



Hunterdon Central Regional School District

[ELANOnline Home](#) | [StraussEsmay.com](#)

[< Prev](#) [Next >](#)

To Policy

To Statutes:

To Codes:

To Digest



Search District
Regulations

District Regulations
TOC

[Print Version](#)

District Regulation

5530 - SUBSTANCE ABUSE

Section: Students
Date Created: February, 1998
Date Edited: October, 2016

5530. SUBSTANCE ABUSE

The following procedures are established in implementation of Policy 5530, Substance Abuse.

A. Definitions

1. "Evaluation" means 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. "Other drugs" mean substances as defined in N.J.S.A. 18A:40A-9 and substances as defined in N.J.A.C. 6A:16-4.1(a).
3. "Drug Paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in manufacturing, compounding, converting, producing, processing, preparing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance or controlled substance analog.
4. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. When 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.
5. "Referral for evaluation" means programs and services suggested to a student or his or her family in order to make a positive determination regarding a student's need for services that extend beyond the general school program.
6. "Referral for treatment" means programs and services suggested to a student or to his or her family to help implement the recommendations resulting from an evaluation, pursuant to N.J.A.C. 6A:16-1.3 and 4.1(c)5 and 6; in response to a positive alcohol or other drug test result, pursuant to N.J.A.C. 6A:16-4.4; or in response to the family's request for assistance with a learning, behavior, or health difficulty, pursuant to N.J.A.C. 6A:16-4.1(c)7 and 8.

7. "School grounds" means and includes land, portions of land, structures, buildings, and vehicles, owned, operated or used for the provision of academic or extracurricular programs sponsored by the district or community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central facilities including, but not limited to, kitchens and maintenance shops. "School grounds" also include other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds; and other 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. "School grounds" also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration as defined in N.J.A.C. 6A:26-1.2.

8. "Substance" as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a) 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 that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

9. "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.

10. "Under the influence" of substances means that the student is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

B. Discipline

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

2. The following disciplinary regulations will be disseminated in writing to all students, parents/guardians, and staff annually.

SUSPICION OF USING, POSSESSING, OR BEING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR ANABOLIC STEROIDS OR HAVING RELATED PARAPHERNALIA WHILE ON SCHOOL GROUNDS OR INVOLVED IN ANY SCHOOL RELATED ACTIVITY.

A. PROCEDURE

The Principal or designee shall follow all the procedures outlined in the previous section.

B.ALCOHOL/DRUG/ANABOLICSTEROIDS/PARAPHERNALIA/ USE/ POSSESSION or REFUSAL TO SUBMIT A SCREENING:

FIRST INFRACTION The vice-principal will contact the parents and send a letter home that includes the substance abuse policy and its consequences.

-3 days of out-of-school suspension and 2 extended detentions

-30 calendar day suspension from school activities.

-5 days of prevention/education program.

-Loss of parking privileges for the remainder of the school year.

-Minimum of 5 counseling sessions with student assistance counselor.

-Possession will include police notification.

-And any recommendations made by the Student Assistance Counselor.

- If a student refuses to submit a screening, deliberately avoids testing, impedes/tampers with the testing process, it will be considered an automatic positive result and the student will remain out of school until he/she is willing to comply with the policy. Any student who provides or attempts to provide a urine sample other than his or her own for testing, or any student who provides or attempts to provide a urine sample for another student for testing, or who performs any act to attempt to impede/tamper with, or which does impede/tamper with, the testing of himself or herself, or any other student, shall be deemed to be in violation of this policy, as well as the HCRHS Code of Conduct: Impeding Student Drug Testing, and shall be subject to all sanctions that are applicable to those violation.

SECOND INFRACTION The vice-principal will contact the parent/s and send a letter home that includes the substance abuse policy and its consequences.

-5 days of out-of-school suspension and 3 days of extended detention

-60 calendar day suspension from school activities

-Student will be subject to periodic testing.

-Minimum of 10 counseling sessions with student assistance coordinator.

-See requirements of prevention/education program under 1st infraction.

-And any recommendations made by the Student Assistance Counselor.

SUBSEQUENT INFRACTIONS

Each student will be dealt with on an individual basis. Consequences may result in exclusion, extended suspension and/or expulsion. Infractions of the substance abuse policy are cumulative throughout the student's high school tenure.

SELLING, BUYING AND / OR DISTRIBUTING ALCOHOL/ DRUGS/ ANABOLIC STEROIDS OR ANY CONTROLLED DANGEROUS SUBSTANCE:

A. **PROCEDURE:** The Principal or designee shall follow all the procedures outlined in the previous section.

B. SELLING/BUYING/DISTRIBUTION OF ALCOHOL/ DRUGS/ ANABOLIC STEROIDS OR ANY CONTROLLED DANGEROUS SUBSTANCE:

FIRST INFRACTION The vice-principal will contact the parent/s and send a letter home that includes the substance abuse policy and its consequences.

-10 days of out-of-school suspension and/or is eligible for expulsion

-5 days of prevention/education program.

-Minimum of 5 counseling sessions with student assistance counselor. Seniors: loss of parking privileges for the remainder of the school year

-Suspension of school activities for one year.

- Police Notification

-The student will remain in the prevention/education program until the program is successfully completed.

-A drug/alcohol evaluation by an outside agency must be completed within two weeks. An information release form must be available to the student assistance counselor. The student must comply with the recommendations. The HC student assistance counselor will monitor the student's progress. The parent/guardian is responsible for the cost of all evaluation and treatment programs.

SECOND INFRACTION The vice principal will contact the parent/s and send a letter home that includes the substance abuse policy and its consequences pending a hearing with the Board of Education.

VIOLATIONS AT A TIME WHEN THE STUDENT IS NOT ACCOUNTABLE TO THE SCHOOL FOR HIS/HER CONDUCT

Any student in the district who is charged by any law enforcement authority with selling and/or possession of drugs or alcohol while away from school property or at a time when the student is not accountable to the school for his/her conduct may be permitted to continue attending school until a disposition is made of the case in court. The law enforcement authorities shall be requested to notify school officials of the nature of the charges and of the disposition. Upon review of all available information, if the Principal and designees determine that the student's presence in school shall be detrimental to the student and/or to other students in the school, he/she, after observing all due process, may initiate a suspension from school for

STUDENT IS SUSPECTED OF BEING UNDER THE INFLUENCE OF, IN POSSESSION OF, OR DISTRIBUTING ALCOHOL/DRUGS/ ANABOLIC STEROIDS OR POSSESSING RELATED PARAPHERNALIA WHEN ATTENDING AS A PARTICIPANT OR

SPECTATOR, ANY SCHOOL RELATED FUNCTION ON OR OFF SCHOOL PROPERTY, INCLUDING ANY EVENT AT ANOTHER SCHOOL DISTRICT, SCHOOL, OR PUBLIC/PRIVATE LOCATION, FIELD TRIPS, OR FOREIGN TRAVEL TRIPS

A. PROCEDURE

1. The student shall be kept under constant surveillance by school personnel.
2. The group or event sponsor or accompanying administrator will be notified immediately.
3. The administrator or staff member shall contact their immediate supervisor (or designee) as soon as possible.
4. The administrator or sponsor shall notify the police or security.
5. The administrator or sponsor shall notify the parent/guardian immediately.
6. The student shall be taken for an immediate medical examination and substance screening.
7. The parent/guardian will be required to transport the student home as soon as possible at own expense.
8. Contraband shall be given to the police.
9. The vice-principal shall notify the student assistance counselor of the incident, in writing, within 24 hours.
10. A discipline report shall be filed by the reporting staff member to the appropriate house office as soon as possible. Disciplinary action will be taken if the student is in violation of the policy (see previous infractions).

STUDENT VOLUNTEERS INFORMATION ABOUT PERSONAL ALCOHOL/DRUG/ ANABOLIC STEROIDS AND ASKS FOR HELP WHILE NOT UNDER THE INFLUENCE OR NOT UNDER SUSPICION:

- A. PROCEDURE: Student is referred to a student assistance counselor.
- B. DISCIPLINE: No disciplinary action is taken.
- C. COUNSELING: The student assistance counselor follows appropriate intervention procedures. Confidentiality is confined to those with a need to know as mandated by school policy.

Note: The underlying objective is to encourage students to voluntarily seek help and assistance with substance abuse problems. This does not include students who share information as part of an current and/or ongoing investigation.

STUDENT VOLUNTEERS INFORMATION ABOUT ALCOHOL/DRUG/ ANABOLIC STEROIDS PROBLEMS OF ANOTHER STUDENT

- A. PROCEDURE: A student with a drug/alcohol/ anabolic steroids problem is referred to a student assistance counselor.

B. **DISCIPLINE:** Where applicable, if the student is in violation of the tobacco, alcohol/ drug policy.

C. **COUNSELING:** The student assistance counselor follows appropriate intervention procedures. Confidentiality is confined to those with a need to know as mandated by school policy.

