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Substance Abuse

5530 SUBSTANCE ABUSE

The Board of Education recognizes that a **student's** abuse of harmful substances seriously impedes that **student'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 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.

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 according to N.J.S.A. 18A:40A-9, 10, and 11.

A **student** 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. Discipline may include suspension or expulsion. The Board will establish consequences for a **student** not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors.



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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.**

D. 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** 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 shall report the matter in accordance with N.J.A.C. 6A:16-4.3(a)1.
- b. An immediate medical examination shall be conducted and a written report of the medical evaluation shall be furnished to the parent of the **student**, the 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**, the **student** 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** physical or mental ability to perform in school, the **student** shall be immediately returned to school. If there is a positive determination from the medical examination



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indicating the **student's** alcohol or other drug use interferes with his or her physical or mental ability to perform in school, the **student** shall be returned to the care of the parent as soon as possible. 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** 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** with a disability shall be in accordance with N.J.A.C. 6A:14.
- f. While a **student** is at home because of the medical evaluation or after the **student** returns to school, an appropriately certified school staff member(s) will conduct an alcohol and other drug assessment of the **student** 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.
- 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.**
- h. The Board may provide additional intervention and referral services for the **student** according to the requirements of N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-8.

2. Anabolic Steroids

- a. Whenever any teaching staff member, certified or non-certified school nurse, or other educational personnel **has** reason to believe a **student** has used or may be using anabolic steroids, **the** person shall report the matter in accordance with N.J.A.C. 6A:16-4.3(b)1.
- b. The Principal or designee upon receiving such report shall immediately notify the parent and Superintendent and shall



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arrange for an examination of the **student** as soon as possible to determine whether the **student** 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 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, Principal, and Superintendent.
 - e.** If it is determined the **student** has used anabolic steroids, an appropriately certified school staff member(s) shall interview the **student** and others to determine the extent of the **student'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** involvement with and use of anabolic steroids represents a danger to the **student'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**



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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.

E. In-Service Training

N.J.S.A. 18A:40A-15

The Board directs the Superintendent to develop a program of in-service training for all teaching staff members involved in the instruction of **students 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.**

F. Parent Training Program/Outreach Program

N.J.S.A. 18A:40A-16; 18A:40A-17
N.J.A.C. 6A:16-4.1(c)8

The Board will provide **a parent training program/outreach program in accordance with the provisions of N.J.S.A. 18A:40A-16 and 17.**

G. Records and Confidentiality of Records

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.

Notations concerning a **student'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 8330** regarding confidentiality. Information **concerning a student's** involvement in a school intervention or treatment program **for**



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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 .**

If an elementary or secondary **student who is participating** 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** parent or other person residing in the **student'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.**

H. Nonpublic School Students

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

The Board **has the power and duty to loan** to **students** attending nonpublic schools located in this district and to the parents of such **students all** educational materials on **the nature and effects of drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances developed and made available** by the Commissioner of Education. The Board shall not be required to expend funds for the loan of **these** materials.

I. Civil Immunity

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

No 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** who in good faith reports a **student** to the 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.



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J. Reporting **Students** to Law Enforcement Authorities

N.J.A.C. **6A:16-4.1**; 6A:16-6.3

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

The Superintendent or designee may disclose to law enforcement authorities the identity of a **student** suspected to be under the influence of alcohol and/or **other drugs**, pursuant to N.J.A.C. 6A:16-4.1(c)9.i. **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** alcohol and drug abuse. The Board **may** solicit parent, **student**, 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 Policy and Regulation shall be annually **disseminated** to all school **staff, students**, and parents **through the district website or other means.**

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.**

Adopted:

