

POLICY GUIDE

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Substance Abuse

5530 SUBSTANCE ABUSE

The Board of Education recognizes that a **student's** ~~pupil's~~ abuse of harmful substances seriously impedes that **student's** ~~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 **policies and procedures in operating programs to support the social, emotional, and physical development of students in accordance with the provisions of N.J.S.A. 18A:40A-1 et seq. and N.J.A.C. 6A:16-4.1 et seq.** The Board of Education will ~~and~~ maintain a comprehensive substance abuse intervention, prevention, and treatment referral program in the schools of this district.

A. Definitions

N.J.S.A. 18A:40A-9

N.J.A.C. 6A:16-1.3; 6A:16-4.1 **et seq.**

The definitions as outlined in N.J.S.A. 18A:40A et seq., N.J.A.C. 6A:16 et seq., and those terms defined in Regulation 5530 shall be used for the purposes of this Policy and Regulation.

~~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 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. 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.~~



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“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 a 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.

B. Discipline

N.J.S.A. 18A:40A-10; 18A:40A-11
N.J.A.C. 6A:16-4.1(c)2.; 6A:16-6.3(a)

The Board prohibits the use, possession, and/or distribution of alcohol or other drugs on school grounds, including on school buses or at school sponsored functions according to N.J.S.A. 18A:40A-9, 10, and 11.



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A **student pupil** who uses, possesses, or distributes **a alcohol or other drugs will be subject to discipline in accordance with the district's Code of Student Conduct. School authorities also have the authority to impose a consequence on a student for conduct away from school grounds in accordance with the provisions of N.J.A.C. 6A:16-7.5** substance, on or off school premises, will be subject to discipline. Discipline will be graded to the severity of the offenses, the nature of the problems and the pupil's needs. Discipline may include suspension or expulsion. The Board **will may** establish consequences for a **student pupil** not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors. **The Superintendent and/or designee will notify the appropriate law enforcement agency pursuant to N.J.A.C. 6A:16-6.3(a).**

C. Instruction

N.J.S.A. 18A:40A-1 et seq.
N.J.A.C. 6A:16-3.1

The Board shall provide **an instructional program on the nature of drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances in accordance with the provisions of N.J.S.A. 18A:40A-1 et seq. and N.J.A.C. 6A:16-3.1** comprehensive program of prevention, intervention, referral for evaluation, referral for treatment, and continuity of care for pupil alcohol, tobacco, and other drug abuse.

D. **Identification, Evaluation, and Intervention Reporting, Notification, and Examination**

N.J.S.A. 18A:40A-11 through 18A:40A-17
N.J.A.C. 6A:16-3.1; 6A:16-4.1; 6A:16-4.2; 6A:16-4.3

1. **Alcohol or Other Drugs**

- a. Any educational staff member or other professional to whom it appears that a **student pupil** may be **currently** under the influence of alcohol or other drugs **as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a)**, on school grounds, including on a school bus or at a school-sponsored function shall report the matter in accordance with N.J.A.C. 6A:16-4.3(a)1.



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- b.** An immediate medical examination shall be conducted and a written report of the medical evaluation shall be furnished to the parent(s) or legal guardian(s) of the **student pupil**, the **Building Principal**, and the Superintendent in accordance with N.J.A.C. 6A:16-4.3(a)2 **through** 4.3(a)8.
- c.** If the written report of the medical examination is not provided within twenty-four hours of the referral of the **student pupil**, the **student pupil** shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the **examining physician**, **unless the student was also removed for violating the Code of Student Conduct.**
- d.** If the written report of the medical evaluation verifies that alcohol or other drugs do not interfere with the **student's pupil's** physical or mental ability to perform in school, the **student pupil** shall be immediately returned to school. If there is a positive determination from the medical examination indicating the **student's pupil's** alcohol or other drug use interferes with his or her physical or mental ability to perform in school, the **student pupil** shall be returned to the care of the parent(s) or legal guardian(s) as soon as possible. **and Attendance at school shall not resume until a written report has been submitted to the parent, Principal, and Superintendent from a physician licensed to practice medicine or osteopathy who has examined the student that** verifies the **student's pupil's** alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school.
- e.** Removal of a **student pupil** with a disability shall be in accordance with N.J.A.C. 6A:14.
- f.** While a **student pupil** is at home because of the medical evaluation or after the **student pupil** returns to school, an appropriately certified school staff member(s) will conduct an alcohol and other drug assessment of the **student pupil** and a reasonable investigation of the situation and may initiate referral alcohol or other drug abuse treatment in accordance with N.J.A.C. 6A:16-4.3(a)12, 4.3(a)13, and 4.3(a)14.



