whom are collectively denominated "student athletes."

Student athletes are especially respected by the student body and, accordingly, are expected to be "good examples of conduct, sportsmanship and training, which includes avoiding drug and alcohol usage." The program comprehends that a participant who uses drugs can be a danger to self or others. The purposes of the program are stated as follows:

" . . . to prevent drug and alcohol usage, to educate student athletes as to the serious physical, mental and emotional harm caused by drug and alcohol abuse, to alert student athletes with possible drug problems to the potential harms, to prevent injury, illness and harm as a result of drug and alcohol abuse, and to maintain at UTS middle and senior high schools an athletic environment free of alcohol and drug abuse."

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Key Words

Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking, Drug Testing

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Legal References: <u>N.J.S.A. 2A:62A-4</u>	Reports by educational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor releasing chemicals; immunity from liability
<u>N.J.S.A. 2C:29-3a</u>	Hindering apprehension or prosecution
<u>N.J.S.A. 2C:33-15</u>	Possession or consumption of alcoholic beverage by person under legal age, penalty
<u>N.J.S.A. 2C:33-16</u>	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
<u>N.J.S.A. 2C:33-17</u>	Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions
<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
<u>N.J.S.A. 2C:35-1 et seq.</u>	<u>New Jersey Comprehensive Drug Reform Act of 1987</u>
See particularly:	
<u>N.J.S.A. 2C:35-7, -10</u>	Definitions
<u>N.J.S.A. 2C:35-2</u>	Abuse abandonment, cruelty, and neglect of child; what constitutes
<u>N.J.S.A. 9:6-1 et seq.</u>	Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality
<u>N.J.S.A. 9:17A-4</u>	Authority over students
<u>N.J.S.A. 18A:25-2</u>	Student locker or other storage facility; inspections; notice to students
<u>N.J.S.A. 18A:36-19.2</u>	Submission of students to authority
<u>N.J.S.A. 18A:37-1</u>	Causes for suspension or expulsion of students
<u>N.J.S.A. 18A:37-2</u>	Attendance required of children between six and sixteen, exceptions
<u>N.J.S.A. 18A:38-25</u>	Violation of article by parents or guardian, penalties
<u>N.J.S.A. 18A:38-31</u>	Substance abuse
<u>N.J.S.A. 18A:40A-1 et seq.</u>	
See particularly:	
<u>N.J.S.A. 18A:40A-1, -2, -3, -4, -5, and -9</u>	Random student drug testing
<u>N.J.S.A. 18A:40A-22 to -25</u>	Definitions (New Jersey controlled dangerous substances)
<u>N.J.S.A. 24:21-2</u>	<u>New Jersey Smoke-Free Air Act</u>
<u>N.J.S.A. 26:3D-55 et seq.</u>	Curriculum and instruction
<u>N.J.A.C. 6A:8-3.1</u>	Substance awareness coordinator
<u>N.J.A.C. 6A:9-13.2</u>	Discipline/suspension/expulsion
<u>N.J.A.C. 6A:14-2.8</u>	Programs to Support Student Development
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	
See particularly:	
<u>N.J.A.C. 6A:16-4.4</u>	Voluntary policy for random testing of student alcohol or other drug use.
See also:	
<u>N.J.A.C. 6A:16-1.3, -1.4, -2.2, -2.4, -3.1, -3.2, -4.1 through -4.3, -5.3, -6.1 -6.5</u>	
<u>N.J.A.C. 6A:32-13.1 et seq.</u>	Student Behavior

Drug Free Workplace Act of 1988 Enacted November, 1988 (Pub. L. 100-690, Title V, Subtitle D) 102 Stat. 4305-4308

Regulations Under Drug Free Workplace Act, C.F.R. 4946 (1/31/89)

SUBSTANCE ABUSE (continued)

42 CFR Part 2--Confidentiality of alcohol and drug abuse patient records

F.G. v. Bd. of Ed. of Hamilton, 1982 S.L.D. 382

G.L.H. v. Bd. of Ed. of Hopewell Valley Regional School District, et al., 1987 S.L.D. April 20, aff'd St. Bd. 1987 S.L.D. Sept. 2

State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O., 569 U.S. 325 (1985).

State of New Jersey v. Jeffrey Engerud, 93 N.J. 308 (1983)

Honig v. Doe 484 U.S. 305 (1988)

Vernonia School District v. Acton, 515 U.S. 646 (1995)

In the Matter of the Tenure Hearing of Graceffo, 2000 S.L.D. (September 2002)

Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. (2002)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible

<u>Cross References:</u>	*1120	Board of Education Meetings
	*1330	Use of school facilities
	*1410	Local units
	*4131.1	Inservice education/visitations/conferences
	*4231.1	Inservice education/visitations/conferences
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5125	Student records
	*5131	Conduct/discipline
	*5131.7	Weapons and dangerous instruments
	*5141.3	Health examinations and immunizations
	*5141.21	Administering medication
	*5145.12	Search and seizure
	*6145.1/6145.2	Intramural competition; interscholastic competition
	6145.7	Social events/meetings
	*6154	Homework/makeup work
	*6172	Alternative educational programs
	*6173	Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

RANDOM URINALYSIS TESTING FOR ATHLETES
PARTICIPATING IN INTERSCHOLASTIC SPORTS

A. Procedure

The superintendent, after consultation with the District's Medical Examiner, are authorized to initiate a selection of student athletes for testing. The program sets no limit as to the number of individuals to be selected not the number of times that selection will be made. Each student athlete is assigned a number, noted on cross-reference lists, which are kept by the superintendent or designee. When a selection is made, the numbers of all team members are to be placed in a box and drawn randomly.

Once selected, the student athlete must provide a sample of his/her urine in a verifiable manner, but the collection of the sample shall not be physically observed. The sample bottle is to be labeled with the date and the student athlete's number, whereupon he/she and the superintendent or designee will initial the cross-reference list to verify its accuracy. At this point the sample will be given to a competent laboratory which may test for alcohol, street drugs and performance enhancing drugs (such as steroids). Only the superintendent or designee and the staff member obtaining the sample will know of a selection. Only the student athlete, his/her custodial parent or parents or guardian, the superintendent will be informed of the results.

The student athlete or his/her parents/guardians is advised to inform the superintendent or designee if he/she takes medication that might contribute to a positive test result. A test result is considered positive only if, after using at least two types of analyses, it indicates that drug residue substances are present in the system. Upon such a finding, the student athlete, parent/guardian will be given an opportunity to provide additional testing or other means of explaining the positive result. If no satisfactory explanation is made, counseling or other assistance might be suggested.

The program provides that a student athlete who tests positive and provides no satisfactory explanation will be retested after an interval of time which is sufficient to indicate if intervening drug use has occurred. Participation in the athletic program is barred during this period of time. Any follow up tests will be conducted procedurally the same way as were the initial tests. A student athlete found positive without providing adequate explanation or a second testing, the results of which neutralize the first test results, will be subject to suspension from interscholastic sports for a period of time described elsewhere in this policy and other policies of the Board. A student athlete found positive without providing proper explanation will be subject to testing at any time during any sports seasons in which he/she chooses to participate. UTS also reserves the right to test any student athlete at any time where reasonable suspicion of drug or alcohol usage is found to exist.

1. Random testing

Student athletes will be formed into groups of 20. Each week for six weeks, one athlete from each group will be selected for testing by drawing the name in view of group members present each Monday. On Tuesday, samples submitted by selected student athletes shall be collected by a staff member of the appropriate sex. Bottles with a cap and seal will be provided by the laboratory. Once sealed, they will be stored in a refrigerator until a lab technician picks them up the following day. Results are to be reported to the authorized parties within 24 hours.

RANDOM URINALYSIS TESTING FOR ATHLETES
PARTICIPATING IN INTERSCHOLASTIC SPORTS (continued)

2. Actual testing procedures

The student selected for testing is accompanied by a school official of the same sex to a bathroom, where the student is provided with an empty specimen bottle. The student is then allowed to enter a lavatory stall and close the door in order to produce a urine sample. The student is not under direct visual observation while producing the sample; however, the water in the toilet is tinted to prevent the student from substituting water for the sample, the monitor stands outside the stall to listen for normal sounds of urination and the monitor checks the temperature of the sample by hand in order to assure its genuineness. **If there is a sink, water should be turned off as well.**

The chain of custody of the sample is designed to insure the accuracy and anonymity of the testing procedure. The sample is sent to a private testing laboratory where it is initially tested for the presence of controlled substances or performance-enhancing drugs using the enzyme multiplied immunoassay technique ("EMIT"). Any sample which tests positive is then retested using the more accurate, and more expensive, gas chromatography/mass spectrometry ("GC/MS") method.

