

SUBSTANCE ABUSE

Possible Drug and Alcohol Related Situations

Whenever it shall appear to any teaching staff member, school nurse or other education personnel that a pupil may be under the influence of, or in possession of, an alcoholic beverage or other drugs, on school property or at a school function, in accordance with N.J.S.A. 6:29-6.5, he/she shall report the matter as soon as possible to the school nurse, the assistant principal, and the principal. The referring staff member must complete a Student Substance Abuse Form at his/her earliest convenience and submit same to the School Nurse.

- A. In the absence of the principal, his or her designee shall be notified.
- B. In instances where the school nurse, substance awareness coordinator, and the principal are not in attendance, the staff member responsible for the school function shall be immediately notified. The staff member in charge shall immediately contact the principal, assistant principal or Superintendent. In the event a building administrator cannot be contacted, the faculty member in charge of the school function shall notify the local police authorities. This applies to all school activities including out-of-state activities.

Note: A parent or legal guardian may notify a building administrator and/or the school nurse if there is a reason to believe a student is currently under the influence of drugs. A Parental Request for drug testing may be submitted to the Student Assistant Counselor immediately. The student will then fall under all other provisions of these regulations.

- C. The pupil shall be removed to a protective environment for observation and care by the school nurse or other appropriate school personnel until his or her parent(s) or guardian(s) can be contacted. The principal/designee shall request the assistance of the school nurse or other appropriate school personnel in assessing the physical state of the pupil. This shall not be construed to limit or condition the right of the Board of Education to seek emergency medical assistance for a pupil when acting in loco parentis, and as an agent of the parent(s) or guardian(s) and for the welfare of the pupil.



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- D. The pupil's parent(s) or guardian(s) and the Superintendent or his/her designee shall be immediately notified of the incident and shall be provided a description of the situation and symptoms. The student's right to confidentiality will be maintained. The referral will not be discussed with anyone except the school administration, the Student Assistance Counselor and the School Nurse.
- E. The principal or his or her designee shall arrange for an immediate examination of the pupil and urine screening of the pupil. The building administrator will advise the parents/legal guardian that a urine screening will be conducted on the school premises at no expense to the parents. Once the urine sampling test is performed, the administrator will instruct the parent/legal guardian to arrange for an immediate medical examination of the pupil at the nearest Emergency Medical Office, hospital or private physician's office at the expense of the parent.

Parents/legal guardians will be advised of the option to arrange for urine testing and an examination by the physician of their choice and at their own expense. If choosing this option, a nine panel drug screen test must be performed immediately. It is a zero tolerance measure and will include a breathalyzer. Chain of custody must be performed and documented. If specific gravity is off, the lab can run the test again and lower the threshold. This additional test will be given at the cost of the parents. The urinalysis must include pH level and creatinin levels. For marijuana, a decreased nanogram count must be demonstrated. A copy of the laboratory findings must be attached to the physician's board statement for consideration of reentry. The principal/designee will supply the parent/guardian with a urinalysis request form specifying the tests to be performed. When parents choose to take their child to their physician of choice, failure to demonstrate proof of immediate collection of the urine and/or blood sample prior to the next day will be considered a positive result and the process will proceed to Items I and K.

If the parent/guardian cannot be contacted, urine testing will commence in the HHS Health Office. Arrangements will be made to transport the pupil to receive medical attention and an examination at the parent/guardian expense.

- F. Provisions shall be made for the appropriate care of the pupil while awaiting the results of the medical examination. Appropriate medical examination forms will be supplied to and completed by the designated physician.
- G. A written report of the medical examination shall be furnished to the parent or guardian of the pupil, the principal/designee, and the Superintendent by the examining physician within twenty-four (24) hours.

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- H. If the written report of the medical examination is not submitted to the parent or guardian, principal, or Superintendent within 24 hours, the pupil shall be allowed to return to school presenting a medical clearance form from the examining physician until such time as a positive diagnosis of alcohol or other drug use is received.

In the event a urine sample is determined to be diluted and/or tampered with, it shall be considered to be positive and the pupil will proceed to items I and K.

- I. If there is a positive diagnosis from the medical examination and laboratory test results indicating that the pupil is under the influence of alcohol or other drugs, the pupil shall be subjected to disciplinary measures as specified in the Parent/Student Handbook.
- J. In accordance with N.J.A.C. 6:29-6.5(a)8, refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40-A-12 shall be deemed a violation of the compulsory education (N.J.S.A. 18A:38-25 and 18A:38-31) and/or child neglect (N.J.S.A. 9:6-1 et. seq.) laws.
- K. While the pupil is home because of the medical examination or after his or her return to school, the school may require additional evaluation for the purpose of determining the extent of the pupil's alcohol or other drug use and its effect on his or her school performance.

In addition, if there is a positive diagnosis, the pupil shall be interviewed by a Certified Alcohol Drug Counselor (CDAC) at the expense of the parents for the purpose of determining the extent of the pupil's involvement with alcohol or other drugs and possible need for treatment. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the CDAC shall refer the pupil to an appropriate treatment program and advise the school's Student Assistance Counselor of the recommendation.

- L. As required by law, the Board of Education shall provide for the evaluation and treatment of pupils whose use of alcohol or other drugs has affected their school performance or who possess or consume alcohol or other drugs in school or at a school function, as required by the definitions of evaluation and treatment contained at N.J.A.C. 6:29:6.2. This shall include referral to the substance awareness coordinator. The Board of Education is not responsible for the cost of any evaluation or treatment provided by any outside agency and/or organizations.

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- M. If a pupil is identified as having an alcohol or other drug abuse problem and there is reason to believe that his or her education appears to be affected by the alcohol or other drug use, a screening by the child study team may be conducted.
- N. While a pupil is receiving medical or therapeutic care for a diagnosed alcohol or other drug dependency problem, provisions for a program of intervention, curriculum and related services will be provided.
- O. Pupils who are in care or returning from care for alcohol or other drug dependency will receive proper referral and support services by the substance awareness coordinator, guidance counselor, or child study team personnel.
- P. If the pupil is found in possession or under the influence of alcohol or other drugs, or has used or consumed same, the pupil will be suspended from school. The pupil will only be readmitted at the end of the suspension, after the receipt of the required medical certification, including the results of the urinalysis, documentation that the pupil is physically and mentally able to return to school, and after a conference has been held between the principal and the parent(s) or guardian(s). In conjunction with the Substance Awareness Coordinator a plan will be developed to address the specific needs of the pupil during this conference. **A pupil found to be in possession of alcohol or narcotics will be referred to the local police department.**
- Q. If a pupil is found in possession or under the influence of alcohol or other drugs for a second time the above procedures will be followed, then such pupil will be referred to the local police and a recommendation will be made by the principal to the Board of Education concerning the expulsion of the pupil.
- R. In all instances involving the use of alcohol or other drugs, a Violence, Vandalism and Substance Abuse Incident Report shall be completed by the Superintendent or his/her designee.
- S. Staff members implementing this policy will be indemnified under N.J.S.A. 18A:40A-13 and 18A:40A-14.
- T. Pupils possessing for distribution, or administering alcohol or other drugs (at any time on school grounds), as defined in this policy to others in school, at a school sponsored activity regardless of location of the activity, or out of school, shall be immediately referred to the principal. The principal shall immediately notify the police and the parents and transfer the pupil to home instruction and will make the appropriate recommendations to the Board of Education concerning the expulsion of the pupil.
- U. When it becomes necessary to implement these procedures, a full written report of the incident will be immediately submitted to the Superintendent who will forward the same to the Board of Education at its next regularly scheduled meeting.

Recordkeeping Regarding Self-Disclosure vs. Discovery of Student Substance Abuse Concerns

- A. In all cases involving drugs, alcohol, or steroids, voluntary student disclosures will be kept confidential and exchange of information will be kept between student, substance awareness coordinator, I&RS, child study team, and the Director of Guidance. Records will be confidential and kept separate and apart from general student files. These files will be kept locked. Feedback to referral sources will be limited to status of student progress only.
- B. Disciplinary referrals, or cases which involve discovery of student chemical use by students, teachers, administrators, and other staff persons, will be recorded in student disciplinary files. Only the content of student disclosures made thereafter to a Student Assistant Counselor, an I&RS team member, or child study team member, will be kept as part of the confidential substance awareness treatment program records. It must be noted that even under the strictest of confidentiality laws, a counselor is required to report a student whom they believe to:
1. Be suicidal and/or have reasonable suspicion that the student has engaged in self-mutilating behavior;
 2. Be assaultive (murder, rape, armed robbery intent);
 3. Have been abused;
 4. Be under the influence of drugs;
 5. Be in need of emergency medical treatment; and
 6. Be under the influence of drugs/alcohol that puts them at medical risk.

