

REGULATION R5535

PUPILS

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Breath Alcohol Testing

R 5535– BREATH ALCOHOL TESTING

School Sponsored Events - Regulation

Each student entering a school-sponsored activity may be required to submit to a PBASD test as a condition of admission. The administration will determine at which school-sponsored events the PBASD test procedures will be used. These events will include, but are not limited to, proms, dances, concerts, overnight activities, optional field trips, athletic events, etc.

1. The administration will determine the manner by which the students will be tested: entire group, pre-determined random selection, or based on individualized reasonable suspicion. For purposes of this policy, indications of reasonable suspicion may include, but are not limited to, such characteristics as alcohol odor, slurred speech, unsteady gait, lack of coordination, presence of an alcohol container, bloodshot or glazed eyes or other similar information.
2. The trained administrator or trained staff member present at such events has the authority to test and retest any individual suspected of being under the influence of alcohol even if the student has a negative test upon entering the event. Students attending these school sponsored events may be required to take a PBASD test administered by a trained member of the staff or administration prior to entering the event, during the course of the event, or upon leaving the event.
3. The PBASD will be administered by a trained staff member in the presence of a school administrator. All administrators and staff members to be responsible for the use of a PBASD test will be trained in the use of the PBASD machine.
4. There must always be two people present when the observation checklist is completed or the PBASD is administered (either another school administrator or a school staff member).
5. Any student who tests positive will be given a second test with an active device after a waiting period of twenty (20) minutes.
6. If this test is also positive, the student will be denied entrance to the event, detained by school officials until parents/guardians arrive and an investigation is conducted. The student will be subject to disciplinary procedures for using alcohol at a school sponsored event pursuant to Board policy (See #10 below).
7. Students who refuse the test will be denied entrance to the event and detained until parents/guardians arrive to remove them. The student will be subject to disciplinary procedures for using alcohol at a school sponsored event pursuant to Board policy (See #10 below).
8. A student already in attendance at a school-sponsored event who is suspected of being under the influence will be tested or retested.

9. Students who test positive for alcohol or refuse to take the PBASD test upon determination that there is reasonable cause to suspect that they have consumed alcohol will be subject to all school rules relating to the use and/or possession of alcohol pursuant to Board policy (See #10 below).

10. Students who test positive for alcohol as a result of suspicion-based testing will be subject to the Board's Policy 5530.

N.J.S.A. 40A-12

N.J.A.C. 6A:16-4.1 et seq.