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### REGULATION 5530 SUBSTANCE ABUSE

The Board of Education recognizes that a pupil's abuse of harmful substances seriously impedes that pupil's education and threatens the welfare of the entire school community. The Board is committed to the prevention of substance abuse and the rehabilitation of substance abusers by educational means, but will take the necessary and appropriate steps to protect the school community from harm and from exposure to harmful substances. Accordingly, the board will establish and maintain a comprehensive substance abuse intervention, prevention, and treatment referral program in the schools of this district.

Definitions      N.J.S.A. 18A:40 A-9                      N.J.A.C. 6A:16-1.3; 6A:16-4.1

For the purposes of this policy:

“Substance” means alcoholic beverages, controlled dangerous substances, including anabolic steroids, as defined at N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined at N.J.S.A. 2C:35-10.4 and over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

“Substance abuse” means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.

“Evaluation” means those procedures used by a certified or licensed professional to make a positive determination of pupil's need for programs and services which extend beyond the general school program by virtue of learning, behavior, or health difficulties of the pupil or the pupil's family.

“Intervention” means those programs, services, and actions taken to identify and offer help to a pupil at risk for learning, behavior, or health difficulties.

“Referral for treatment” means those programs and services offered to a pupil or his or her family to help implement the recommendations of an evaluation or in response to the family's request for assistance with a learning, behavior, or health difficulty.

“School grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central services facilities including, but not limited to kitchens and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.

In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16 – 1.3; 6A:16-4.1(a) the following shall apply:

1. Any educational staff member or other professional to whom it appears that a student maybe currently under the influence of alcoholic beverages or other intoxicating drugs or any chemical on school property, including a school bus, or at a school function, shall report the matter as soon as possible to the principal or designee and either the school nurse or the Student Assistance Coordinator.
2. The student shall be removed to a protective environment for observation and care by the school nurse to assess the student's current physical state, to determine need for immediate medical intervention.
3. In response to every report by an educational staff member or other professional the principal or designee shall immediately notify the parent or guardian and the Chief School Administrator and arrange for an immediate examination of the student. The examination shall be performed by a physician selected by the parent or guardian or by the school physician within (2) hours. If the physician chosen by the parent/guardian is not immediately available, the examination shall be conducted by the school physician, or if the school physician is not available, the student shall be accompanied by two members of the school staff, (one of whom should be a security guard) designated by the principal, to a district designated site for the required chain of custody urine test and medical examination. If available, a parent or guardian should also accompany the student. (It is understood that the parent/guardian assumes responsibility of their child at the designated site upon registration with the staff.) The student's ID number must be indicated on the form to be completed by the physician and the paperwork is released only to a school representative in a confidential manner. (If the parent can not be reached in a reasonable amount of time or if the parent so chooses, the student will be accompanied by two school staff designees to the district designated site.)
4. Transportation of the student for medical evaluation by the school physician or at a district designated site shall be provided by a vehicle owned and operated by the Board of Education or by an Emergency Medical Services vehicle, or by a district employed Community Aide.
5. If at the request of the parent or legal guardian, the medical examination is conducted by a physician other than the school physician, such examination shall not be at the expense of the district Board of Education, nor shall transportation be provided. The examination must be performed within (2) two hours of notification and within 24 hours the parent must verify that a medical examination was performed. The verification shall include at a minimum, the signature, the printed name, address and phone number of the examining physician, the date and time of the examination and the date the required report will be provided.
6. If there is a positive diagnosis from the medical examination indicating that the student is under the influence of alcohol or other intoxicating drugs or controlled substance, the student shall be returned to the care of a parent or guardian as soon as possible. Attendance at school shall not resume until the student re-entry physical certification has been submitted by the parent or guardian of the student, to the principal, from a physician who has examined the

student to certify that the student is physically and mentally able to return to school. The Student Assistance Coordinator is to be notified immediately by the attendance office, of the student's return to school. The student is required to meet with the Student Assistance Coordinator; the duration of said to be determined by the Student Assistance Coordinator.

7. If the written report of the medical examination is not submitted to the principal and Chief School Administrator within twenty-four hours, the student shall be allowed to return to school, attending In School Suspension, or a location designated by the building principal with appropriate intervention provided by a Student Assistance Coordinator or trained staff member, until such time as a lab report of alcohol or other drug use is received.

8. If the student suspected of being under the influence of alcohol or other drugs should refuse to submit to the required medical evaluation, the refusal will be interpreted as a positive test result. Diluted or altered test results shall be considered positive and receive the appropriate discipline according to the district Board of Education policy, as stated in Procedures, Sanctions and Due Process.

9. The principal or designee shall disclose to law enforcement authorities the identity of the student believed to be in possession of a controlled dangerous substance or related paraphernalia or a student believed to be involved or implicated in distribution activities regarding controlled dangerous substances. Students found in possession of any substance or paraphernalia shall be drug tested prior to their release to the police.

10. If a student is found in possession of alcohol, controlled dangerous substances, anabolic steroids or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 16-1.3; 6A:16-4.1 while engaged in a school sponsored activity, the responsible district staff member shall immediately call the local law enforcement agency. The parent/guardian shall be called to meet the student at the location designated by the local law enforcement agent. The student should be drug tested. The student will remain in the custody of the local law enforcement agency.

11. New Jersey Administrative Code 6A:16-4.3 indicates that refusal or failure by a parent to comply with N.J.S.A. 18A:40A-12 (school district drug & alcohol regulations) shall be in violation of the compulsory education laws and/or child neglect laws. When a parent fails to comply, school administrators may refer the situation to DYFS, to investigate as an allegation of neglect.

12. In all instances involving the use of alcohol or other drugs, a "Violence, Vandalism and Substance Abuse Incident Report" shall be completed.

13. While the student is at home because of the medical examination, or after his or her return to school, the school administration may recommend or require an additional evaluation for the purpose of determining the extent of the student's alcohol or other drug use, and its effect on his or her school performance. Evaluation and treatment shall not be at the expense of the district Board of Education.

14. The district shall maintain an alcohol and other drugs educational component for parents and guardians.

15. Any educational or non-educational school staff member who in good faith reports a student to the principal or designee in compliance with the provisions of the subsection shall not be liable in civil damages as a result of making such a report, as specified in N.J.S.A. 18A:40A-13 and 14. The referring party shall remain anonymous.

16. At all times, this policy shall comply with Federal Law 42 C.F.R. 2.1 et seq.

In instances involving the suspected use of anabolic steroids, the following shall apply according to the requirements of N.J.S.A. 18A:40A-12(b):

1. Whenever any teaching staff member, school nurse or other educational personnel shall have reason to believe that a student has used or may be using anabolic steroids, that person shall report the matter as soon as possible to the principal or designee and either the school nurse, the school physician, or the Student Assistance Coordinator.

2. The principal or designee shall immediately notify the parent or guardian and the Chief School Administrator. The principal or designee shall arrange for an examination of the student by a physician selected by the parent or legal guardian or by the school physician, for the purpose of diagnosing whether or not the student has been using anabolic steroids.

3. If, at the request of the parent or legal guardian, the medical examination is conducted by a physician other than the school physician, such examination shall not be at the expense of the district Board of Education.

4. The Chief School Administrator or designee may, but need not disclose to law enforcement authorities the identity of a student suspected to have used or who may be using anabolic steroids. The Chief School Administrator shall disclose to law enforcement authorities the identify of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.

5. A written report of the examination shall be furnished by the examining physician to the parent or guardian of the student and to the Chief School Administrator.

6. If it is determined that the student has used anabolic steroids, the Student Assistance Coordinator or other designated staff member shall interview the student and others as necessary for the purpose of determining the extent of the students involvement with the use of anabolic steroids and the possible need for referral and treatment. To make this determination, the school staff members may include interviews with the student's teachers and parents and consultation with alcohol and drug abuse experts as necessary.

7. If it is determined that the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, the Student Assistance Coordinator or designated staff member shall initiate a referral for treatment to an appropriate community agency as defined in N.J.A.C. 6A: 16-4.1(b).

8. The cost of any treatment program shall not be at the expense of the district Board of Education.

9. Any educational or non-educational school staff member who in good faith reports a student to the principal or designee in compliance with the provisions of the subsection shall not be liable in civil damages as a result of making such a report, as specified in N.J.S.A. 18A:40A-13 and 14. The referring party shall remain anonymous.

10. New Jersey Administrative Code 6A:16-4.3 indicates that refusal or failure by a parent to comply with N.J.S.A. 18A:40A-12 (school district drug & alcohol regulations) shall be in violation of the compulsory education laws and/or child neglect laws. When a parent fails to comply, school administrators may refer the situation to DYFS, to investigate as an allegation of neglect.

11. The refusal or failure of a student to comply with the provisions of N.J.S.A. 18A:40A-12 shall be treated by the district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c).

#### Evaluation and Referral Procedures - Alcohol/Other Drug Abuse

Students who voluntarily seek help from the Student Assistance Coordinator for issues involving alcohol or other substance abuse or students who have a medical examination that shows a positive diagnosis shall be:

- Referred to trained service providers who are certified alcoholism or other substance abuse counselors, who are resource persons or who work in conjunction with certified teachers or counselors, for assessment.

#### Treatment Procedures - Alcohol/Other Drug Abuse

When a student has been diagnosed as having an alcohol or other drug dependency problem, the student shall be provided with the following, depending upon the particular case and shall not be at the expense of the school district, unless conducted by district personnel:

- A program of instruction, counseling and related services provided by the Board of Education or a service provider.
- Treatment by individuals trained and certified as alcohol or other substance abuse counselors, who are school teaching staff members or counselors, or who are acting as resource persons, or working in conjunction with certified school staff.
- Referral to a community agency.
- Support services from the Student Assistance Coordinator, Affective Team, Health/Social Service Coordinator, and School Counselor.

#### Violations of Alcohol/Other Drugs Policies:

Procedures, Sanctions, Due Process

The Board of Education prohibits the use, possession, sale or distribution of alcohol or any other drug by students, staff or any person on school property, transportation vehicles, or at any school sponsored event, activity or trip attended by students of this district.

When the material in question is determined by the appropriate authority to be alcohol or other drugs, the following disciplinary action shall be taken for the violations indicated:

#### Consumption

(a) Grades K-3: Consumption of alcohol, controlled dangerous substances, anabolic steroids, being under the influence of such, or refusing to submit to medical evaluation when use is suspected:

First Offense: 2 days out of school suspension. DYFS is called. Law enforcement is called. Mandatory counseling with the health/social service coordinator, SAC, or school counselor is required upon the student's return to school. A mandatory parent conference is held.

Subsequent Offense: 4 days out-of-school suspension. DYFS is called. Law enforcement is called. Mandatory counseling with the health/social service coordinator, SAC, or school counselor is required upon the student's return to school. A mandatory parent conference is held.

(b) Grades 4-5: Consumption of alcohol, controlled dangerous substances, anabolic steroids being under the influence of such or refusing to submit to medical evaluation. When use is suspected

First Offense: 3 days out of school suspension. DYFS is called. Law enforcement is called. A mandatory parent conference is held. Mandatory counseling with the health/social service coordinator, SAC, or school counselor is required upon the student's return to school.

Subsequent Offenses: 4 days out of school suspension. DYFS is called. Law enforcement is called. A mandatory parent conference is held. Mandatory counseling with the health/social service coordinator, SAC, or school counselor is required upon the student's return to school.

(c) Grades 6-12 and Adult Ed: Consumption of alcohol, controlled dangerous substances, or anabolic steroids, being under the influence of such or refusing to submit to a medical evaluation when use is suspected:

First Offense: 5 days out of school suspension. A mandatory parent conference with administration and SAC, or health/social service coordinator or school counselor is held. Mandatory counseling with the health/social service coordinator, SAC, or school counselor is required upon student's return to school.

Subsequent Offense: 10 days out of school suspension. Administrative hearing is held.

### **Possession**

Possession or sale or distribution of alcohol, controlled dangerous substances, or anabolic steroids:

(a) Grades K - 3: Possession or sale or distribution of alcohol, controlled dangerous substances, or anabolic steroids:

First Offense: 2 days out of school suspension. Student is drug tested. DYFS is called. Law enforcement is called. A Mandatory conference with the parent for student to re-enter school is held. This conference will be with an administrator and a SAC or health/social service coordinator or school counselor.

Subsequent Offense: 4 days out of school suspension. DYFS is called. Law enforcement is called. Student is drug tested. A mandatory re-entry conference with the administrator, the parent and a SAC or health/social service coordinator or school counselor will be held.

(b) Grades 4 -5: Possession or sale or distribution of alcohol, controlled dangerous substances or anabolic steroids.

First Offense: 4days out of school suspension. Student is drug tested. DYFS is called. Law enforcement is called. A mandatory re-entry conference with the administrator, the parent and a SAC or health/social service coordinator or school counselor will be held. Mandatory counseling with health/social service coordinator or school counselor will take place when student returns to school.

Subsequent Offense: 10 days out of school suspension. DYFS is called. Student is drug tested. Law enforcement is called. A mandatory re-entry conference with parent,

administrator, and SAC, or school counselor or health/social service coordinator is held. Mandatory counseling with health and social service coordinator, or SAC or school counselor will be held upon student's re-entry to school.

(c) Grades 6 -12 and Adult Ed: Possession or sale or distribution of alcohol, controlled dangerous substances or anabolic steroids:

First Offense: 10 days out of school suspension. Student is drug tested. Administrative hearing is held. Complaint signed with law enforcement.

Subsequent Offenses: 10 days out of school suspension. A complaint is filed with law enforcement. An administrative hearing is held. Student is drug tested.

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