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- g. Disclosure to law enforcement authorities of the identity of a student in instances of alcohol and other drugs shall be in accordance with the requirements of N.J.A.C. 6A:16-4.3(a)3.**

[Optional]

- h.** The Board may provide additional intervention and referral services for the **student pupil** according to the requirements of N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-8.1

2. Anabolic Steroids

- a.** Whenever any teaching staff member, certified or non-certified school nurse, or other educational personnel **has shall have** reason to believe a **student pupil** has used or may be using anabolic steroids, **that the** person shall report the matter in accordance with N.J.A.C. 6A:16-4.3(b)1.
- b.** The **Building** Principal or designee upon receiving such report shall immediately notify the parent(s) or legal guardian(s) and Superintendent and shall arrange for an examination of the **student pupil** as soon as possible to determine whether the **student pupil** has been using anabolic steroids in accordance with N.J.A.C. 6A:16-4.3(b)2.
- c. Disclosure to law enforcement authorities of the identity of students in instances of anabolic steroids shall be in accordance with** ~~The Superintendent will disclose to law enforcement authorities the identity of the pupil pursuant to the requirements of N.J.A.C. 6A:16-4.3(b)3.~~
- d.** A written report of the examination shall be provided by the examining physician to the parent(s) or legal guardian(s), **Building** Principal, and Superintendent.



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- e. If it is determined the **student** **pupil** has used anabolic steroids, an appropriately certified school staff member(s) shall interview the **student** **pupil** and others to determine the extent of the **student's** **pupil's** involvement with and use of anabolic steroids and the possible need for referral for treatment in accordance with N.J.A.C. 6A:16-4.3(b)5.
 - f. If the results of a referral for evaluation have positively determined the **student's** **pupil's** involvement with and use of anabolic steroids represents a danger to the **student's** **pupil's** health and well-being, an appropriately certified school staff member(s) shall initiate a referral for treatment to agencies and/or private practitioners as outlined in N.J.A.C. 6A:16-4.3(b)6.
3. **A school employee who seizes or discovers alcohol or other drugs, or an item believed to be a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall comply with the provisions of N.J.A.C. 6A:16-6.4.**
 4. **The Board will provide intervention, referral for evaluation, and referral for treatment services to those students that are affected by alcohol or other drug use in accordance with the provisions of N.J.A.C. 6A:16-4.1(c)7.**
 5. **Refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated as a policy violation of the Compulsory Education Act, pursuant to N.J.S.A. 18A:38-25 and 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11.**
 6. **Refusal or failure of a student to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated by the school district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c)2.**



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E. In-Service Training

N.J.S.A. 18A:40A-15 ~~(b)~~

The Board directs the Superintendent to develop a program of in-service training for all teaching staff members involved in the instruction of **students** ~~pupils~~ **in accordance with the provisions of N.J.S.A. 18A:40A-15.** The Board will provide time for the conduct of the program during the usual school schedule. **The in-service training program required in N.J.S.A. 18A:40A-15 shall be updated at regular intervals in order to ensure teaching staff members have the most current information available on this subject.** ~~In-service training shall prepare teachers to instruct pupils on substance abuse and inform teachers about the nature of substances, the symptomatic behavior associated with substance abuse, the availability of rehabilitation and treatment programs, the legal aspects of substance abuse, and Board policy and regulations on substance abuse.~~

F. **Parent Training Program/Outreach Program** ~~Outreach to Parents~~

N.J.S.A. 18A:40A-16; 18A:40A-17
N.J.A.C. 6A:16-4.1(c) ~~87~~

The Board will provide ~~an~~ **a parent training program/outreach program in accordance with the provisions of N.J.S.A. 18A:40A-16 and 17.** ~~to parent(s) or legal guardian(s) of pupils that includes information on the district's substance abuse curriculum, the identification of substance abusers, and rehabilitation organizations and agencies. The Superintendent is directed to develop the program in consultation with local agencies recommended by the Commissioner and to offer the program at times and in places convenient to parent(s) or legal guardian(s) on school premises or in other suitable facilities.~~

G. Records **and Confidentiality of Records**

~~§408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 42 USC, and Implementing Regulations.~~

42 CFR Part 2
N.J.S.A. 18A:40A-7.1; **18A:40A-7.2**
N.J.A.C. 6A:16-3.2; 6A:32-7.1 et seq.



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Notations concerning a **student's** ~~pupil's~~ involvement with substances may be entered on his/her records, subject to **N.J.A.C. 6A:32-7.1 et seq. and 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.~~ Information **concerning** ~~regarding~~ a **student's** ~~pupil's~~ involvement in a school intervention or treatment program **for alcohol or other drug abuse** shall be kept strictly confidential **according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, N.J.A.C. 6A:16-3.2, and N.J.A.C. 6A:16-6.5** ~~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~~

