

# REGULATION

The following procedures are established in implementation of Policy No. 5530, Substance Abuse.

## A. Definitions

1. "Evaluation" means those procedures used by a certified or licensed professional to make a positive determination of a student's need for programs and services which extend beyond the general school program by virtue of learning, behavior or health difficulties of the student or the student's family.
2. "Intervention" means those programs, services and actions taken to identify and offer help to a student at risk for learning, behavior or health difficulties.
3. "Referral for evaluation" means those programs, and services offered to a student or his or her family in order to make a positive determination regarding a student's need for services which extend beyond the general school program.
4. "Involved with substances" means that the pupil is influenced by the use of substances by the pupil or a member of his/her family, whether or not on school premises or during the school day. A suspicion or determination that a pupil is involved with substances does not depend on a finding that the pupil is immediately under the influence of a substance or possesses or distributes a substance on school premises.
5. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
6. "Substance" means alcoholic beverages, controlled dangerous substances as defined at N.J.S.A. 24:21-2, anabolic steroids, any chemical or chemical compound that releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the 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. 2A:170-25.9 or over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
7. "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.
8. "Under the influence" of substances means that the pupil is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

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## B. Discipline

1. Any violation of Board rules prohibiting the use, possession and/or distribution of a substance is a serious offense, and the pupil who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures. Pupils who violate the substance abuse rules will be disciplined as follows:

First offense: 1-10 days suspension and/or referral to appropriate authorities

Second offense: 1-10 days suspension and/or referral to appropriate authorities

Third offense: 1-10 days suspension and expulsion proceedings may be initiated.  
Referral to appropriate authorities.

2. In accordance with N.J.A.C.6A:-4.1(c), the following disciplinary action will be taken in the event the pupil does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors:

a. First offense:

b. Second offense:

c. Third offense:

3. A pupil convicted of drug use, possession, and/or distribution may be admitted to school on the recommendation of the Child Study Team.
4. A pupil who has been removed from school for his/her involvement with drugs, other than a pupil who has been expelled from school, shall be placed on home instruction.

## C. Identification and Remediation of Pupils Involved with Substances.

1. Teaching staff members shall be alert to the signs of a pupil's involvement with substances, in accordance with the training offered in in-service training sessions.
2. A teaching staff member who suspects that a pupil is involved with substances, but not under the

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influence of them, should refer the pupil to the School Nurse, the Substance Awareness Coordinator, a Guidance Counselor, the Child Study Team, or another professional staff member or trained resource person, as appropriate. The staff member shall notify the Principal of the referral; if appropriate, the Principal should notify the pupil's parent(s) or legal guardian(s) of the referral and discuss with the parent(s) or legal guardian(s) the possibility of medical or therapeutic treatment.

3. When a pupil involved with substances has discussed his/her involvement with a teaching staff member with an expectation of confidentiality, the staff member may respect that confidence. The teaching staff member should encourage the pupil to seek aid from a professional trained in counseling and to confide in his/her parent(s) or legal guardian(s). When the staff member believes that the pupil requires professional counseling or intervention that the pupil will not seek on his/her own, the staff member may report the pupil to the Principal, who shall determine whether to notify the pupil's parent(s) or legal guardian(s) and may report the pupil to an appropriate district professional or trained resource person or to an appropriate agency for evaluation and possible treatment.

## D. Reporting and Examination of Pupils Under the Influence of Anabolic Steroids

1. Whenever any teaching staff member, certified or non-certified nurse or other educational personnel have reason to believe that a pupil has used or may be using anabolic steroids that person must report the matter as soon as possible to the Principal (or, in the Principal's absence, to a person designated by the Principal and to the certified or non-certified school nurse or the school physician or a to the Substance Awareness Coordinator.
2. The Principal or his/her designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent.
3. The Principal shall arrange for the immediate examination of the pupil by a physician licensed to practice medicine or osteopathy selected by the parent(s) or legal guardian(s). If the physician selected by the parent is not available to perform the examination, the examination will be conducted by the school physician. An examination conducted, at parental request, by a physician other than the school physician shall not be at district expense.
4. The pupil shall be examined as soon as possible for the purpose of diagnosing determining whether the pupil has been using anabolic steroids.
5. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s) and to the Superintendent.

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6. If it is determined that the pupil has been using anabolic steroids, the pupil and others shall be interviewed by a Substance Awareness Coordinator or individual who holds a school nurse, psychologist, school social worker, or student personnel services endorsement on the Educational Services Certificate and are trained to assess alcohol and other drug abuse for the purpose of determining the extent of the pupil's involvement with substances and the possible need for referral for treatment. In order to make this determination, the staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and staff. The school staff member may also consult with physicians and such experts in the fields of substance abuse as may be appropriate.
  7. If it is determined that the pupil's use of steroids represents a danger to the pupil's health and well-being, the Substance Awareness Coordinator or individual who holds a school nurse, school psychologist, school social worker, or student personnel services endorsements on the Educational Services Certificate and are trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or to private practitioners certified by appropriate drug and alcohol licensing board.
- E. Evaluation and Treatment of Pupils Under the Influence of a Substance Other Than Anabolic Steroids
1. Any educational staff member or other professional to whom it appears that a pupil may be currently under the influence of alcohol or other drugs on school property or at a school function shall report the matter as soon as possible to the certified or non-certified school nurse or the school physician and the Principal (or, in the Principal's absence, to a person designated by the Principal) as required in N.J.S.A. 18A:40A-12. If the principal and the certified or non-certified School Nurse or school physician are not in attendance, the staff member responsible for the function shall be notified. The referring staff member shall complete the Violence, Vandalism and Substance Abuse Incident Report, according to N.J.S.A.18A:17-46 and N.J.A.C.6A:16-5.3.
  2. The Principal or his/her designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent.
  3. The Principal or his designee, in response to every report, must arrange for an immediate medical examination of the pupil for the purposes of providing appropriate health care for the pupil and for determining whether the pupil is under the influence of alcohol, or other drugs, other than anabolic steroids. The medical examination shall be performed by a doctor physician licensed to practice medicine or osteopathy that is selected by the parent(s) or legal guardian(s). or, If the parent's or legal guardian's doctor physician licensed to practice medicine or osteopathy is not immediately available,

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medical examination shall be conducted by the school physician. If neither the parent(s) or legal guardian(s) doctor nor the school physician is immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination. The pupil shall be accompanied by the pupil's parent(s) or legal guardian(s) if available and by a member of the school staff appointed by the Principal. Parental or legal guardian permission is not required for the school's physician or emergency room examination. The parent(s) or legal guardian(s) may, but is not required to, accompany the pupil to the school physician and/or emergency room. The principal and/or designee will supervise the pupil while the student is waiting for the parent(s) or legal guardian(s) to take the pupil to the physician or waiting for and receiving the examination by the school physician or in the emergency room. An examination conducted by a physician selected by the parent(s) or legal guardian(s) shall be at the expense of the parent and shall not be at the expense of the school district. An examination conducted by the school physician or by a physician at the emergency room of the nearest hospital shall be at the expense of the school district.

4. The school district, in cooperation with the medical professional licensed to practice medicine or osteopathy will establish the minimum requirements to be used for these medical examinations conducted in accordance with N.J.A.C. 6A;16-4.3 et seq. The minimum requirements for the examination will be periodically reviewed and updated as needed. Any substance screening conducted by the school nurse and/or other staff is not a substitute for the required medical examination required in N.J.S.A. 18A:40A-12.
5. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s), the Principal, and to the Superintendent within twenty-four hours of the referral of the pupil for suspected drug or alcohol use.
6. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the parent is required to verify the medical examination was performed within twenty-four hours of the referral of the pupil for suspected drug or alcohol use. The verification will include the printed name, address and phone number, and signature of the examining physician indicating the required report is pending and the date by which it will be provided.
7. If the written report of the examination is not so submitted to the parent, principal or Superintendent within twenty-four hours of the referral of the pupil, the pupil will be allowed to return to school until such time a positive determination of alcohol or other drug use is received from the physician.
8. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the pupil's ability to perform in school, the pupil will be immediately returned to school.

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9. If there is a positive determination from the medical examination, indicating the pupil's alcohol or other drug use interferes with his or her physical or mental ability to perform in school the pupil will be returned to the parent's care as soon as possible. Attendance at school will not resume until a written report has been submitted to the parent(s) or legal guardian(s), principal and Superintendent from the physician who has examined the pupil to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school. The report must verify the pupil's alcohol or other drug use no longer interferes with the pupil's physical and mental ability to perform in school. Removal of a pupil with a disability shall be made in accordance with N.J.S.C. 6A:14-2.8.
10. A parent(s) or legal guardian(s) whose refusal to comply with N.J.S.A. 18A:40A-12 frustrates the operation of these regulations and the return of the pupil to school shall be deemed to have violated the Compulsory Education Act, N.J.S.A. 18A:38-25 and 18A:38-31, and/or the child neglect laws pursuant to N.J.S.A. 9:6-1 et seq., and may be subject to prosecution. Furthermore, refusal or failure of a pupil to comply with N.J.S.A. 18A:40A-12 shall be handled by the district in accordance with N.J.A.C. 6A16-4.1(c)2.
11. While the pupil is home because of the medical examination or after the pupil returns to school, a substance awareness coordinator or individual who holds a school nurse, school psychologist, school social worker, or student personnel services endorsement on the Educational Services Certificate and are trained to assess alcohol and other drug abuse shall:
  - a. Conduct an alcohol and other drug assessment of the pupil and a reasonable investigation of the situation for the purpose of making a preliminary determination of the pupil's need for educational programs, supportive services or treatment which extend beyond the general school program by virtue of the use of alcohol or other drugs by the pupil. The findings of the assessment alone shall not prevent a pupil from attending school; and
  - b. Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for substance abuse treatment.
12. While the pupil is at home because of the medical examination or after the pupil returns to school, the principal or Superintendent may recommend or require alcohol and other drug assessment of the pupil or evaluation by appropriately certified or licensed professionals to make a positive determination of a pupil's need for programs and services which extend beyond the general school program, as necessary. The findings of these additional evaluations alone shall not be used to prevent a pupil from attending school.