Note: The underlying objective is to encourage students to voluntarily seek help and assistance with substance abuse problems. This does not include students who share information as part of an current and/or ongoing investigation.

STAFF MEMBER IS CONCERNED ABOUT A STUDENT WITH INAPPROPRIATE BEHAVIOR, POOR CLASS PERFORMANCE, TARDINESS OR ABSENTEEISM.

A. **PROCEDURE:** Refer to student assistance counselor by submitting a "Concerned Person Observation" form found in the house offices, faculty handbook, and forms on line.

B. **DISCIPLINE:** Where applicable, if the student is in violation of discipline, tobacco, alcohol/drug policy.

C. **COUNSELING:** The student assistance counselor follows appropriate intervention procedures. Confidentiality is confined to those with a need to know as mandated by school policy.

ANABOLIC STEROIDS

In instances involving anabolic steroids, the following shall apply:

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 must report the matter as soon as possible to the school nurse or medical inspector, as the case may be, the student assistance counselor, and to the Principal, or, designee.

B. The principal or designee, in response to every report, shall immediately notify the parent/guardian and the superintendent and shall arrange for an immediate examination of the pupil by a doctor selected by the parent or guardian or by the physician, if the chosen doctor is not available. The pupil shall be examined for the purpose of diagnosing whether or not the pupil has been using anabolic steroids.

C. A written report of that examination shall be furnished by the examining physician to the parent/guardian of the pupil and to the principal and designees.

D. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a student assistance counselor 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 counselor may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The counselor may also consult with such experts in the field of substance abuse as may be necessary and appropriate.

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 counselor shall refer the pupil to an appropriate treatment program which has been approved by the commissioner of health.

TOBACCO/ NICOTINE / VAPING USE OR POSSESSION OF TOBACCO / NICOTINE-RELATED/ VAPING DEVICE PARAPHERNALIA ON SCHOOL PROPERTY OR AT SCHOOL-RELATED FUNCTIONS:

(Includes the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, including the use of smokeless tobacco and snuff, or inhaling or exhaling of smoke or vapor from an electronic smoking device.)

All materials will be confiscated.

Students found to be using and/or in possession of vaping device or related paraphernalia will be considered under suspicion and required to submit to a drug test.

FIRST OFFENSE: after hearing with vice principal:

DISCIPLINE:

1. Three (3) days detention or one (1) day of extended detention
2. Parent/guardian contacted
3. Referral to SAC

SECOND OFFENSE: after hearing with vice-principal:

DISCIPLINE:

1. Two (2) days of day extended detention
2. Five (5) days of a prevention program. Failure to comply will be considered insubordination and disciplinary action will follow
3. Referral to the student assistance counselor
4. Parent/guardian contacted

THIRD OFFENSE after hearing with vice-principal:

DISCIPLINE:

1. Two (2) days extended detention and one day of OSS.
2. Five (5) days of a prevention program. Failure to comply will be considered insubordination and disciplinary action will follow.
3. Referral to the student assistance counselor.
4. Parent/guardian contacted.

FOURTH OFFENSE after hearing with vice-principal:

DISCIPLINE:

1. Two (2) days of out-of-school suspension

2. Referral to the student assistance counselor

3. When appropriate the New Jersey Administrative Codes will be enforced. "...there upon any such person who smokes on school premises File Code: 5131.6 in violation of Ordinance 95-29 Township of Raritan, may be subject to a fine." The vice-principal will sign the complaint at the local police headquarters and notification will be made to the local prosecutor's office.

SUBSEQUENT OFFENSES:

DISCIPLINE:

1. Three (3) days of out-of-school suspension

2. When appropriate the New Jersey Administrative Codes will be enforced. "...there upon any such person who smokes on school premises File Code: 5131.6 in violation of Ordinance 95-29 Township of Raritan, may be subject to a fine." The vice-principal will sign the complaint at the local police headquarters and notification will be made to the local prosecutor's office.

3. Referral to the student assistance counselor

2. In accordance with N.J.A.C. 6A:16-4.1(c), the following disciplinary action will be taken in the event the student does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors:

Student will not be permitted to return to school until such time that all recommendations are being followed and all requirements are being met.

C. Intervention, Referral for Evaluation, and Referral for Treatment Services

1. The provision of intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use.

a. The intervention, referral for evaluation, and referral for treatment services shall be provided by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.

b. The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:

(1) Provisions for a program of instruction, counseling, and related services provided by the district Board of Education while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;

(2) Referral to a community agency, as defined in N.J.A.C. 6A:16-4.1(b), out-of-State agencies licensed by the appropriate State

regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;

(3) Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or

(4) A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems.