If an elementary or secondary **student** ~~pupil~~ **who is participating** ~~involved~~ in a school-based drug or alcohol **abuse** counseling program provides information during the course of a counseling session in that program which indicates that the **student's** ~~pupil's~~ parent(s) or ~~legal guardian(s)~~ or other person residing in the **student's** ~~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 **in accordance** with **N.J.S.A. 18A:40A-7.1 and N.J.A.C. 6A:16-3.2** ~~the pupil's written consent, to another person or entity whom the pupil specifies in writing in the case of a secondary pupil, or to a member of the pupil's immediate family or the appropriate school personnel in the case of an elementary pupil; pursuant to a court order; 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 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 elementary or secondary pupil or another child may be an abused or neglected child.~~

H. Nonpublic School **Students** ~~Pupils~~

N.J.S.A. 18A:40A-5; 18A:40A-17(c)

The Board **has the power and duty to loan** ~~will lend~~ to **students** ~~pupils~~ attending nonpublic schools located in this district and to the parents ~~(s) or~~



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legal guardian(s) of such students pupils all educational materials on the nature and effects of drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances substance abuse prepared and supplied developed and made available by the Commissioner of Education. The Board shall not be required to expend funds for the loan of these such materials shall be at no cost to the district.

I. Civil Immunity

N.J.S.A. 18A:40A-13; 18A:40A-14;
N.J.A.C. 6A:16-4.3(c)

No civil action of any kind in any court of competent jurisdiction shall lie against any employee, officer, or agent of the Board because of actions taken under the education statutes on substance abuse, N.J.S.A. 18A:40A-1 et seq., provided the skill and care given is that ordinarily required and exercised by other such employees, officers, and agents of the Board in accordance with the provisions of N.J.S.A. 18A:40A-13.

Any educational or non-educational Board employee school staff member who in good faith reports a student pupil to the Building Principal or designee in compliance with N.J.A.C. 6A:16-4.3 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.

J. Reporting Students Pupils to Law Enforcement Authorities

N.J.A.C. 6A:16-4.1; 6A:16-6.3(a)

The Superintendent, or designee, shall disclose to law enforcement authorities the identity report of a student pupils to law enforcement authorities if the staff member has reason to believe a pupil reasonably believed to be in possession of a controlled dangerous substance, including anabolic steroids, or related paraphernalia is unlawfully possessing or in any way involved or implicated in the distribution activities regarding of controlled dangerous substances, including anabolic steroids, or drug paraphernalia, pursuant to N.J.A.C. 6A:16-4.1(c)9 6.3(a). The Superintendent or designee shall will not disclose the identity of the student report pupils who has have voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug substance abuse problem provided the student pupil is not reasonably believed to be involved or implicated in a current drug-distribution activities.



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The Superintendent or designee may, ~~but need not~~ disclose to law enforcement authorities the identity of a **student pupil** suspected to be under the influence of alcohol and/or **other drugs** ~~controlled dangerous substances~~, pursuant to N.J.A.C. 6A:16-4.1(c)**9.i.** 4.3(a), or a pupil suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical evaluation, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, 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 or has been using anabolic steroids, provided the pupil is not reasonably believed to be in possession of a controlled dangerous substance or drug paraphernalia, and is not reasonably believed to be involved or implicated in drug distribution activities. **Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test was obtained as a result of a district's voluntary random drug testing program pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.**

K. Policy Review and Accessibility

N.J.S.A. 18A:40A-10; 18A:40A-11
N.J.A.C. 6A:16-4.2(a) **and** ~~&~~ (b)

The Board will annually review the effectiveness of Policy and Regulation 5530 on **student pupil** alcohol and drug abuse. The Board **may shall** solicit parent(s) or legal guardian(s), **student, pupil** and community input, as well as consult in the review process with local alcohol or other drug abuse prevention, intervention, and treatment agencies licensed by the New Jersey Department of Human Services.

This **P**olicy and **R**egulation shall be ~~made available annually~~, **disseminated** at the beginning of the school year, to all school **staff** employees, **students** pupils, and parents(s) or legal guardian(s) **through the district website or other means.** Each newly hired employee and transferred pupil will be offered this policy and implementing regulations on his/her arrival in the district.

N.J.S.A. 18A:40A-1 et seq.; 18A:40A-7.1 et seq.
N.J.A.C. **6A:16-1.1 et seq.;** 6A:16-4.1 et seq.; **6A:16-6.1 et seq.**



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