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13. If at any time it is determined a pupil's use of substances presents a danger to the pupil's health and well-being, the substance awareness coordinator or individual who holds a school nurse, school psychologist, school social worker, or student personnel services endorsements on the Educational Services Certificate and are trained in alcohol and other drug abuse treatment referral shall initiate a referral for substance abuse treatment.
14. Any educational or non-educational school staff member who in good faith reports a pupil to the Principal or Principal's designee in compliance with Policy 5530 shall not be liable in civil damages as a result of making such a report, as specified in N.J.S.A 40A-13 and 14.
15. The district may provide additional intervention and referral services for the pupil according to the requirements of N.J.S.A.18A:40A-10 and N.J.A.C.6A:16-7.1 through 7.3.]

## F. Presence of Substances on School Premises

1. A pupil's person, effects, or school storage places may be searched for substances in accordance with Policy No. 5770.
2. The Principal or other school officer conducting the search shall confiscate as evidence any substance found in the pupil's possession.
  - a. Any controlled dangerous substance as defined in N.J.S.A. 24:21-1 or at N.J.S.A. 2C:35-2, including controlled dangerous analogs and drug paraphernalia, shall be handled in accordance with Policy No. 9322 and implementing regulations.
  - b. Any substance or evidence of the use of a substance other than a controlled dangerous substance shall be sealed in an appropriate container and labeled with the date, name of the pupil, and name of the school official who conducted the search and found the drug. The evidence shall be locked in a secure place until it is no longer required for a determination of the pupil's involvement with a substance other than a controlled dangerous substance.

## G. Outreach to Parents

1. An outreach program will be provided for the parent(s) or legal guardian(s) of pupils enrolled in the district. The program will be conducted at times, including evenings and weekends, convenient to parent(s) or legal guardian(s) and on school premises or at suitable facilities closer to pupil's residences or parents' workplaces.

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2. The parents' outreach program will include:
  - a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parents during the school year;
  - b. Recommendations as to the ways in which parent(s) or legal guardian(s) may enhance, reinforce, and supplement substance abuse instruction;
  - c. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;
  - d. Instruction on the identification of the symptoms and behavioral patterns that might indicate a substance abuser;
  - e. Information on the state and local organizations available to assist in the prevention of substance abuse and the early intervention, treatment, and rehabilitation of substance abusers; and
  - f. Review of Board policy and administrative regulations on substance abuse with attention to the role of parents.

## H. Records

1. Notations concerning a pupil's involvement with substances may be entered on his/her records, subject to Policy No. 8330 regarding confidentiality and limited access. All such notations shall be expunged when they are no longer required for the counseling or discipline of the pupil or when the pupil leaves school.
2. Information regarding a pupil's involvement in a school intervention or treatment program shall be kept strictly confidential in accordance with §408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 42 U.S.C. 290 ee-3, and implementing regulations, 42 CFR Part 2.
3. If a secondary pupil involved in a school intervention or treatment program provides information during the course of a counseling session in that program which indicates that the pupil's parent(s) or legal guardian(s) or other person residing in the pupil's household is dependent upon or illegally using a substance as that term is defined in N.J.S.A. 18A:40A-9, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:
  - a. Subject to the pupil's written consent, to another person or entity whom the pupil specifies in writing;

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- b. Pursuant to a court order;
- c. To a person engaged in a bona fide research purpose; except that no names or other information identifying the pupil or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or
- d. To the Division of Youth and Family Services or to a law enforcement agency, if the information would cause a person to reasonably suspect that the secondary pupil or another child may be an abused or neglected child.

Any disclosure made pursuant to a. and b. above shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to whom the information is disclosed shall be prohibited from making any further disclosure of that information without the pupil's written consent. The disclosure must be accompanied by a written statement from the Guidance Counselor advising the recipient that the information is being disclosed from the records the confidentiality of which is protected by P.L. 1997,362 (N.J.S.A. 18A:40A-7.1 et seq.) and that this law prohibits any further disclosure of this information without the written consent of the person from whom the information originated.

Nothing in this policy prevents the Division of Youth and Family Services or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this policy shall be construed as authorizing a violation of any federal law.

The prohibition on the disclosure of information provided by a pupil shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

A person who discloses or willfully permits the disclosure of information provided by a pupil in violation of this policy is subject to fines in accordance with N.J.S.A. 18A:40A-7.2.

- 4. Each incident of substance abuse shall be reported to the Commissioner on the Violence, Vandalism and Substance Abuse Incident Report form.

Date Adopted: 6/26/95

Date Revised: 7/15/99, 9/20/01