E. Reporting, Notification, and Examination Procedures

1. Students Suspected of Using Anabolic Steroids – N.J.A.C. 6A:16-4.3(b)

a. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the Principal or, in the Principal's absence, to a person designated by the Principal and either the certified or non-certified school nurse, the school physician, or the student assistance coordinator.

b. In response to a report of suspected anabolic steroid use, including instances when a report is made to law enforcement, the Principal or designee shall immediately notify the student's parent and the Superintendent. The Principal or designee shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.

(1) If the physician chosen by the parent is not available to perform the examination, the examination shall be conducted by the school physician or other physician identified by the Principal.

(2) The student shall be examined as soon as possible for the purpose of determining whether the student has been using anabolic steroids.

c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids.

(1) The Superintendent or designee shall disclose to law enforcement authorities the identity 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.

d. The examining physician shall provide to the parent, Principal, and Superintendent a written report of the examination

e. If it is determined the student has used anabolic steroids, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the

student's involvement with and use of anabolic steroids and the possible need for referral for treatment.

(1) To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse.

f. If results of a referral for evaluation positively determined the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, the school staff member(s) identified in D.1.e. above who is 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 the appropriate drug and alcohol licensing board.

2. Students Suspected of Being Under the Influence of Alcohol or Other Drugs Other Than Anabolic Steroids – N.J.A.C. 6A:16-4.3(a)

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 on school grounds shall report the matter as soon as possible to the Principal or, in his or her absence, to his or her designee and either the certified school nurse, non-certified school nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.

(1) In instances where the Principal and either the certified school nurse, non-certified school nurse, school physician or the student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.

(2) The referring staff member shall file with the Principal a report describing the incident. The form shall include all information necessary for a complete, accurate reporting on the Electronic Violence and Vandalism Reporting System (EVVRS) according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.

b. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the Principal or designee:

(1) Immediately notify the student's parent and the Superintendent designee;

(2) Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids; and

(3) 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.

c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs.

(1) 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 or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

d. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.

(1) The parent will be provided, in writing, the minimum requirements for the immediate medical examination, which will include, but not be limited to, the substances to be tested by the physician, the cut-off levels of each substance to be tested, the time period the immediate medical examination must be conducted, and any other requirements of the examination.

(2) The examination shall be at the expense of the parent and not the district Board of Education.

e. If the physician chosen is not immediately available, the medical examination shall be conducted by the school physician.

(1) If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the Principal to the emergency room of the nearest hospital for examination.

(2) The student's parent, if available, shall also accompany the student.

(3) When the medical examination is conducted by a the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district Board of Education.

f. The Board of Education will have a plan in place for the appropriate supervision of the student:

(1) While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or the physician in an emergency room; and

(2) Provisions will be made for the appropriate care of the student while awaiting the results of the medical examination.

g. A written report of the medical examination of the student shall be furnished to the student's parent, the Principal, and the Superintendent of Schools by the examining physician within twenty-four hours of the referral of the student for suspected alcohol or other drug use.

(1) The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report. The minimum requirements for the examination will be periodically reviewed and updated as needed.

(2) The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to

perform in school.

h. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the school district will require the parent to verify within twenty-four hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with this Policy.

(1) The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in this Policy will be provided.

(2) Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.3(d).

i. If the written report of the medical examination is not submitted to the parent, Principal, and Superintendent within twenty-four hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school, upon receipt of a signed physician's clearance, 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.

j. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student will be immediately returned to school.

k. If there is a positive determination from the medical examination, indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:

(1) The student will be returned as soon as possible to the care of the parent;

(2) Attendance at school shall not resume until a written report has been submitted to the parent, the Principal, and Superintendent from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school and compliance with all recommendations made by the substance abuse coordinator.

(a) The report shall verify that the student's alcohol or other drug use no longer interferes with the student's physical and mental ability to perform in school.

(3) Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.

l. While the student is home because of the medical examination or after the student returns to school, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social

worker, or student personnel services and is trained to assess alcohol and other drug abuse shall:

(1) Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.

(a) The findings of the assessment alone shall not prevent a student from attending school; and

(2) 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 alcohol or other drug abuse treatment.

m. While the student is at home because of the medical examination or after his or her returns to school, the Principal or Superintendent may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.

(1) The findings of these additional evaluations alone shall not be used to prevent a student from attending school.

n. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.

E. Handling of Alcohol or Other Drugs

1. A student's person, effects, or school storage places may be searched for substances in accordance with Board Policy and applicable laws regarding searches in schools.