3. Laboratory Analysis

The authorized laboratory representative will pick up sealed specimens which have been kept in a locked refrigerator and deliver them to the laboratory. There the specimens will be tested using EMIT for screening marijuana, followed by thin layer chromatography ("TLC"). If both the EMIT and TLC are positive, gas chromatography mass spectrography ("GCMS") will be used for further confirmation. For drugs such as amphetamines and opiates, the preliminary procedure will be TLC followed by GCMS for confirmation. Three tests will be used to confirm the presence of cocaine. No tests will be conducted to test for pregnancy or birth control pills.

Portions of all positive will be retained for up to one month, locked in a refrigerator or freezer. Checking the temperature at collection would be a means of assuring validity. The laboratory will change fees per test, including confirmation. This fee will be paid by the Board of Education. All tests will be reported as positive or negative, although results of a specific test would be available.

The laboratory chosen should be one accredited by the Joint Commission of Hospitals, and one which has been approved for OSHA lead testing. It should also be a member of the American Association of Bioanalyst Proficiency Testing Program and the College of American Pathology Testing Program. As such, the laboratory receives four samples a year containing unknown drugs. The analyses are then graded for purposes of approval. These tests are not "blind tests" in the sense that the laboratory is aware that it is being checked for proficiency.

It should be noted that the urinalysis testing does not measure current impairment of that passive inhalation of marijuana smoke might conceivably result in a positive reading. The accuracy of the tests is dependent upon such factors as the technologist, the instruments, and the maintenance and quality control. The laboratory should use a 20-nanogram detection level for marijuana, which would be expected to result in 95 percent confidence. At this level it is possible that small residues of marijuana might not be picked up by the test. There will be no testing for alcohol, unless the school specifically requests it.

B. Student and parent/guardian rights for explanation and independent testing

If a sample tests positive under both the EMIT and GC/MS analysis, the student and his/her parent/guardian are informed of the results. They then have the opportunity to have the remaining portion of the sample tested at a laboratory of their choice. The student and his/her parent/ guardian may also present the superintendent or designee with any evidence which suggests an innocent explanation for the positive result, such as the fact that the athlete legally takes prescription or over-the-counter medication.

RANDOM URINALYSIS TESTING FOR ATHLETES
PARTICIPATING IN INTERSCHOLASTIC SPORTS (continued)

C. Ramifications of positive testing

The program specifically provides that no student athlete who tests positive will be disciplined in any way academically. No suspensions or expulsions from school will result from the testing program. In the context of acknowledging the special broad authority of the school to impose prohibitions against alcohol, drugs, tobacco, and the use of steroids, the plan sets forth the consequences of a positive test which has not been properly explained.

With an emphasis on athletics as a privilege and not a right, the plan specifies that the first occurrence involving a positive drug test without adequate explanation will result in the denial of the student athlete's participation in the particular sport for the balance of the school year. The second occurrence will result in a full school year of athletic suspension in all sports. Any additional occurrence will result in suspension from all interscholastic athletics for the balance of the student's attendance at the school.

UTS disclaims any intention to employ its random urinalysis program as a means of establishing criminal violations by its students. The results of its urine tests are confidential and not subject to disclosure to anyone other than those persons authorized pursuant to this policy.

D. Appeals process

Appeals regarding the implementation or application of this policy should be as follows:

The first level of appeal shall be to the superintendent. Decisions rendered by the superintendent shall be appealable to the Township of Union Board of Education.

Decisions rendered by the Township of Union Board of Education shall be appealable when appropriate to the New Jersey Commissioner of Education or other agencies or courts authorized to hear such matters.

Pending any such appeal, the student athlete shall be barred from participation in those student athletics as required by this policy.

E. Permission form

Students involved in interscholastic sports must submit the following form:

I have received and have read and understand a copy of the "UTS DRUG EDUCATION AND TESTING PROGRAM." I desire that _____ participate in this program and in the interscholastic athletic program of _____ School and hereby voluntarily agree to be subject to its terms. I accept the method of obtaining urine samples, testing and analyses of such specimens, and all other aspects of the program. I agree to cooperate in furnishing urine specimens that may be required from time to time.

I further agree and consent to the disclosure of the sampling, testing and results as provided for in this program. This consent is given pursuant to all State and Federal Privacy Statutes and is a waiver of rights to non-disclosure of such test records and results only to the extent of the disclosures in the program.

The student and his/her custodial parent/guardian must sign and date the form, submitting it as a condition precedent to practice or participation in any given athletic season. The program requires that all student athletes attend one educational session or more and receive copies and an explanation of the program.

Adopted: June 1999
Readopted: December 2013