Subchapter 6, Drug and Alcohol**6:29-6.2 Definition**

The following words and terms, when used in this subchapter, shall have the following meanings unless the context indicates otherwise:

"Evaluation" includes, but is not limited to, the following:

- A. Procedures used to determine a pupil's need for an educational program which extends beyond the regular school program by virtue of the use of alcohol or other drugs by the pupil or the pupil's family.
- B. Examination including urinalysis as specified by a physician for the purpose of diagnosing whether the pupil is under the influence of alcohol or other drugs.

- C. Possible evaluation of the child study team to determine a pupil's eligibility or need for a special education program and/or related services due to involvement or consumption of alcohol or other drugs by the pupil or his/her family.
- D. Assessment by a teaching staff member or Board of Education service provider appropriately certified by the New Jersey State Board of Examiners and trained in alcoholism or other drug abuse to determine the extent of alcohol or other drug use and dependency by the pupil or his/her family. Such assessment may be made through the use of trained service providers, certified alcoholism or substance awareness coordinators who are acting as resource person(s) or in conjunction with a certified teacher or guidance counselor.

"Intervention and Treatment-Referral System"

Intervention and treatment-referral shall be provided by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey State Board of Examiners and trained in alcohol and other drug abuse prevention. These programs and services shall include any of the following:

- A. Provisions for a program of instruction, counseling and related services provided by the Board of Education while a pupil is receiving medical or therapeutic care for a diagnosed alcohol or other drug dependency problem;
- B. Referral to a community agency approved by the County Local Advisory Council on Alcoholism and Drug Abuse or the State Department of Health; and
- C. Providing support services for pupils who are in care or returning from care for alcohol and other drug dependency.

18A:40A-13 Immunity for educational and medical personnel, officers, or agents because of actions taken by virtue of act.

No action of any kind in any court of competent jurisdiction shall lie against any teaching staff member, including a substance awareness coordinator, any school nurse or other educational personnel, medical inspector, examining physician or any other officer or agent of the Board of Education or personnel of the emergency room of a hospital because of any action taken by virtue of the provisions of this act, provided the skill and care given is that ordinarily required and exercised by other such teaching staff members, nurses, educational personnel, medical inspectors, physicians or emergency room personnel.

L. 1987, c. 387 § 6. eff. Jan. 13, 1988.

18A:40A-14 Civil immunity for educational personnel reporting pupils.

Any teacher, guidance counselor, school psychologist, school nurse, substance awareness coordinator or other educational personnel, employed by or in any of the public or private schools of this State, who in good faith reports a pupil to the principal or his/her designee to the medical inspector or school physician or school nurse in an attempt to help such pupil cure his/her alcohol or other drug abuse as defined in Section 2 of this Act, shall not be liable in civil damages as a result of making any such report.

Nothing in this section is intended to preclude the protections provided in Section 2 of P.L. 1981, c. 414 (C. 2A:62A-4) or otherwise provided by law.

L. 1987, c. 387 § 7, eff. Jan. 13, 1985.

Anabolic Steroid Use

Instances Involving Anabolic Steroid Use

- A. Whenever any teaching staff member, school nurse or other educational personnel of any public school shall have reason to believe that a pupil has used or may be using anabolic steroids, that teaching staff member, school nurse or other educational personnel shall report the matter as soon as possible to the school nurse or to a substance awareness coordinator, or assistant principal and to the principal or, in his/her absence, to his/her designee.
- B. The principal or his/her designee shall immediately notify the parent or guardian and the Superintendent of Schools, and shall arrange for an examination that will include comprehensive urinalysis screening of the pupil by a doctor selected by the parent or guardian or by the school physician. The pupils shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids.
- C. A written report of that examination and urinalysis shall be furnished by the examining physician to the parent or guardian of the pupil, to the principal and to the Superintendent of Schools as soon as the report becomes available.
- D. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a substance awareness coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination, the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with such experts in the field of substance abuse as may be necessary and appropriate.

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- E. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

- F. Any staff member who reports a pupil to the principal or his/her designee in compliance with the provisions of this 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 N.J.S.A. 18A:40A-14.

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