2. A school employee who seizes or discovers a substance, or an item believed to be a substance or drug paraphernalia, shall immediately notify and turn it over to the Principal or designee.

a. The Principal or designee shall immediately notify the Superintendent or designee who in turn shall notify the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.

b. In accordance with the provisions of N.J.A.C. 6A:16-6.4(a), the school employee, Principal or designee shall safeguard the alcohol, other drug, or paraphernalia against further destruction and shall secure the alcohol, other drug, or paraphernalia until it can be turned over to the County Prosecutor or designee.

c. The Principal or designee shall provide to the County Prosecutor or designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:

- (1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and
- (2) The identity of the student believed to have been in possession of the substance or paraphernalia.

d. The Principal or designee shall not disclose the identity of a student who voluntarily and on his or her own initiative turned over the alcohol, other drug, or paraphernalia to a school employee, provided there is reason to believe the student was involved with the alcohol, other drug, or paraphernalia for the purpose of personal use and not distribution activities, and further provided the student agrees to participate in an appropriate treatment or counseling program.

(1) For the purposes of N.J.A.C. 6A:16-6.4, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall not constitute a voluntary, self-initiated request for counseling and treatment.

F. Reporting Students to Law Enforcement Agencies

1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of his or her employment, has reason to believe that a student has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the Principal or, in the absence of the Principal, to the staff member responsible at the time of the alleged violation.

2. Either the Principal or the responsible staff member shall notify the Superintendent, who in turn shall notify as soon as possible the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.

3. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the student involved.

4. The Superintendent or designee; however, shall not disclose the identity of a 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.

5. For the purpose of N.J.A.C. 6A:16-6.3, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

6. 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 controlled dangerous substances,

pursuant to N.J.A.C. 6A:16-4.3(a), or a student 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 examination, 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 student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids. 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 or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

7. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and N.J.A.C. 6A:16-4.3(b)3i and N.J.A.C. 6A:16-4.3(a)4, was obtained as a result of the district Board of Education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

G. Parent Training Program/Outreach Programs

1. A substance abuse training program will be offered to the parents of students enrolled in the district. The program will be offered at times and on school premises or in other suitable facilities.

2. The program shall, at a minimum, provide:

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, with recommendations as to the ways in which the parent may enhance, reinforce, and supplement that program;

b. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;

c. Instruction to assist the parent in on the identification of the symptoms and behavioral patterns that might indicate a child may be involved in substance abuser;

d. Information on the State, local, and community organizations which are available for the prevention, early intervention, treatment, and rehabilitation of individuals who show symptoms of substance abuse; and

e. A review of the Board Policy and Regulations on substance abuse with attention to the role of parents.

3. The Board will establish an outreach program to provide substance abuse education for the parents of students in the district. In establishing the program, the Board shall consult with such local organizations and agencies as are recommended by the Commissioner. The Board shall insure the program is offered at times and places convenient to the parents of the district on school premises, or at other suitable facilities.

a. In addition to the substance abuse education program required pursuant to N.J.S.A. 18A:40A-17, the Board shall provide assistance to parents who believe that their child may be involved in substance abuse.

H. Records and Confidentiality of Records

1. 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.

2. Information concerning a student'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, and N.J.A.C. 6A:16-3.2.

3. If a student involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session which indicates the student's parent or other person residing in the student's household is dependent upon or illegally using a substances pursuant to N.J.S.A. 18A:40A-7.1 and 7.2, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:

a. Subject to the student's written consent, to another person or entity whom the student specifies in writing in the case of a secondary student, or to a member of the student's immediate family or the appropriate school personnel in the case of an elementary student;

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 student 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 Child Protection and Permanency (DCP&P) or to a law enforcement agency, if the information would cause a person to reasonably suspect that the student or another child may be an abused or neglected child in accordance with statute or administrative code.

Any disclosure made pursuant to H.3.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 student's written consent. The disclosure must be accompanied by a written statement from the Superintendent or designee advising the recipient that the information is being disclosed from the records the confidentiality of which is protected by 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 or Regulation prevents the DCP&P or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this Policy or Regulation shall be construed as authorizing the violation of any Federal law.

The prohibition on the disclosure of information provided by a student 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 student 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 Electronic Violence and Vandalism Reporting System (EVVRS)

Issued: 17 February 1998

Updated: 20 January 2004

Updated: 17 December 2007

Revised: 21 September 2015

Revised: 13 October 2016

© 2017 **Strauss Esmay Associates, LLP**
1886 Hinds Road, Suite 1, Toms River, NJ 08753
ph: (732)255-1500 fax: (732)255-1502